

Second Annual Report of the
National Institution for Human Rights
2014 - Kingdom of Bahrain

المؤسسة الوطنية لحقوق الإنسان
National Institution *for* Human Rights



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“Justice is the basis of government. Cooperation and mutual respect provide a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are pillars of society guaranteed by the State”

Article 4 of the Constitution of the Kingdom of Bahrain



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INTRODUCTION

Since His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain, ascended the throne in 1999, the Kingdom of Bahrain experienced major changes towards fostering democracy and establishing partnership in decision-making with a view to entrenching the foundations of the rule of law. This process commenced with the adoption of the National Action Charter in 2001, which paved the way for restoration of parliamentary life and holding the parliamentary and municipal elections in 2002, leading to the constitutional amendments in 2012. These amendments strengthened the legislative and supervisory powers of the elected House of Representatives and limited the role of the nominated Shura Council to a legislative role, to the exclusion of the supervisory role. These amendments also addressed the need for the government to submit, during the constitutional period, an action program to the House of Representatives for approval or rejection. These are fundamental changes that had an impact on human rights and public freedoms and ensuring enjoyment of these rights by people in the Kingdom.

Accordingly, the action program of the Government for the years (2015-2018)¹ included six key themes. The first is sovereignty theme, in which the priority of the strategy is to promote security, stability, democratic system and foreign relations. The second is the economic and financial theme, in which the priority of the strategy is to promote a strong and diversified economy and a stable fiscal and monetary regulation. The third is human development and social services theme, in which the priority of the strategy is to enable Bahrainis to foster their contribution to the development process. The fourth is the infrastructure theme, in which the priority of the strategy is to secure a permanent infrastructure for sustainable economic growth. The fifth is environment and urban development theme, in which the priority of the strategy is towards sustainable management of strategic resources and securing sustainable urban development. The last theme is concerned with government performance, in which the priority of the strategy is to enhance the effectiveness of government performance efficiency. As a whole, these six themes address human rights and public freedoms.

Article 21 of Law No. 26 of 2014 Establishing of the National Institution for Human Rights provides that: **“The Council of Commissioners shall prepare an annual report on NIHR efforts, activities, and other works related to human rights in the Kingdom, and any recommendations and proposals within its mandate. The Council of Commissioners shall determine performance obstacles and any approved solutions to avoid such obstacles. The Council of Commissioners shall present its report to the King, the Cabinet, the House of Representatives, and Shura Council, and shall present in parallel its report to the public opinion”**. Accordingly, this second annual report of the National Institution for Human Rights for 2014 complements its first report for

¹On January 6, 2015, the Government presented its action program for the years (2015-2018) to the House of Representatives in accordance with the provisions of Article 46, Clause 2, of the Constitution which states that “... the Prime Minister shall submit the Government’s program, within thirty days from taking constitutional oath, to the House of Representatives, or at its first meeting if he is absent”. In the seventh ordinary meeting of the House of Representatives of the first ordinary convocation of the fourth legislative term held on February 3, 2015, it decided to approve the action program of the Government after making the necessary amendments thereto. The Government’s action program for the years (2015-2018) is available on following link: <http://www.bna.bh>.





2013, which was submitted to His Majesty the King in September 2014 in conjunction with the end of the constitutional term of the legislative authority, represented by the House of Representatives and the Shura Council, upon the end of the third legislative term. Legislative elections were held in the second half of November 2014 and a new government Cabinet was formed subsequently. Thus, it was not possible to follow up and implement the recommendations of the first annual report by the various constitutional authorities.

This report consists of three chapters preceded by an introduction and an introductory chapter. The introductory chapter deals with the development of the National Institution for Human Rights work in terms of the legal framework governing it through the enactment of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights. It reviews the recommendations stated in NIHR first annual report and indicates the share of each constitutional authority of those recommendations.

Chapter I indicates compliance of the provisions of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights with “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights. The chapter reviews the basic requirements of “Paris Principles” for the establishment of such institutions and the practices that effectively promote compliance with these principles.

Chapter II states the role of the National Institution for Human Rights in the promotion of human rights, and its efforts in the protection of those rights. Chapter III sheds light on key issues that have a direct impact on the reality of human rights issues, including anti-trafficking in Persons, the right to nomination and election, and protection from enforced disappearance.

Finally, NIHR hopes that this report, along with its first report, will promote human rights reality in the Kingdom, in line with its international obligations arising from its ratification of or accession to human rights international instruments, or those generated by the universal periodic review before the Human Rights Council. The ultimate objective of this report is to achieve the best practices as to enjoying the various rights and public freedoms, and turn human rights into a lifestyle.



INTRODUCTORY CHAPTER: DEVELOPMENT OF THE NATIONAL INSTITUTION FOR HUMAN RIGHTS WORK

SECTION I: LEGAL FRAMEWORK OF THE NATIONAL INSTITUTION FOR HUMAN RIGHTS

1. Given the urgent need to deal responsibly with human rights issues and developing policies related to the promotion, development and protection of human rights in the Kingdom of Bahrain and in view of the importance of the advancement and preservation of human rights principles, His Majesty King Hamad bin Isa Al Khalifa, King of Bahrain, issued the Royal Decree No. 46 of 2009, amended by Royal Order No. 28 of 2012, on the Establishment of the National Institution for Human Rights in Manama.
2. However, in confirmation of the Government's commitment to fully support NIHR work as the main independent entity in the Kingdom of Bahrain with respect to the promotion and protection of human rights, the Government and NIHR agreed on the need to pass a new law that ensures actual guarantee and complete independence of NIHR, and awards it additional functions and powers in line with "Paris Principles"² relating to the Status of National Institutions for the Promotion and Protection of Human Rights.
3. Accordingly, NIHR prepared a draft law that takes into account the relevant provisions of "Paris Principles" in addition to a sample statement of the national institutions of human rights compliance with those principles issued by the International Coordinating Committee (ICC), the General Observations of the Subcommittee on Accreditation (SCA) of the International Coordinating Committee, and certain legislation regulating the work of the Arab national institutions accredited by ICC, including in the Arab Republic of Egypt (National Council for Human Rights), the Kingdom of Morocco (National Council for Human Rights), Jordan (National Centre for Human Rights), the State of Qatar (National Human Rights Commission), and Oman (National Human Rights Commission). NIHR submitted the law to the Government to be drafted as bill in order to be referred to the legislative authority in accordance with the applicable constitutional procedures in this regard.
4. Pursuant to Articles (35.a) and (81) of the Constitution of the Kingdom of Bahrain³, on January 16, 2014, the Government referred a draft law for establishing the National Institution for Human Rights, attached to Decree No. 2 of 2014, to the legislative authority (House of Representatives). The draft law included twenty-three articles, along with the preamble, which address the establishment of the National Institution for Human Rights, and awarding it a fully independent legal personality from administrative and financial aspects. The draft law also

² "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, issued under the United Nations General Assembly Resolution (48/134) in the plenary session number 85 on 20 December 1993 - Document No. (A / RES / 48/134).

³ Article 35.a of the Constitution of Bahrain states that: "The King shall have the right to propose amending the Constitution and initiating laws, and he alone shall ratify and promulgate the laws".

Article 81 of the Amended Constitution of the Kingdom of Bahrain states that: "The Prime Minister shall present bills to the House of Representatives, which is entitled to pass, amend or reject the bill. In all cases the bill shall be referred to the Shura Council, which is entitled to pass, amend or reject the bill or to accept any amendments which the House of Representatives had introduced to the bill, or had rejected or amended them. However, priority of debate shall always be given to bills and proposals put forward by the Government".

included provisions on the establishment of the Council of commissioners of NIHR, conditions for appointment of its members, determining the authority in charge of appointment, and the regulation related to its meetings. The draft law addressed the guarantees enjoyed by NIHR members in the exercise of their duties entrusted to them and the cases of their dismissal before the end of their term of membership.

5. The draft law includes the prescribed mandates of NIHR in order to achieve its objectives in the promotion and protection of human rights and identifies the entities that may refer any issues it deems fit to NIHR, including those related to its mandates, for consideration and opinion. The draft law grants NIHR the right to request any information, data or documents necessary to achieve its objectives from the competent ministries and agencies in the Kingdom, and the right to notify the competent authority in case of non-cooperation by these ministries or agencies. The provisions of the draft law oblige the Council of Commissioners, its members, and the staff of the Secretary to maintain the confidentiality of the information, data and documents received by them.
6. At the financial level, the draft law identifies NIHR financial resources that ensure its performance of its duties. The draft law obliges NIHR Council of Commissioners to prepare an annual report on its efforts, activities and other works related to human rights in the Kingdom and any proposals and recommendations it deems fit within its mandates, and determine performance obstacles and any approved solutions to avoid such obstacles. The Council of Commissioners will present its report to the King, the Cabinet, the House of Representatives and the Shura Council, and will present in parallel its report to the public opinion. Finally, the draft law includes final provisions under which it was decided to abrogate the Royal Decree No. 46 of 2009 on Establishing the National Institution for Human Rights, as amended by the Royal Decree No. 28 of 2012, and an executive article that identifies the competent bodies to implement the provisions of the Law and the enforcement date of the Law.
7. Pursuant to the constitutional provisions adopted in this regard, the Standing Committee of Human Rights of the House of Representatives considered the draft law received from the Government. In principle, the Committee report recommended approving the draft law, with a number of amendments recommended by NIHR in its views submitted to the Committee, which were consistent with the provisions of "Paris Principles" and other international instruments relevant to NIHR work. During the twenty-seventh meeting of the House of Representatives of the fourth ordinary annual session of the third legislative term held on April 29, 2014, the Council approved the draft law and forwarded it to the Shura Council pursuant to Article 81 of the Constitution⁴.
8. Pursuant to the provisions of the Statute of the Shura Council issued under Decree-Law No. 55 of 2002, as amended, the decision of the House of Representatives on the draft law was referred to the Standing Committee for Human Rights of the Shura Council. The latter, after listening to NIHR remarks, approved the draft law in principle in accordance with the decision of the House of Representatives in this regard. During the thirtieth meeting of the Shura Council of the fourth ordinary annual session of the third legislative term held on June 2, 2014, the Council granted final approval on the recommendation of the competent Committee⁵ and forwarded

⁴ To review the report of the Standing Committee for Human Rights of the House of Representatives on NIHR draft law, visit the website of the House of Representatives: www.nuwab.bh

⁵ To review the report of the Standing Committee for Human Rights of the Shura Council on NIHR draft law, visit the website of the Shura Council: www.shura.bh

it urgently to the President of the House of Representatives for referral to the Cabinet to be submitted to His Majesty the King for ratification and enactment pursuant to the provisions of Article No. 86 of the Constitution⁶.

9. In accordance with the applicable constitutional procedures in this regard, on July 24, 2014, His Majesty the King enacted Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights. The Law entered into force after its publication in the Official Gazette in the Annex of Issue No. 3168 of August 7, 2014⁷.

SECTION II: RECOMMENDATIONS OF THE FIRST ANNUAL REPORT OF THE NATIONAL INSTITUTION FOR HUMAN RIGHTS FOR 2013

1. The first annual report of the National Institution for Human Rights has been issued in the third quarter of 2014. It includes international and national legal principles related to human rights issues and fundamental civil, political, economic, social, and cultural freedoms. It also includes recommendations related to those rights and freedoms, which are the responsibility of the various constitutional authorities.
2. The report was issued at the end of the constitutional term of the legislative authority, represented by the House of Representatives and the Shura Council, upon the end of the third legislative term. His Majesty the King called for holding the legislative elections in the second half of November of 2014. Accordingly, the members of the House of Representatives were nominated followed by the appointment of members of the Shura Council. A fourth legislative term commenced and a new government (Ministry) was formed. Thus, it was not possible to follow up and implement the recommendations of the first annual report by the various constitutional authorities.
3. The recommendations listed in NIHR first annual report for 2013 either call for enacting new legislation, modifying the existing legislation in line with international human rights instruments, taking corrective action to ensure that individuals enjoy the various fundamental rights and freedoms, or call for paying more attention to raising awareness about the various human rights issues. As a whole, the report includes one hundred and twenty-three recommendations; sixty-one recommendations related to civil and political rights, thirty-five recommendations related to economic, social and cultural rights, and twenty-seven recommendations concerning the rights of the most vulnerable groups (women, children, people with disabilities, and the elderly).

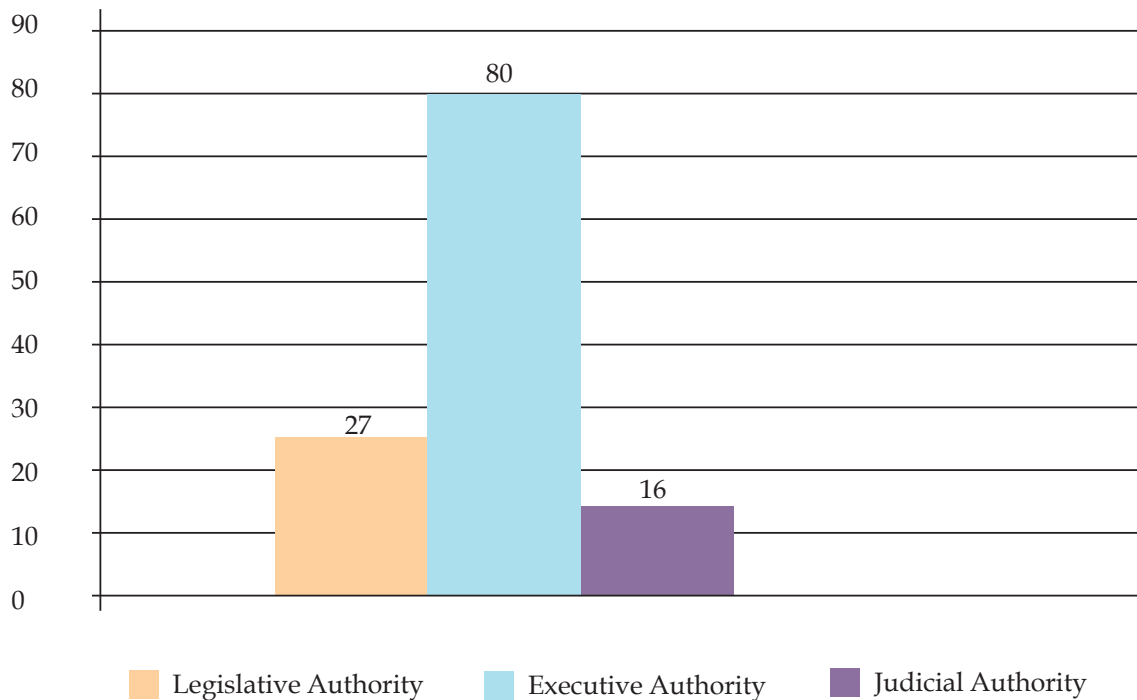
⁶ Article 86 of the amended Constitution of the Kingdom of Bahrain states that: **“In all cases in which a bill is approved, the Speaker of the House of Representative shall refer the approved bill to the Prime Minister so that he submits it to the King”**.

⁷ To review Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights, published in the Official Gazette, visit the website of the Legislative Commission and Legal Advisory: www.legalaffairs.gov.bh

4. The graph shows the share of the recommendations of civil, political, economic, social and cultural rights or the rights of most vulnerable groups:



5. As regards the share of the constitutional authorities in the recommendations set out in 2013 first annual report, the share of the legislative authority (House of Representatives and Shura Council) amounted to twenty-seven recommendations; the share of the executive authority (the Government) amounted to eighty recommendations; while the recommendations related to the judicial authority (Supreme Judicial Council) amounted to sixteen recommendations. The following graph indicates the distribution of these recommendations as indicated above:



6. In this regard, NIHR commends commencing the implementation and follow-up of some recommendations set out in its annual report by the constitutional authorities. However, NIHR confirms the need for these authorities to urgently continue the implementation and follow-up of these recommendations, according to their respective mandates. NIHR wishes to be informed about what has been implemented and the work done on the implementation of its recommendations of the 2013 report to be included in the NIHR 2015 report.

Following are the recommendations set out in the first annual report of NIHR for 2013, distributed to the various constitutional authorities (legislative, executive, and judicial authorities) according to the rights relevant to each authority as follows:

FIRST: RECOMMENDATIONS RELATED TO THE LEGISLATIVE AUTHORITY (HOUSE OF REPRESENTATIVES AND SHURA COUNCIL)

RIGHT TO LIFE AND THE RIGHTS TO PHYSICAL AND MORAL INTEGRITY⁸

- Urging the legislative authority to expedite the enactment of an integrated legislation for reform, rehabilitation, and custody centers in accordance with the international standards on the treatment of prisoners and detainees⁹.
- Urging the legislative authority to reconsider the last paragraph of Article 3 of the Decree-Law No. 3 of 2011 on the Establishment of a National Fund for Compensating Affected People, which provides that in order to disburse compensation, a final criminal judgment by the competent court condemning the perpetrator should have been rendered.

RIGHT TO LIBERTY AND SECURITY OF PERSON¹⁰:

- Urging the legislative authority to expedite the issuance of the necessary amendments to the Criminal Procedure Code on reducing the duration of custody and granting the accused the right to effective grievance against it.

RIGHT TO A FAIR TRIAL¹¹:

- Making the necessary legislative amendments to ensure the accused person's right to counsel. This should include misdemeanors as well as felonies, starting from the stage of collecting evidence, until pre-trial investigation, through the trial stage and beyond.

RIGHT TO CITIZENSHIP¹²:

- Urging the legislative authority to include in the new citizenship law clear and specific controls and legal standards in the cases where the Bahraini citizenship is granted by naturalization.
- The citizenship law should incorporate the Bahraini women right to grant citizenship to her children according to legal controls, in line with international human rights instruments and the Government of the Kingdom of Bahrain commitments before the Human Rights Council at the Universal Periodic Review.

⁸ For further information on the Right to Life and the Right to Physical and Moral Integrity, refer to NIHR first annual report for 2013, p. 42.

⁹ This recommendation was implemented by the enactment of Law No. 18 of 2014 on Reform and Rehabilitation Institution.

¹⁰ For further information on the Right to Liberty and Security of Person, refer to NIHR first annual report for 2013, p. 50.

¹¹ For further information on the Right to a Fair Trial, refer to NIHR first annual report for 2013, p. 53.

¹² For further information on the Right to Citizenship, refer to NIHR first annual report for 2013, p. 60.

- Taking the legislative measures that ensure granting the Bahraini women children, who have no father or who have a stateless father, the right to acquire the Bahraini nationality, on an equal footing with the person who has a Bahraini mother and unknown father, or whose paternity has not been legally established.
- Urging the legislative authority to pass a new citizenship law to be commensurate with the political, economic, and social conditions of the Bahraini community, and to be in line with the international human rights instruments.

FREEDOM OF OPINION AND RIGHT TO EXPRESSION¹³:

- Expediting the issuance of an integrated law on the press, printing, publishing and audio-visual, printed and electronic media, in line with the international human rights instruments, without prejudice to people rights to freedom of opinion and expression.
- Incorporating the definition of the right to expression, inclusive of receiving and imparting the various forms of information and ideas to others, regardless of frontiers, in the press, printing, publishing, and audio-visual, printed, and electronic media law. This right includes the right to political discourse, public comments, polls, discussing human rights issues, the press, cultural and artistic expression, religious discourse, whether this right is exercised in spoken or written form, sign language or expression in books, newspapers, leaflets, posters, banners and other documents, as well as all audio-visual media, and electronic methods of expression.
- Urging the legislative authority to expedite completing the discussion of the draft law on guaranteeing the right to access to information, as a major component of the freedom of opinion and expression and media freedoms, and as primary requirement for transparency in government performance.

RIGHT TO PEACEFUL ASSEMBLY¹⁴:

- Inviting the legislative authority to pass a new law on peaceful assembly that guarantees the freedom to enjoy this right in the context of the relevant international human rights instruments, or amending Decree No. 18 of 1973 on Public Meetings, Marches and Assemblies, as amended, by including a clear and explicit provision that considers the purpose of the notice to hold peaceful gatherings is to organize rather than prevent holding these gatherings, and lifting the prohibition of demonstrations, marches, rallies or sit-ins in the city of Manama.

THE RIGHT TO ORGANIZE¹⁵:

- The need for the legislative authority to expediently approve a draft law on civil organizations and institutions, taking into account the appropriate developments in human rights, and supporting this law with the guarantees for the exercise of the right to organize in line with international human rights instruments.
- Making the necessary legislative amendments that grant the associations that are subject to the provisions of Decree-Law No. 21 of 1989 Promulgating the Law on Societies, Social and Cultural Clubs, Youth and Sports Private Bodies, and Private Institutions, as amended, the freedom of incorporation by means of notification.
- Performing the necessary legislative amendments to the provisions of Law No. 26 of 2005 on Political Associations, so that it includes the requirement to notify the agent of the founders of the political association by registered letter of rejecting the application, together with the

¹³ For further information on the Freedom of Opinion and Right to Expression, refer to NIHR first annual report for 2013, p. 63.

¹⁴ For further information on the Right to Peaceful Assembly, refer to NIHR first annual report for 2013, p. 69.

¹⁵ For further information on the Right to Organize, refer to NIHR first annual report for 2013, p. 73.

reasons for rejection, without considering the silence of the competent ministry or lack of notification as implicit rejection of this incorporation.

- Incorporating a provision in Decree-Law No. 33 of 2002 Promulgating the Law on Trade Unions, as amended, that grants the workers governed by civil service regulations the right to form and join trade unions.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING¹⁶:

- Urging the legislative authority to expedite the adoption of the draft law on the environment in order to be an integrated legislation that would regulate various environmental aspects, and incorporate deterrent penalties for violation cases.

RIGHT TO WORK¹⁷:

- Urging the legislative authority to make the necessary adjustments to Decree-Law No. 78 of 2006, so that it guarantees the right to disbursement of the subsidy amount for job seekers or compensation for the unemployed throughout the period of job seeking or unemployment, and stating the legal controls that prevent the abuse of this right.
- Urging the legislative authority to enact a law dealing with domestic workers affairs and recruitment offices, including a statement of the rights and obligations of the parties involved.

COMBATING TRAFFICKING IN PERSONS¹⁸:

- Urging the legislative authority to make amendments to Law No.1 of 2008 on Combating Trafficking in Persons to ensure its comprehensiveness and consistency with the relevant international instruments.
- Urging the legislative authority to conduct a comprehensive review of national legislation to ensure that it contain all relevant issues related to the crime of trafficking in Persons, from prevention, treatment, to punishment of the perpetrators.

RIGHT TO HEALTH¹⁹:

- Urging the legislative authority to expedite the discussion and approval of the draft law on medical liability, which is prepared in the light of the draft law submitted by the Council of Representatives, in order to be an integrated legislation that is concerned in particular with stating the rights and duties of patients, medical practitioners, and health care providers, and the implications of violations.

RIGHT TO EDUCATION²⁰:

- Urging the legislative authority to adopt a special law regulating the process of entitlement and distribution of grants and scholarships to student beneficiaries.

WOMEN'S RIGHTS²¹:

- Urging the legislative authority to make the necessary adjustments to the provisions of Law No. 36 of 2012 promulgating the Labor Law for the Private Sector for the purpose of establishing equality of women working in the private sector with the female employees in the civil service regarding breastfeeding leave.

¹⁶ For further information on the Right to an Adequate Standard of Living, refer to NIHR first annual report for 2013, p. 80.

¹⁷ For further information on the Right to Work, refer to NIHR first annual report for 2013, p. 85.

¹⁸ For further information on the Combating Trafficking in Persons, refer to NIHR first annual report for 2013, p. 92.

¹⁹ For further information on the Right to Health, refer to NIHR first annual report for 2013, p. 96.

²⁰ For further information on the Right to Education, refer to NIHR first annual report for 2013, p. 101.

²¹ For further information on Women's Rights, refer to NIHR first annual report for 2013, p. 110.

RIGHTS OF THE CHILD²²:

- Urging the legislative authority to expedite the adoption of a draft law on the protection of family from violence to be an additional legislative cover for legal protection of children from exposure to violence and abuse.
- Urging the legislative authority to make amendments to Decree-Law No. 17 of 1976 on Juveniles in order to rise the juvenile age to eighteen years in line with the international human rights instruments.

RIGHTS OF PERSONS WITH DISABILITIES²³:

- Urging the legislative authority to pass a law on the rights of persons with disabilities in accordance with the provisions of the Convention on the Rights of Persons with Disabilities.

SECOND: RECOMMENDATIONS RELATED TO THE EXECUTIVE AUTHORITY (GOVERNMENT):

RIGHT TO LIFE AND THE RIGHTS TO PHYSICAL AND MORAL INTEGRITY

- Urging the Government to continuously support the periodic resolutions of the United Nations General Assembly related to abolishing death penalty.
- The Government's commitment to provide periodic reports to the Committee against Torture established under the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the specified deadlines.
- The need to transfer the administrative, regulatory and supervisory authority over reform, rehabilitation, and custody centers to the Ministry of Justice, Islamic Affairs and Endowments.
- The need for the Government to develop clear and transparent criteria and schedule for prompt disbursement of compensation to those who are proven to have sustained injury, whether the compensation is assessed by the National Fund for Compensating Affected People or the Civil Settlement Office of the Ministry of Justice, Islamic Affairs and Endowments, as the case may be.
- The need to offer comprehensive extended training programs for law enforcement officers using curriculum that includes teaching all components of human rights. The training should include effective interrogation techniques and the proper approach to obtain information without resorting to coercive means, consisting of acts of torture or other forms of ill-treatment, and dismissing any law enforcement officer whose ill-treatment of detainees or convicts is proved.
- Considering setting a date for the visit by the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Human Rights Council, in fulfillment of the obligations of the Kingdom of Bahrain during the Universal Periodic Review, after completing the implementation of the recommendations stated in the report of the competent Bahrain Independent Commission of Inquiry.
- Urging the Government to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman Treatment or Punishment.

²² For further information on Rights of the Child, refer to NIHR first annual report for 2013, p. 115.

²³ For further information on the Rights of Persons with Disabilities, refer to NIHR first annual report for 2013, p. 119.

RIGHT TO LIBERTY AND SECURITY OF PERSON

- Conducting effective and intensive training and awareness programs for public prosecution and employees of the executive agency of the public prosecution in order to promote the culture of human rights, respect for the rights and guarantees of the accused, and introduce alternative means for the measures imposing restrictions on freedom.
- Immediate cessation of the individual actions of law enforcement agencies associated with arrest and search procedures that constitute human rights violations.
- The need to supplement the efforts of the Ministry of Interior in the field of protection of all persons whose freedom is restricted, through the provision of the necessary audio and video recording equipment and security cameras in all police departments and its affiliated centers, and reform, rehabilitation, and custody centers.
- The need to overcome all obstacles with regard to limiting the freedom of movement across borders or official ports, and not preventing anyone from traveling without legal justification, and the importance of informing the person concerned of any decision banning him from travel well in advance.
- Immediate cessation of illegal or unjustified actions at security checkpoints and enabling local residents to have access to their homes.
- Considering and allowing the Working Group on Enforced or Involuntary Disappearances, and the Working Group on Arbitrary Detention of the Human Rights Council to visit the Kingdom.
- Urging the Government to accede to the Optional Protocol to the International Covenant on Civil and Political Rights which is related to the government's recognition of the competence of the Human Rights Committee to receive individual complaints.
- Urging the Government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the resolution of the United Nations General Assembly No. (61/177) issued on December 20, 2006, and amending the relevant national legislation so as to ensure the activation and implementation of the provisions of this Convention.

RIGHT TO A FAIR TRIAL

- Providing courts with qualified personnel in line with the progressively increasing number of cases, and developing specialized qualification programs to increase the efficiency of the judicial authority personnel and the level of their performance.
- Dedicating further attention to intensive and effective training for judges and public prosecutors on issues related to human rights, particularly fair trial guarantees.
- Considering and allowing the Special Rapporteur on the Independence of Judges and Lawyers of the Council of Human Rights to visit the Kingdom.

RIGHT TO CITIZENSHIP

- Urging the Government to lift its reservations as to Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, so that the Bahraini woman has equal rights with men with respect to the nationality of her children, since this does not conflict with the Islamic principles and provisions.
- Avoiding the forfeiture of Bahraini citizenship, except in specific and exceptional situations prescribed by the law. Forfeiture should be based on final court judgments and any person whose nationality has been forfeited should not be declared as stateless in order to avoid statelessness in the community, which poses serious risks to stability.

- The need to reinstate citizenship to those who were deprived of it (31 citizens), under Article 11 of the Bahraini Citizenship Act of 1963, as amended, which authorizes the King to reinstate the Bahraini citizenship to those who have lost it, under the provisions of the law.

FREEDOM OF OPINION AND RIGHT TO EXPRESSION

- Urging the Supreme Authority for Information and Communication to expedite the preparation of a draft national plan for information and communication, which is based on promotion of common national values and adopting a fair, balanced and professional media policy.
- Allowing all licensed political societies of various directions greater use of television and radio transmission and printed media, in line with the recommendations of the report of Bahrain Independent Commission of Inquiry.
- Urging the Government to limit the censorship and restrictions on the media outlets, including removing the censorship imposed on the political societies in releasing their own publications.
- Considering and allowing the Special Rapporteur on Freedom of Expression of the Human Rights Council to visit the Kingdom.

RIGHT TO PEACEFUL ASSEMBLY

- The need for law enforcement agencies to protect all marches, sit-ins and rallies, especially if such right is not accompanied by any manifestation of violence or breach of security and public safety.
- Providing adequate training programs for law enforcement agencies, particularly those entrusted with the protection of peaceful gatherings, including training on the gradual use of means of dispersing gatherings if they are contrary to the law, how to manage the crowds and participants in those gatherings, implementing a system to record and monitor the ammunition used for dispersing gatherings, and a system for communication records in order to monitor operation orders and those responsible for these operations and the executing officers. This will facilitate identifying liability for the violation, and non-infringement on the rights of others.
- Urging civil society organizations to deepen the understanding of the right to peaceful assembly, raise the awareness of the participants and organizers of peaceful gatherings about the legal aspects and violations that might be committed by the participants and their implications, and to assume an active role in promoting awareness of the importance of this right, its exercise and its envisaged objectives in a peaceful context as a civilized form of democratic practice, announcing the end of the assembly formally, and inviting the participants to disperse.
- Law enforcement agencies need to protect and facilitate the access of journalists and observers to the peaceful gatherings locations in order to cover the events and monitor the events of these gatherings.
- Considering and allowing the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association of the Human Rights Council to visit the Kingdom

THE RIGHT TO ORGANIZE

- Urging the Government to Cancel Resolution No. 31 of 2013 adding a new article, i.e. Article 3 bis, to the Resolution No. 4 of 2005 on the rules of political associations' communication with foreign political parties or associations.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

- Urging the Government to develop an integrated national strategy for sustainable water, which includes a number of fundamental objectives, such as integrated water institutional

framework; coordination among key resources; ensuring the application of key performance indicators; provision of water for future generations; protecting the current groundwater sources; developing the role of civil society organizations and the role of individuals to participate in this strategy; and promoting effective cooperation between GCC countries for the purpose of protecting these water resources by inducting and creating a unified Gulf network for water connection.

- Urging the Government to set a timetable to address all applications for housing services, with particular attention to the old applications, by making the best use of the available financial resources.
- Urging the Government to pay greater attention to evaluating the designs of roads, streets and bridges in order to comply with international safety and security conditions, so as to ensure the safety of users against the dangers resulting from their use.
- Considering and allowing the Special Rapporteur on adequate housing, as a component of the right to an adequate standard of living and the right to non-discrimination in this context; the independent expert on human rights obligations related to safe, clean, healthy and sustainable environment; the Special Rapporteur on extreme poverty; and the Special Rapporteur on the human right to safe drinking water and sanitation services of the Human Rights Council to visit the Kingdom.
- Urging the legislative authority to expedite the adoption of the draft law on real estate rent in order to regulate the relationship between lessors and lessees, provide the necessary protection for tenants, ensure reasonable increase of the rent value, and guarantee legal protection against forced eviction, harassment and other threats.

RIGHT TO WORK:

- Urging the Government to complete the positive steps taken to settle the cases of the dismissed workers in order to finally close this file.
- Urging the Government to make further efforts to create employment opportunities to accommodate the largest possible number of job seekers.
- Urging the Government to make further efforts to improve the level of wages and career incentives in the public and private sectors to be commensurate with a decent standard of living.
- Urging the Government to take strict legal action against business owners and companies that did not comply with the minimum protection requirements of expatriates' accommodations.
- Urging the Government to join the ILO Convention No. 87 of 1988 concerning Freedom of Association and Protection of the Right to Organize, and ILO Convention No. 98 of 1988 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively.

COMBATING TRAFFICKING IN PERSONS

- Urging the National Committee to Combat Trafficking in Persons to expedite establishing a comprehensive national strategy to combat and prevent the crime of trafficking in Persons, to include in particular the necessary measures to prevent the crime, protect victims, and punish the perpetrators.
- Urging the Government to take the necessary measures to ensure the representation of the NIHR in the National Committee to Combat Trafficking in Persons, in view of the National Institution role in the promotion and protection of human rights.

- Urging the Government to create suitable centers to accommodate all victims of trafficking in persons, including victims of forced labor and male victims of trafficking in Persons, which correspond to the magnitude of this crime, and providing these centers with experienced staff in health, psychological, social, and legal fields to provide all means of support to the victims.
- Urging the Government to activate the provisions of the Law to Combat Trafficking in Persons, prosecute the perpetrators of these crimes, and conduct training programs to raise the efficiency of some of the competent authorities, especially judges, public prosecutors, public security officers, the Ministry of Labor inspectors, and workers in the recruitment offices.
- Considering and allowing the Special Rapporteur on trafficking in Persons, especially women and children, of the Human Rights Council, to visit the Kingdom.

RIGHT TO HEALTH

- The need for the Ministry of Health to adopt and implement a national health strategy, for the purpose of improving health services, in line with the requirements of population growth.
- The Ministry of Health needs to increase the accommodation capacity of Salmaniya Medical Complex, so as to improve health services.
- The National Commission Regulating Medical Professions and Health Services needs to improve its supervision of health services to ensure avoiding the occurrence of medical malpractices.
- The Ministry of Health needs to develop a system for monitoring drug inventory and consumption rates in order to avoid drug shortage or non-availability in pharmacies, ensure satisfaction of the needs of patients, and have easy access to drugs.
- The Government needs to provide support to civil society organizations working in the health field to enable them to achieve their goals in all fields stated in their statutes.
- The Ministry of Health needs to increase safety standards in the field of prevention of communicable and epidemic diseases in health canter and government and private hospitals.
- Considering and allowing the Special Rapporteur of the Human Rights Council on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to visit the Kingdom.
- The Ministry of Health needs to pay more attention to sickle-cell anemia (SDC) patients and multiple sclerosis (MS) patients by increasing awareness of this disease in the medical field, as well as improving health care and the provision of all medical requirements, and ensuring prompt provision of these requirements, in accordance with a comprehensive national strategy in this regard.

RIGHT TO EDUCATION

- Urging the Ministry of Education to take measures to ensure the immediate cancellation of wood desks in public schools, in view of the negative effects and risks of these desks on the students.
- Urging the Ministry of Education to review the citizenship curriculum content in order to include a number of subjects that develop a culture and practice based on the promotion of respect for human rights.
- Urging the Ministry of Education to control private education, so as to make sure that the private educational and training institutions, in particular, private higher education institutions, give priority to the educational and the academic aspect over for-profit education.
- Considering and allowing the Human Rights Council's Special Rapporteur on the right to education to visit the Kingdom.

WOMEN'S RIGHTS

- Urging the Government to take serious and conciliatory steps for the purpose of expediting the referral of the Jaafari part (Section II) of the draft family law to the legislative authority.
- Urging the Government to take measures in order to grant housing services to women married to foreigners in the event of divorce, abandonment, or death of spouse.
- Expanding the establishment of equal opportunity units in ministries, government agencies, and private sector institutions that did not take the initiative to establish these units, in order to follow up the activation of a national model for the integration of women's needs in development.
- Considering and allowing the Human Rights Council Special Rapporteur on violence against women, its causes and consequences, and the Working Group on the issue of discrimination against women in law and in practice to visit the Kingdom.

RIGHTS OF THE CHILD

- Urging the Government to follow up the effective implementation of the National Strategy for Children for the years (2013-2017).
- Urging the Government to activate the regulatory and supervisory role over nurseries, kindergartens and government educational institutions to ensure that children enjoy a safe environment that is free of exposure to the various forms of violence, abuse or neglect.
- Urging the Government to submit its periodic report to the Committee on the Rights of the Child emanating from the provisions of the Convention on the Rights of the Child on the scheduled deadlines.
- Considering and allowing the Special Rapporteur on the sale of children, child prostitution and child pornography of the Council of Human Rights to visit the Kingdom.

RIGHTS OF PERSONS WITH DISABILITIES

- Urging the Government to improve the infrastructure by taking into account the engineering requirements appropriate for individuals with disabilities in public facilities, especially in modern buildings and complexes.
- Urging the Government to provide sign boards that correspond to certain disabilities (hearing and speaking disabilities) in forms that are easy to be read and understood. The signboard should be placed on public buildings and other facilities, to ensure that persons with disabilities have access to the available services.
- The media should contribute to raising awareness of the problems of individuals with disabilities and how to deal with them, and introducing their families to the services provided by the Government for this category.
- Urging the Government to include the basic concepts of human rights education and the International Convention on Persons with Disabilities in the curricula of primary and secondary education, which will help promote the rights of this category.
- Increasing the Government's interest in preparing specialized technical personnel to work in the field of rehabilitation of persons with disabilities, and introducing a prerequisite course entitled: "Care and Rehabilitation of People with Disabilities" within the curricula of psychology and sociology departments.
- Urging the Ministry of Social Development to continue the follow-up and effective implementation of the national strategy for the rights of disabled people for the years (2012-2016).

- Urging the Government to take action to encourage community partnership to strengthen the capacity of civil society organizations in order to raise the level of awareness in all matters relating to the rights of persons with disabilities.
- Urging the Government to provide its initial periodic report to the Committee on the Rights of Persons with Disabilities emanating from the provisions of the Convention on the Rights of Persons with Disabilities on the prescribed dates.
- Considering and allowing the Special Rapporteur on disability of the Human Rights Council to visit the Kingdom.

RIGHTS OF THE ELDERLY²⁴:

- The Government needs to establish and develop the departments concerned with health care for the elderly, in order to provide the necessary medical care and treatment.
- Urging the Government to create more social care homes for the elderly in each province in order to keep the elderly close to their families, and providing a variety of programs to fill the leisure time of the elderly with activities that suit their interests and abilities.
- Urging the Government to create an infrastructure that considers the needs of the elderly and their requirements when designing and planning modern cities, public utilities, roads and streets, so as to facilitate their movement and provide them with psychological satisfaction and social security just like the rest of the community groups.
- The Government needs to adopt a media policy that establishes social and psychological awareness of issues of older people, and interacts with the transformations experienced by the society so that a public opinion is crystallized that takes into account the needs of all ages.

THIRD: RECOMMENDATIONS RELATED TO THE JUDICIAL AUTHORITY (SUPREME JUDICIAL COUNCIL)

RIGHT TO LIFE AND THE RIGHTS TO PHYSICAL AND MORAL INTEGRITY

- The Special Investigation Unit in the Public Prosecution should be the body entrusted with investigation into allegations of torture and other forms of cruel, inhuman or degrading treatment or punishment and should have full independence, according to Istanbul Protocol.
- The Special Investigation Unit of the Public Prosecution, in accordance with the provisions of Protocol Istanbul, should be committed to issuing public reports that include the following minimum components: the procedures and methods adopted in assessing evidence, the specific events that took place, the findings drawn by the Unit based on the applicable law, and the recommendations made based on the findings.
- Reducing recourse to solitary confinement punishment as disciplinary sanction in line with the findings of the report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Council of Human Rights.
- The need to take the necessary legal accountability procedures in respect of all decision-makers of security leaders with regard to death cases that occurred in the detention places, as a result of torture or other forms of ill-treatment, which are explicitly referred to in the report of Bahrain Independent Commission of Inquiry.

²⁴ For further information on the Rights of the Elderly, refer to NIHR first annual report for 2013, p. 123.

RIGHT TO LIBERTY AND SECURITY OF PERSON

- The need for the public prosecution to activate the authority granted to it by the legislature to take alternative measures to pre-trial detention, and effectuate its discretion granted under Article No. 149 of the Criminal Procedure Code for the provisional release of the accused persons who are detained in its custody.
- Establishing an effective and transparent system of accountability for any person who is proved to have caused the violation of the right to liberty and security of person.

RIGHT TO A FAIR TRIAL

- Enabling the detainees to attend the funerals or mourning ceremonies of any of his ascendants, descendants, spouse, or his relatives to the second degree, and making the necessary legislative amendments to enforce this right.
- Activating the supervisory authority of the public prosecution in relation to the work of law enforcement officers and the violations committed by them, and taking disciplinary or penal actions against them in case of violating the provisions of the Code of Criminal Procedure.
- The Supreme Judicial Council should verify the claims made by the defendants during pre-trial investigation or trial procedures concerning the violation of their right to fair trial. Serious and transparent investigations should be conducted with the respondents, and the necessary legal action should be taken against them, if liability is proven.
- The security measures necessary to maintain public security in the vicinity of the court should be clear and declared in advance, and specialists such as lawyers, human rights defenders and the relatives of the accused persons should be allowed to attend the hearings, unless the court decides otherwise.
- Activating the role of supervisory and control role of judicial inspection over judges, in order not to prolong the duration of litigation proceedings, and not to delay the hearings or to postpone cases for long periods.
- Providing courts with qualified personnel in line with the progressively increasing number of cases, and developing specialized qualification programs to increase the efficiency of the judicial authority personnel and the level of their performance.
- Developing the Institute of Judicial and Legal Studies programs in order to conform to international human rights instruments, particularly those related to criminal justice and human rights.
- Dedicating further attention to intensive and effective training for judges and public prosecutors on issues related to human rights, particularly fair trial guarantees.

FREEDOM OF OPINION AND RIGHT TO EXPRESSION

- Urging the public prosecution not to resort to arrest warrants in the lawsuits of audio-visual media, printing, the press, publishing and electronic media.

RIGHTS OF THE CHILD

- Urging the public prosecution not to resort to measures that restrict the freedom of the children, except within the most minimum range and as a measure of last resort.



CHAPTER I: COMPLIANCE OF THE PROVISIONS OF LAW NO. 26 OF 2014 ON THE ESTABLISHMENT OF THE NATIONAL INSTITUTION FOR HUMAN RIGHTS WITH “PARIS PRINCIPLES” RELATING TO THE STATUS OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

PREFACE:

“Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights represent a set of international standards that direct and organize the work of national human rights institutions. These principles are considered as constitution for national human rights institutions and an active and constructive element in the promotion and protection of human rights in the state system.

These principles have been generated from the decisions concluded by the first international workshop on the national institutions for the promotion and protection of human rights, which was held in France, Paris, in 1991. The World Conference on Human Rights, which was held in 1993, was a turning point for the national institutions, as they were officially recognized in line with “Paris Principles”. During the Conference, the states were officially encouraged to create such institutions. Accordingly, the General Assembly of the United Nations, as per its resolution (134/48) dated December 20, 1993, ratified “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights. Today, these principles are the basic standard and test of the legitimacy and credibility of any national institution and measure the extent of its autonomy and efficiency in monitoring human rights violations.

“Paris Principles” are based on a set of criteria that should be complied with by the national institutions. It is necessary for these institutions to enjoy broad mandates for the promotion and protection of human rights. They should have an independent management from the government, and should enjoy full independence in the legal, operational and financial fields. An inclusive and transparent process for the selection or appointment of the members of these institutions should be provided in addition to adequate financial resources for the advancement of their duties. Furthermore, national institutions should be granted adequate powers of investigation and consideration of any matter freely within their mandates.

The International Coordinating Committee (ICC) and its Subcommittee on Accreditation (SCA) verify the compliance of national human rights institutions with “Paris Principles” through a fair and transparent process that enhances the credibility of national institutions in the promotion and protection of human rights. These institutions are concerned with promoting and monitoring effective implementation of international human rights standards at the national level.

The statute of SCA of ICC²⁵ entrusts it with making “general observations” to be used as explanatory tools of “Paris Principles”. Therefore, this Chapter will shed light on the compliance of the provisions of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights in the Kingdom of Bahrain with “Paris Principles” and the general observations of SCA through a review of those principles and observations along with the provisions of the said Law.

Thus, those principles and observations along with the provisions of the Law will be reviewed in two basic sections. The first will be devoted to addressing the basic requirements of “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, including: the establishment of national human rights institutions; the broad mandate of these institutions in the field of human rights; encouraging ratification of or accession to international human rights instruments; interaction with the international human rights system; cooperation with other relevant bodies and their recommendations; ensuring pluralism in these bodies; the selection and appointment of decision-making entities in these bodies; government representatives in these bodies; and finally adequate funding.

The second section is dedicated to reviewing the practices that effectively promote compliance with “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, including ensuring the stability of the positions of decision-making body members in national human rights institutions; their full-time appointment; job immunity; the appointment, retention and secondment of the body staff; NIHR work in the case national emergency and safety is declared; administrative regulations of NIHR and their operation as preventive mechanisms; and finally the semi-judicial mandates undertaken by NIHR.

²⁵ Adopted by the members of the International Coordinating Committee (ICC) in the 15th session held on September 14, 2004 in Seoul, Republic of Korea, as amended in the 20th sessions of ICC held on April 14, 2008 - Geneva - Swiss Confederation. For more information on the Subcommittee on Accreditation (SCA) of the international Coordinating Committee (ICC), visit the website on the link: <http://nhri.ohchr.org/EN/Pages/default.aspx>

SECTION I: BASIC REQUIREMENTS OF “PARIS PRINCIPLES” RELATING TO THE STATUS OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

FIRST: ESTABLISHMENT OF NATIONAL HUMAN RIGHTS INSTITUTIONS

1. “Paris Principles” state that **“A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence”**²⁶. The general observations of the Sub-Committee on Accreditation (SCA) state that **“The national human rights institution shall be established by a constitutional or legislative text”**²⁷.
2. Therefore, by reference to the legal instrument establishing the National Institution for Human Rights, it is evident that it is fully harmonized with the relevant international decisions through Law No. 26 of 2014, which was replaced by the Royal Decree No. 46 of 2009, as amended by the Royal Decree No. 28 of 2012. This grants NIHR a sustainable legal status and enhances the guarantees of its independence, vested powers, and its ability to exercise its mandate without restrictions.

SECOND: BROAD MANDATE IN THE FIELD OF HUMAN RIGHTS

3. “Paris Principles” confirm that: **“A national institution shall be vested with competence to promote and protect human rights.”**, and **“A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence”**²⁸. This meaning was referred to in the General Observations of the Committee Subcommittee on Accreditation (SCA) by asserting the need that the establishment law should vest specific functions in the national institutions for the “promotion” and “protection” of human rights.
4. The Committee recognizes that the “promotion” concept includes the functions performed by national institutions in the area of dissemination of information, knowledge, training, education and providing advise on human rights to the general public, or to specific target groups, in order to instill a community culture that is based on transferring knowledge of human rights to practical skills on the ground. The concept of “protection” pertains to national institutions quasi-judicial authority to receive complaints of human rights, monitor any issue that would prejudice the right of individuals to enjoy their rights and public freedoms, and conduct field visits to places where human rights violations are likely to occur²⁹.
5. The provisions of Law No. 26 of 2014 awards NIHR a broad mandate in the field of human rights through Article 2 which stipulates as follows: **“An independent institution called the “National Institution for Human Rights” shall be established. The institution shall be in charge of promoting, developing, and safeguarding human rights, fostering human rights values, raising awareness on human rights, and ensuring the exercise of human rights”**. Article 12 of the same Law grants NIHR the freedom to comment on any issue related to

²⁶ A “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Competence and responsibilities, clause 2, p. 4.

²⁷ General Observation (1 - 1) Establishment of national human rights institutions - Annex III: General Observations of the Sub-Committee on Accreditation - Report of the Sub-Committee on Accreditation in November 2013- p. 86.

²⁸ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Competence and responsibilities, Clauses 1 and 2, p. 4.

²⁹ General Observation (1 - 2) Human Rights Mandate- p. 87.

human rights in order to achieve its objectives and to deal with any human rights case as it deems appropriate. These mandates, in entirety, serve the promotion and protection of civil, political, economic, social and cultural human rights for individuals of different legal positions within the state system. This is in line with the relevant international decisions.

THIRD: ENCOURAGING RATIFICATION OF OR ACCESSION TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

6. Encouraging the ratification of international human rights instruments and the implementation of their provisions is one of the main functions that should be undertaken by national institutions, in addition to encouraging the state to harmonize its legislation, regulations and national practices with international instruments. “Paris Principles” have decided that one of the most important responsibilities that need to be undertaken by national institutions is to promote and ensure the harmonization of the national legislation, regulations and practices with international human rights instruments to which the state is a party, and implementing these instruments in an effective manner, in addition to promoting the ratification of or accession to international instruments to and ensuring their implementation³⁰.
7. The Sub-Committee on Accreditation (SCA) confirmed the same principle through promoting national institutions to monitor the international law of human rights developments, urging their governments to ratify or accede to international human rights instruments, and assessing compliance by the state party to its international obligations arising from the ratification or accession by proposing legislation, regulations or practices or modifying the existing ones in line with the relevant international standards³¹.
8. By reference to the provisions of Law No. 26 of 2014, it is evident that Article 12, paragraph (b), expressly provides that NIHR has the competence: **“To examine legislation and regulations enforced in the Kingdom which are related to human rights, and recommend amendments as it deems fit, particularly in connection with the consistency of such regulations with the Kingdom’s international obligations in the human rights field. NIHR shall be empowered to recommend enacting new legislation related to human rights”**. Paragraph (c) of the same Article provides for its competence: **“To consider the conformity of legislative and regulatory provisions with regional and international treaties related to human rights issues, and submit proposals and recommendations to the competent authorities in any matter that reinforces and protects human rights, including recommendations to accede to regional and international conventions and treaties concerned with human rights”**. These mandates are a reflection of “Paris Principles” and the General Observations of the Sub-Committee on Accreditation (SCA).

FOURTH: INTERACTION WITH THE INTERNATIONAL HUMAN RIGHTS SYSTEM

9. “Paris Principles” vest in the national institutions for human rights the responsibility to contribute to the preparation of reports that should be submitted by the states to the United Nations bodies and committees and regional institutions in line with their obligations under the treaties, and, where appropriate, to express an opinion on this issue, with due respect for their independence. The Principles also urged cooperation with the United Nations, any other organization of the United Nations, regional organizations, and the national institutions in other countries which are concerned with the promotion and protection of human rights³².

³⁰ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Mandates and responsibilities, Clause 3, p. 5.

³¹ General Observation (1 - 3) Encouraging ratification of or accession to international human rights instruments, p. 91.

³² “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Clause (3), p. 5

10. The same meaning was referred to in the General Observations of SCA, stressing the importance of the task to be undertaken by national institutions, together with the international mechanisms to promote and protect treaty and non-treaty human rights, including the interaction with the United Nations human rights treaty-based bodies, the Council of Human Rights, the various mechanisms of the Universal Periodic Review (UPR), and those who have subject-matter or country mandates in the framework of special procedures. SCA also encourages effective participation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Coordinating Committee, its Subcommittee on Accreditation, and other national institutions concerned with the promotion and protection of human rights³³.
11. The provisions of Law No. 26 of 2014, in particular Article 12, Clause d, provides that NIHR is required: **“To submit parallel reports, participate in the drafting and discussion of the reports which the Kingdom is obliged to submit periodically for the implementation of regional and international conventions concerning human rights, make remarks thereon, and publish such reports in the media outlets”**. Clause (i) of the same Article provides for the need: **“To cooperate with national bodies and regional and international organizations, as well as relevant institutions in other countries that are concerned with the promotion and protection of human rights”**. Therefore, the legislation regulating NIHR work in this area stresses the need to interact with the international human rights system, in particular the Council of Human Rights and its various mechanisms. This is due to the fact that this interaction is an effective tool for NIHR in promoting and protecting human rights at the national level, which is in line with “Paris Principles” and the General Observations of the Sub-Committee on Accreditation (SCA).

FIFTH: COOPERATION WITH OTHER HUMAN RIGHTS BODIES

12. “Paris Principles” pay particular attention to cooperation with other human rights bodies in the state system. This is accomplished through consultations by the national institutions, within the framework of their work, with other judicial or non-judicial bodies responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions), and establishing relations with non-governmental organizations to promote and protect human rights, foster economic and social development, fight racism, and protect most vulnerable categories: women, children, the elderly and people with disabilities³⁴.
13. In this regard, the General Observations of the Sub-Committee on Accreditation (SCA) confirm the need for the national institutions, in partnership with all concerned parties and stakeholders, including the various civil society organizations, to establish regular and constructive working relationships for the purpose of promoting and protecting human rights at the national level, in view of the great importance of civil society institutions as a link between the public and the national institution³⁵.
14. The provisions of Law No. 26 of 2014 are in line with “Paris Principles” and SCA General Observations in this regard. Article 12, Clause (i), provides that NIHR will **“Cooperate with national bodies and regional and international organizations, as well as relevant institutions in other countries that are concerned with the promotion and protection of human rights”**. Clause (k) of the same Articles provides as follows: **“To participate in national and international forums, as well as in meetings of regional and international bodies concerned with human rights issues”**.

³³ General Observation (1 - 4) Interaction with the International Human Rights System, p. 93

³⁴ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Methods of Operation, p. 6

³⁵ General Observation (1 - 5) Cooperation with other Human Rights Bodies, p. 96.

SIXTH: RECOMMENDATIONS OF THE NATIONAL INSTITUTIONS FOR HUMAN RIGHTS

15. "Paris Principles" grant the national institutions the mandate to submit to the Government, Parliament and any other competent body, on an advisory basis, either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights³⁶. This mandate is one of the core responsibilities granted by the "Paris Principles" for the national human rights institutions through the examination of legislation and regulations in force, proposing bills to be considered by the legislative authority, and making recommendations as they deem appropriate to ensure that these provisions are consistent with the fundamental principles of human rights. The national institutions also have the mandate of drawing the attention of the government to human rights violations, providing initiatives to put an end to such situations and, where necessary, expressing an opinion on government positions and reactions.

16. In the same context, SCA General Observations arrived at decisions to strengthen the role of national institutions in this area. It considered the recommendations of the institutions set out in its annual or special reports as tool to highlight issues affecting human rights. Therefore, in this regard, SCA emphasizes that national institutions can play a threefold role: develop recommendations, disseminate these recommendations to the public opinion, and urge the implementation and follow-up of these recommendations, with the need for public authorities to provide detailed information about the mechanisms of implementation of those recommendations³⁷.

17. The provisions of Law No. 26 of 2014 guarantee this mandate for NIHR through Article 12, which provide for NIHR authority to examine legislation and regulations enforced in the Kingdom which are related to human rights, and recommend amendments as it deems fit. NIHR is also empowered to recommend enacting new legislation related to human rights. It has the mandate to consider the conformity of legislative and regulatory provisions with regional and international treaties related to human rights issues, submit proposals and recommendations to the competent authorities in any matter that reinforces and protects human rights, draw the attention of the competent authorities for initiatives to put an end to cases of human rights violation, and express, when necessary, an opinion on the position of these parties and their reactions. The provisions of the Law also guarantee issuing various statements and reports, including suggestions and recommendations, submitting them to the constitutional authorities in the Kingdom and uploading them on its website and addressing the public directly or through any of the various media outlets.

SEVENTH: ENSURING PLURALISM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

18. Pluralist representation is one of the most important pillars endorsed by the "Paris Principles" through the involvement of non-governmental human rights organizations, trade unions, professional associations, other groups, academics, experts and members of the legislative authority in the formation of national institutions. This pluralism is a guarantee of the independence of national institutions for the advancement of their roles and ensures maintaining relations with all stakeholders by these institutions³⁸.

³⁶ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Mandates and responsibilities, Clause 3, p. 4.

³⁷ General Observation (1 - 6) Recommendations of the National Human Rights Institutions, p. 98.

³⁸ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 1, p. 5.

19. This meaning was confirmed in SCA General Observations, which state that pluralist representation must be on the widest scale possible for the various segments of society, including sex, ethnicity, and minorities. This pluralism ensures that the various human rights issues are reached to the national institution³⁹. The provisions of Law No. 26 of 2014 address pluralism in composition in Article (3), which provides that: **“NIHR shall have a Council of commissioners composed of eleven members, including the Chairperson and Vice Chairperson. The Members shall be elected from advisory and academic bodies, civil society organizations, trade unions, and social, economic and professional bodies, provided that women and minorities are represented appropriately on the Board”**. This is completely in line with the international decisions in this regard.

EIGHTH: SELECTION AND APPOINTMENT OF THE DECISION-MAKING BODY OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS

20. “Paris Principles” emphasize that: **“The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human right”**⁴⁰. SCA interprets this principle as that the selection and appointment of the members of the national institutions, whether by means of an election or otherwise, must be based on merit, transparency and participatory between all stakeholders. These members should act in their personal capacity to ensure the independence of national institutions from any actual substantial conflict of interest⁴¹.
21. In the same context, Article 5 of Law No. 26 of 2014 determines that the eleven members of NIHR Council of Commissioners, which is the decision-making body, will be appointed as per Royal Decree by the King, who is the head of the three constitutional authorities in the Kingdom⁴², for a period of four years, which may be renewed for similar periods. Appointments will take place after consultation with the relevant civil society institutions and various other organizations. The Law states that the members of NIHR Council of Commissioners will undertake their tasks in their personal capacity, which is in line with the international decisions in this regard.

NINTH: GOVERNMENT REPRESENTATIVES IN THE NATIONAL HUMAN RIGHTS INSTITUTIONS

22. “Paris Principles” indicate that representatives of government departments may be involved upon the formation of national institutions and the appointment of their members in an advisory capacity, without involvement in the deliberations⁴³. This has been addressed by SCA General Observations, which confirmed that despite the importance of having a formal and solid relationship based on joint cooperation between the government agencies and national institutions in order to enable the latter to undertake their duties in the promotion and protection of human rights, this cooperation should not prejudice or neutralize the independence of national institutions in the performance of their entrusted duties and no conflict of interest

³⁹ General Observation (1 - 7) Ensuring the Pluralism of National Human Rights Institutions, p. 102.

⁴⁰ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Formation and guarantees of independence and pluralism, Clause 1, p. 5.

⁴¹ General Observation (1 - 8) Ensuring the Pluralism of National Human Rights Institutions, p. 105.

⁴² Article 33.b of the Amended Constitution of the Kingdom of Bahrain: **“Legislative authority is vested in the King and the National Assembly in accordance with the Constitution. Executive authority is vested in the King together with the Cabinet and Ministers, and judicial rulings are issued in his name, the whole being in accordance with the provisions of the Constitution”**. Article 33.a provides as follows: **“The King is Head of State, and its nominal representative, and his person is inviolate. He is the loyal protector of the religion and the homeland, and the symbol of national unity”**.

should be created. Thus, the condition for involvement of government representatives in the membership of national institutions is that they should not form a majority of the members, and that their role should be advisory only without the right to vote⁴⁴.

23. Based on the provisions of Law No. 26 of 2014, the composition of NIHR Council of Commissioners, the decision-making body, goes beyond the international decisions in this regard by not allowing the appointment of government representatives in NIHR. The draft law referred by the Government to the legislative authority provides that government representatives may be involved in the membership of NIHR Council of Commissioners. However, in its views about the provisions of the draft law, NIHR proposed that this category should not be involved, even in an advisory capacity, in accordance with "Paris Principles" and SCA General Observations.

TENTH: ADEQUATE FUNDING FOR NATIONAL HUMAN RIGHTS INSTITUTIONS

24. One of the main pillars for enabling the national institutions to carry out the powers entrusted to them in a manner that enhances their full independence is the existence of sufficient financial resources. This would enable them to achieve their objectives in the field of promoting and protecting human rights in the State. This has been confirmed by "Paris Principles", which state: **"The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence"**⁴⁵.
25. In interpreting this principle, SCA states in its general observations that the provision of "adequate funding" should, as a minimum, include the allocation of funds by the State in its budget for premises for national institutions and regional branches to ensure accessibility by all parties; salaries and benefits awarded to its members, where appropriate, and staff; the establishment of various communications systems; and the allocation of a sufficient amount of resources for mandated activities in the promotion and protection of human rights.
26. SCA further considers that external funding should not compose the core funding provided to those national institutions. The State is responsible for providing the minimum budget for the activities of national institutions to enable them to achieve their mandates through the allocation of a separate item in the state budget. The national institutions should have complete autonomy and control over the disposition of their resources⁴⁶.
27. This has been provided for in Article 20 of Law No. 26 of 2014, which provides that national institutions should have sufficient financial resources to enable them to undertake their mandates and the tasks assigned to them to the fullest extent. These resources consist of financial resources allocated in a separate item of the state budget and unconditional donation and aid which are in line with NIHR objectives and which the Council of Commissioners decides to accept in accordance with the laws and regulations in force in the Kingdom. The Law further explicitly provides that NIHR will manage and control its financial resources with complete independence.

⁴³ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 1, p. 6.

⁴⁴ General Observation (1 - 9) Government Representatives in National Human Rights Institutions, p. 107.

⁴⁵ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 2, p. 6.

⁴⁶ General Observation (1 - 10) Adequate Funding of National Human Rights Institutions, p. 111.

ELEVENTH : ANNUAL REPORTS OF NATIONAL HUMAN RIGHTS INSTITUTIONS

28. "Paris Principles" grant national human rights institutions the freedom to comment on all matters relating to the promotion and protection of human rights in the state system by preparing reports on the national situation of human rights in general, and on more specific issues⁴⁷. These reports -as illustrated by (SCA) - are annual reports that aim to highlight the key developments in the human rights situation at the national level. These reports should include a presentation of the activities carried out by the national institutions for the promotion and protection of human rights during the period of the report, and should state their opinions, recommendations and proposals with respect to those conditions.
29. SCA further considers that it is imperative for national legislation organizing the mandate of national institutions to explicitly recognize that these institutions should submit their annual reports to the constitutional authorities of the State, especially the legislative and executive authorities, in order to enforce them effectively and take the necessary actions concerning the recommendations and proposals contained therein⁴⁸.
30. Based on these principles, Article 21 of Law No. 26 of 2014 states that the Council of Commissioners will prepare an annual report on NIHR efforts, activities, and other works related to human rights in the Kingdom, and any recommendations and proposals within its mandate. The Council of Commissioners will also determine performance obstacles and any approved solutions to avoid such obstacles, and will present its report to the King, the Cabinet, the House of Representatives, and Shura Council, and will present in parallel its report to the public opinion.

SECTION II: PRACTICES THAT PROMOTE EFFECTIVE COMPLIANCE WITH "PARIS PRINCIPLES" RELATING TO THE STATUS OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS.

FIRST: GUARANTEE OF TENURE FOR MEMBERS OF THE DECISION-MAKING BODY OF NATIONAL HUMAN RIGHTS INSTITUTIONS

1. One of the most important issues that ensure the autonomy of national human rights institutions is that the appointment of their members should be based on a formal decision determining the term of their tenure in order to ensure a stable mandate for their members. The appointment decision should provide for the specific period of the tenure of members and should indicate that this tenure is renewable, provided that pluralism in the membership of those institutions is guaranteed⁴⁹. SCA is of the view that this issue is related to ensuring the independence of national institutions and their members, and that it is necessary in order to enable them to carry out their responsibilities without fear and without interference that may hinder their work by the state or any other actors⁵⁰.
2. The provisions of Law No. 26 of 2014 are consistent with the international decisions in this regard. It explicitly provides for a mechanism for the appointment of members of the Council of Commissioners, the decision-making body. Article 5, paragraph a, states that the members

⁴⁷ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Mandates and responsibilities, Clause 3, p. 4.

⁴⁸ General Observation (1 - 11) Annual reports of National Human Rights Institutions, p. 115.

⁴⁹ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 3, p. 6.

⁵⁰ General Observation (2 - 1) Guarantee of tenure for members of the National Human Rights Institution decision-making body, p. 118.

will be appointed by royal decree for four years, which is renewable for a similar period. This ensures the stability of their mandate for performance of the tasks assigned to them in the promotion and protection of human rights in the Kingdom.

SECOND: FULL-TIME MEMBERS OF NATIONAL HUMAN RIGHTS INSTITUTIONS

3. In order to enable the national institutions to undertake their responsibilities in the promotion and protection of human rights, the members of the decision-making body should be appointed in a manner that enhances their independence and ensures the continuation of programs and services of the national institution through full-time appointment of the members. "Paris Principles" do not explicitly provide for the issue of full-time appointment but only state their appointment mechanism to ensure the stability of their mandate⁵¹. SCA, on the other hand, believes that the appointment of full-time members would enhance the independence of national institutions from any actual or perceived conflict of interest, and leads to the stability of the appointment of its members, thus contributing to the discharge of their duties continuously and effectively⁵².
4. By reference to the provisions of Law No. 26 of 2014, it is noted that it does not refer to the full-time remuneration of any of the members of NIHR Council of Commissioners. Therefore, in line with SCA approach, either the Law should expressly provide that all or some members of NIHR Council of Commissioners should be appointed on full-time basis, or practice requires the need for at least the Chairperson of the Board of Commissioners to be appointed on full-time basis.

THIRD: FUNCTIONAL IMMUNITY OF MEMBERS OF THE DECISION-MAKING BODY OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS

5. The independence of national institutions requires the ability of the members of the decision-making body to carry out the tasks entrusted to them freely and without restrictions or obstacles. This has been referred to by "Paris Principles", which state that the national institutions may consider freely all matters which fall within their competence⁵³. Although these Principles do not explicitly refer to functional immunity, the entrenchment of this provision in the laws establishing these national institutions is essential as a characteristic of their institutional independence.
6. SCA believes that the issue of "functional immunity" is necessary to strengthen the independence of national institutions, consolidate the stability of the mandate of their decision-making bodies, and foster their ability to criticize human rights issues and provide their observations on them. SCA points out that such immunity is not absolute, but is constrained within the framework of the mandate granted by the law to its members⁵⁴.
7. The provisions of Law No. 26 of 2014 adopt the same approach for providing protection to the members of the Council of Commissioners, the decision-making body, to enable them to perform the tasks entrusted to them in the promotion and protection of human rights. Article 9 states that no member may be reproached for his opinions and ideas concerning the issues that fall within NIHR mandates. It further prohibits conducting any investigation with the member

⁵¹ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 3, p. 6.

⁵² General Observation (2 - 2) Full-time members of a National Human Rights Institution, p. 120.

⁵³ "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Methods of operation, Clause a, p. 6.

⁵⁴ General Observation (2 - 3) Full-time members of a National Human Rights Institution, p. 122.

concerned, except with the approval of the Chairperson and in the presence of a representative of the Council of Commissioners. In fact, the provisions of the Law go further when it protects NIHR premises by prohibiting its inspection except by a judicial order and in the presence of a representative of the public prosecution, provided that the Chairperson is notified to this effect and a representative of the Chairperson is notified to attend the inspection. All in all, this promotes the independence of NIHR and fosters the independence of the mandate of its members and other activities.

FOURTH: RECRUITMENT, RETENTION AND SECONDMENT OF NATIONAL HUMAN RIGHTS INSTITUTION STAFF

8. “Paris Principles” indicate that the national institution, for the smooth conduct of its activities without interference by the government and in order to achieve full independence, should provide an infrastructure which is suited for the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence⁵⁵.
9. SCA considers this issue is one of the requirements set forth in “Paris Principles” to strengthen the capacity of national institutions to operate with complete independence without interference from the government. It stresses the need for legislation creating the national institution to grant it the power to determine its functional structures and the necessary requirements to carry out its mandate, develop appropriate standards, select its employees in accordance with the national law, and to provide it with adequate resources to be able to recruit and retain staff that have the necessary skills and expertise to carry out the mandate of the national institutions. This requires that such resources should allow for salary levels and terms and conditions of employment applicable to the staff of the National Institution to be equivalent to those of similarly independent State agencies and members. SCA concludes that this is a key factor to ensure the independence and effective functioning of national institutions; otherwise the principle of institutional independence will be undermined⁵⁶.
10. As for the secondment of staff at national institutions, SCA considers that this would undermine the ability of the institutions to carry out the duties assigned to them independently without any external interference, particularly if the staff are seconded from the public service (public servants working in the government). Therefore, SCA emphasizes that in cases where it is necessary for national institutions to recruit staff through secondment, senior level posts in the organization structure should not be filled with secondments, and the number of secondments should not exceed 25% of the total number of staff in the national institutions⁵⁷.
11. For this purpose, Article 15 of Law No. 26 of 2014 addresses recruitment at NIHR. It indicates that NIHR administrative body is composed of a Secretary, which acts as NIHR executive organ. The Secretary has a sufficient number of consultants, experts, researchers and other staff of the Secretary. It vests in NIHR Chairperson the power to appoint them upon recommendation by the Secretary General. In confirmation of NIHR independence in this regard, Article 18 grants a sort of privacy to the management of the internal operation of NIHR without interference

⁵⁵ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 2, p. 6.

⁵⁶ General Observation (2 - 4) Recruitment and retention of National Human Rights Institution staff, p. 124.

⁵⁷ General Observation (2 - 5) Staffing of the National Human Rights Institution by secondment, p. 126.

by the government through issuing an internal regulation promulgated by a resolution of the Council of Commissioners. The internal regulation includes, in particular, the organizational structure of the Secretary and it regulates the affairs of its employees, according to the relevant laws and regulations in force in the Kingdom.

FIFTH: NATIONAL INSTITUTIONS DURING THE SITUATIONS OF EMERGENCY AND NATIONAL SAFETY

12. The situations of emergency or national safety are exceptional events that impair or violate public rights and freedoms of individuals more than any other time. Although “Paris Principles” do not explicitly refer to the reality of national human rights institutions during these cases, the examination of these Principles indicates that the role of national human rights institutions in the promotion and protection of human rights must be clearly and effectively increased.
13. In this regard, SCA recommends that the national human rights institutions should act during the case of emergency or national safety with the highest vigilance and full independence and impartiality within their mandates prescribed by the law. These institutions are entrusted with promoting and ensuring respect for and protection of the rights and democratic principles, consolidating the rule of law by monitoring and documenting violations against the public rights and freedoms of individuals, releasing data and publishing regular and detailed reports, and indicating the appropriate solutions to address pressing human rights violations.
14. The provisions of Law No. 26 of 2014 point out that NIHR role in the promotion and protection of human rights is not limited to the normal conditions, but extends a fortiori to extraordinary cases, such as the state of emergency or national safety. This is evidenced by the general provisions of the Law concerning the realization of NIHR role in the promotion and protection of human rights as well as the absence of provisions that restrict its role in certain conditions or specific periods.
15. It should be noted that NIHR, during the unfortunate security events experienced in the Kingdom of Bahrain in February and March of 2011 and the subsequent declaration of the State of National Safety, which lasted for more than seventy days, played a role, in accordance with its powers, in the protection of human rights in particular, by continuing to receive complaints and resolving them through communication with the security authorities, in addition to releasing statements on some of the events taking place at that time⁵⁸.

SIXTH: ADMINISTRATIVE REGULATIONS OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS

16. One of the most important aspects of the independence of national human rights institutions is that they have financial and administrative independence to enable them to perform their duties optimally. The legal tool that assists the national institutions in this respect is their authority to develop and modify their internal administrative and financial regulations without any interference or influence from any external authority.
17. Although “Paris Principles” do not explicitly provide for the need for national institutions to have their own regulations, they acknowledge the necessity for the institutions to have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding is to enable it to have its own staff and premises, in order

⁵⁸ For more information about NIHR role in the promotion and protection of human rights during the National Safety period in 2011, see NIHR annual report p. 13 and p. 29.

to be independent of the Government and not be subject to financial control which might affect its independence⁵⁹. The concept of “infrastructure and staff management” can apply to the regulations that organize the conduct of the institutions. This was confirmed by SCA in its interpretation of the necessity for national institutions to have regulations to organize their operation and the affairs of their staff because they have a financially and administratively independent legal entity from the government⁶⁰.

18. Article 8 of Law No. 26 of 2014 provides that: **“The Council of Commissioners shall lay down an executive regulation to organize its meeting and the committees, determine the competence of the committees, as well as any other issues related to the affairs of the Members. The regulation shall be promulgated by a resolution of the Chairperson based on the approval of the majority of the Members”**. Article 18 of the same Law states that: **“NIHR shall have an internal regulation promulgated by a resolution of the Chairperson based on the approval of the majority of the Members. The internal regulation shall include, in particular, the organizational structure of the Secretary and it shall regulate the affairs of its employees, according to the relevant laws and regulations in force in the Kingdom. NIHR shall also have a financial regulation organizing its accounting and financial affairs”**.
19. Accordingly, it is evident that the provisions of the Law grant the Council of Commissioners – as NIHR decision-making body- independent and full mandate for laying down and amending its internal operational, administrative and financial regulations without any interference or influence of any external authority, which reflects the concept of independence referred to in the relevant international decisions.
20. To this effect, the Council of Commissioners Resolution No. 12 of 2014 was issued, which adopts the Executive Regulation concerning the organization and operation of the National Institution for Human Rights. It include the issues relevant to the work of the Council of Commissioners, its office, its standing committees, including meetings of the Council, its office, and standing committees, and their respective mandates. The Regulation also addresses the provisions related to the presence and absence of the members, their immunity, confidentiality of the information and data obtained or acquired in the course of employment, penalties of breaching membership duties or committing any of the prohibited acts, and other provisions concerning the conditions in which membership is suspended by operation of law or upon a recommendation of the Council of Commissioners by royal decree. The Regulation further determines travel bonuses and allowances of the members concerning their duties.
21. The Council of Commissioners also issued Resolution No. 14 of 2014 on NIHR Personnel Regulation. This regulation is an integrated legal framework that reinforces the independence of NIHR for organizing its internal staff affairs away from the government intervention in this regard. The Regulation includes provisions concerning employment relationship and its termination. It states the organizational structure of the Secretary, job descriptions, terms of appointment for the positions listed therein, types and controls of employment, provisions related to the probationary period, other provisions related to job performance appraisal system, and evaluation criteria and grades. The Regulation includes provisions concerning promotion, salaries, bonuses, and allowances and the terms and conditions regulating them.

⁵⁹ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Composition and guarantees of independence and pluralism, Clause 2, p. 6.

⁶⁰ General Observation (2 - 8) Administrative regulation of National Human Rights Institutions, p. 132.

22. The Regulation includes controls of the transfer and secondment of staff, other provisions related to staff training, missions, scholarships, and training of university students and recent graduates. The Regulation decides all issues relevant to employment discipline including working hours, public and weekly holidays, vacations and overtime. In addition, the Regulation lays down provisions relevant to administrative investigation and discipline of ordinary staff and senior level posts, consequent disciplinary sanctions, and guarantees of staff disciplinary accountability. The Regulation also incorporates provisions relating to termination or extension of employment term and the mechanism for appealing administrative decisions affecting employment rights of NIHR staff.
23. As regards NIHR financial and accounting areas, the Council of Commissioners issued Resolution No. 13 of 2014 adopting the financial and administrative regulation of the National Institution for Human Rights. The Regulation includes all issues related to NIHR financial and accounting organization according to the latest methods of financial management and accounting in order to identify the financial, accounting and administrative policies and procedures relating to and controlling NIHR funds, assets, and liabilities.
24. The Regulation includes provisions relating to NIHR budget, the procedures adopted for preparing its budget and its bank account, issues related to payments, revenues, purchases, fixed and movable assets, in addition to the requirements of security and safety and financial powers for authorizing financial and accounting documents. The Regulation explicitly states that NIHR has the power to manage and independently and fully control its financial resources. The Regulation further stipulates that NIHR accounts are subject to the control of the Financial and Administrative Control Office. According to the Regulation, an internal or external auditor should be appointed to audit all financial, accounting and administrative procedures.
25. To complement these regulations, the Council of Commissioners issued Resolution No. 11 of 2013 Adopting NIHR Information Technology Regulation which regulates all matters relating to information technology. It includes general provisions relating to electronic information security policy in NIHR information system, issues related to organizing electronic information, and electronic information access, control, and protection. The Regulation further includes a mechanism for data backup, restoration and retention, along with indicating the systems concerning protection from malicious software policy.

SEVENTH: NATIONAL HUMAN RIGHTS INSTITUTIONS AS PREVENTIVE MECHANISMS

26. National institutions, according to "Paris Principles", have a role in the promotion and protection of human rights and have a mandate to align their legislation, regulations, and practices with international human rights instruments. These institutions have a role in encouraging the states to ratify or accede to those instruments and ensure their implementation. Furthermore, "Paris Principles" grant them a role in preparing reports which should be submitted by the states to the United Nations bodies and committees and to the regional institutions in accordance with their human rights obligations.
27. Certain international human rights instruments require the State Parties to develop a national preventive mechanism. For example, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment requires developing a system of regular visits to be undertaken by international bodies "**Sub-Committee against Torture (SPT)**" and other national independent bodies "**national preventive mechanisms (NPM)**" to the places where persons are deprived of their liberty in order to prevent torture and other ill-treatment. At other times, those international instruments require developing national monitoring mechanisms. For example, the Convention on the Rights of Persons

with Disabilities requires the State Parties to establish independent national monitoring mechanisms to promote and safeguard the provisions of this Convention and monitor their implementation.

28. Accordingly, SCA confirmed that it is permissible for national human rights institutions to have national preventive mechanisms (NPM) or national monitoring mechanisms, on the condition that this mandate is provided for in the legislation under which the institution is established, and that it is exercised in real and actual terms in order to achieve the purpose of the international instrument⁶¹.
29. Article 12 of Law No. 26 of 2014 grants NIHR a general mandate for the promotion and protection of human rights by authorizing it to conduct field visits in accordance with the applicable principles in order to monitor human rights situation in any place where human rights violations are suspected, particularly, in reform institutes, detention centers, labor gatherings, and health centers. It is further grants it the mandate to monitor violation of human rights instances, 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.
30. However, according to SCA General Observations, the mandate granted to NIHR may not be regarded as a national preventive mechanism (NPM). This is because there is an institutional structure in the Kingdom represented by the "Prisoners and Detainees Rights Commission" established under Decree No. 61 of 2013 Establishing and Determining the Mandates of the Prisoners and Detainees Rights Commission.
31. With reference to the aforementioned Decree, it is evident that the Commission is awarded several mandates represented in visiting inmates in prisons, detention centres, juvenile and detainee care centres and other places in which persons may be detained such as hospitals and mental health clinics, identifying their detention and treatment conditions, visiting the places where these detainees may be held in order to verify satisfaction of international standards, conducting interviews and talking freely with inmates in places of detention and other concerned persons in order to understand the nature and importance of their problems, and to inform the competent authorities of cases of torture or cruel, inhuman or degrading treatment, which may be revealed to detected by the Commission, and making recommendations and suggestions to the competent authorities for the improvement of the conditions of inmates and the treatment they receive.
32. With regard to national monitoring mechanisms, NIHR plays a prominent role in this regard, because it is an institutional structure which is awarded a general mandate by its enabling law to consider all the issues relevant to the promotion and protection of the various human rights. In addition, it has an actual partnership with civil society organizations in the field of monitoring the human rights situation. It is further awarded by its enabling law the mandate to monitor cases of human rights violations, conduct the necessary investigation, draw the attention of the competent authorities to these violations, submit proposals that relate to the initiatives to put an end to such situations, and, where necessary, to express an opinion on the reactions and positions of the competent authorities.

⁶¹ General Observation (2 - 9) Assessing National Human Rights Institutions as National Preventive and National Monitoring Mechanisms, p. 135.

EIGHTH: THE QUASI-JUDICIAL COMPETENCY OF NATIONAL HUMAN RIGHTS INSTITUTIONS

33. “Paris Principles” and SCA General Observations⁶² grant national human rights institutions **“the authority to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, thirds parties, non-governmental organizations, associations of trade unions or any other representative organizations”**⁶³. In order to enable the national institutions to perform these quasi-judicial mandates, “Paris Principles” indicate that the national institutions have the mandate to seek an amicable settlement through conciliation or inform the party who filed the petition of his rights, in particular the remedies available to him, facilitate his access to them, hear any complaints or petitions or transmit them to any other competent authority and make the appropriate recommendations in this regard.
34. The provisions of Law No. 26 of 2014 address these quasi-judicial authorities in Article 12, paragraphs (e, f, g), which state that in fulfillment of its objectives, NIHR will have the mandate to monitor violation of human rights instances, 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, receive, examine and consider complaints related to human rights, refer the complaints to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities, conduct field visits in accordance with the applicable principles in order to monitor human rights situation in reform institutes, detention centers, labor gatherings, health and education centers, or any other public place in which it is suspected that human rights violations are committed. This is consistent with the international decisions in this regard based on NIHR role in the protection of human rights.

⁶² General Observation (2 - 10) Administrative Regulations of National Human Rights Regulations, p. 139.

⁶³ “Paris Principles” relating to the Status of National Institutions for the Promotion and Protection of Human Rights, Additional principles concerning the status of commissions with quasi-jurisdictional competence, p. 7.



CHAPTER II: NIHR ROLE IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

PREFACE:

The role of national human rights institutions is crystallized through their constitutional or legislative mandate in the field of the “promotion and protection of human rights”. This role is clearly demonstrated in “Paris Principles” relating to the Status of National Institutions in the Promotion and Protection of Human Rights as the constitution of national human rights institutions and a constructive and effective actor in the promotion and protection of human rights in the state system.

These institutions have a role in “promotion” through the deployment of a human rights culture through the various available means, including hosting conferences, training courses, workshops and lectures to the public, or specific target groups, as well as training in the field of human rights, and publishing and printing educational brochures related to national institutions. The lack of knowledge of human rights principles among all segments of society causes the violation of these principles because the promotion and entrenched awareness of human rights concepts provide protection for these rights as a whole.

The “protection” of human rights is the corresponding core pillar of the role of national institutions in the promotion of these rights. This has been clearly reflected in “Paris Principles”, which confer national institutions quasi-judicial competence through their authority to receive, examine and refer complaints of human rights to the competent authorities, follow-up the complaints, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities.

The role of national institutions in the field of “protection” includes monitoring everything that would prejudice the right of individuals to enjoy the rights and public freedoms prescribed for them. Monitoring is a necessary tool to ensure the degree and extent of the state respect for its legal or international obligations related to human rights. This “protection” requires the national institutions to conduct field visits to places where human rights violations are likely to occur.

Accordingly, this chapter will explore NIHR role in the promotion and protection of human rights in two basic sections. The first section indicates its activities in the field of promotion of human rights, while the second section will be dedicated to reviewing its efforts in the protection of those rights.

SECTION I: NIHR ROLE IN THE PROMOTION OF HUMAN RIGHTS

1. The provisions of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights confirm its role in the “promotion” of human rights. Article 12 sets out a number of mandates for NIHR in order to enable it to achieve its goals in this area. NIHR is authorized to participate in the production and implementation of a national plan for the promotion and protection of human rights in the Kingdom. It is further mandated to examine the applicable legislation and regulations, which are related to human rights, recommend amendments as it deems fit, particularly in connection with the consistency of such regulations with the Kingdom’s international obligations in the human rights field, and recommend enacting new legislation related to human rights.
2. In addition, the provisions of NIHR law grant it the mandate to consider the conformity of legislative and regulatory provisions with regional and international treaties related to human rights issues, and submit proposals and recommendations to the competent authorities in any matter that reinforces and protects human rights, including recommendations to accede to regional and international conventions and treaties concerned with human rights. NIHR is empowered to submit parallel reports, participate in the drafting and discussion of the reports which the Kingdom is obliged to submit periodically for the implementation of regional and international conventions concerning human rights, make remarks thereon, publish such reports in the media outlets, and cooperate with the national bodies, regional and international organizations, and relevant institutions in other countries concerned with the promotion of human rights.
3. The provisions of the abovementioned Law authorize NIHR, for this purpose, to host conferences, organize training and educational events in the field of human rights, conduct research and studies in this regard, participate in national and international forums, as well as in meetings of regional and international bodies concerned with human rights issues, issue newsletters, publications, data and special reports, and upload them on NIHR website.
4. According to these mandates set out in the provisions of the Law, NIHR has played an active role in the promotion of human rights through the issuance of a number of educational pamphlets and publications related to human rights. Furthermore, it hosted seminars and lectures, and concluded a number of memoranda of understanding with various civil society organizations and relevant regional agencies. NIHR also had an active role in the field of legislative review in cooperation with the House of Representatives and the Shura Council. NIHR further released several statements coinciding with international events or days, and participated in regional and international seminars, workshops, training courses and conferences relevant to its mandate.
5. In the area of releasing publications, NIHR continued to release the quarterly newsletter “Human Rights”. This educational newsletter is specialized in human rights and aims to raise awareness among citizens and residents on all aspects of this vital area in contemporary life, especially in light of the global conditions and concurrent changes. In particular, it highlights NIHR activities, events, and its local and international participation and achievements. The first issue was released in July 2013 and the newsletter continued to be released up to the ninth issue, which was released in September⁶⁴.

⁶⁴ To view “Human Rights” Newsletter, visit NIHR website on the following link: www.nihr.org.bh

6. In order to enrich the scientific and cognitive awareness of the matters related to human rights, NIHR released "Human Rights Culture Series" in cooperation with the Constitutional and Legal Studies Center of the University of Bahrain, researchers and those interested in this area inside and outside the Kingdom. NIHR released a number of academic legal publications related to human rights. Eight books were completed to be published in 2015 on international events and days related to human rights.
7. These books and studies address various topics concerned with human rights, namely: "Human rights and fundamental freedoms from an Islamic, international and regional perspective, with particular reference to those rights and freedoms in the Kingdom of Bahrain"; "Labor rights in the light of the Bahraini labor law and international human rights standards"; "Legal protection for the disabled reality and expectations in the Kingdom of Bahrain"; "Death penalty in national legislation: Bahraini legislation as study case, and a comparative study of international covenants and Islamic law"; "Women's rights in the Bahraini Family Law (Section I)"; "Human Rights in the Criminal Procedure Code"; "Guarantees of fair trial in accordance with international human rights standards"; and, finally, "The National Institution for Human Rights in the Kingdom of Bahrain: Composition and future prospects".
8. This legal series comes within NIHR role in the promotion and dissemination of human rights culture through highlighting the most fundamental and highly practiced rights and freedoms by individuals and indicating the reality of domestic legislation and their conformity with the relevant international human rights standards. These publications are made available to individuals, including researchers, academics, lawyers, law enforcement officials, judges, prosecutors, members of the House of Representatives and the Shura Council, university and school students, NGOs and human rights activists in the field of human rights in order to introduce them to those rights and freedoms and empower the exercise of such rights and freedom so as to ensure to ensure effective enjoyment to the extent possible.
9. In the same context, NIHR developed the biannual refereed journal "Bahraini Journal of Human Rights", which aims to disseminate and promote human rights culture and advance human rights standards in the community. This journal is the first result of the efforts exerted for enriching the legal thought related to the international human rights and the international humanitarian law, with a focus on topics that are concerned with the local, regional and international reality, human rights studies, theses abstracts, and the principles and provisions of domestic and international human rights case law. In order to achieve the objectives of the journal, a number of research and studies specialized in the field of human rights were received to be published. NIHR is in the process of evaluating how compatible these publications are with publication standards. The first issue of the Journal is expected to be released in the first half of 2015.
10. As far as publications are concerned, NIHR reprinted a number of international and regional documents related to human rights in Arabic and English, such as "Paris Principles" relating to the Status of National Institutions for the Promotion and Protection of Human Rights; the Universal Declaration of Human Rights; the Covenant on Civil and Political Rights and its Protocols; the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Arab Charter of Human Rights and Cairo Declaration on Human Rights in Islam. In addition, NIHR printed the amended Constitution of the Kingdom of Bahrain, and reprinted and published NIHR First Annual Report. All of these publications as a whole help promote human rights, entrench human rights values, and raise awareness to guarantee the exercise of these rights. In addition, the Declaration of Human Rights of the Gulf Cooperation Council (GCC) is scheduled to be reprinted.

11. In the field of hosting and organizing educational and training conferences, seminars and courses related to human rights, and based on its belief in the prominent significance of the initiative of His Majesty the King for complementing the protection of Arab human rights mechanisms by establishing a specialized Arab court of human rights, NIHR, under the auspices of the King, organized the first international conference on the “Arab Court of Human Rights” over two days (25 to 26 June 2014). The conference, supported by the House of Representatives and the Shura Council, was held in cooperation with the Arab Network of National Institutions for Human Rights, the League of Arab States, and the Arab Parliament.
12. A number of regional and international bodies, such as the Office of the United Nations High Commissioner for Human Rights, similar (American, European and African) regional courts, the League of Arab States, the Cooperation Council for the Arab States of the Gulf, a group of experts in international human rights law and international humanitarian law, observers, academics and human rights activists worldwide, as well as relevant civil society organizations participated in the conference on the Arab and international levels.
13. Various working papers were considered in the conference, including those that addressed topics related to the steps taken towards setting up the Court and reviewing the reforms in the League of Arab States in the field of human rights. The participants subsequently addressed the potential role of the United Nations High Commissioner for Human Rights and the Arab Parliament for the success of the court. The most important provisions of the draft statute of the Arab Court of Human Rights were further addressed.
14. Drawing on regional experiences similar to the work of the Arab Court of Human Rights, the experience of the European Court of Human Rights and its role in protecting human rights in the European continent, the experience of the Inter-American Court of Human Rights in protecting human rights in the Americas, and the experience of the African Court in protecting human rights in the African continent were addressed in the conference.
15. On the sidelines of the conference, four specialized workshops were held. The first workshop dealt with “Arab human rights organizations and institutions findings”. The second workshop addressed “Defining the relationship between the Arab Court of Human Rights and human rights mechanisms of the League of Arab States”. The third workshop was entitled “The role of national human rights institutions and civil society organizations in supporting the Arab Court of Human Rights work”. The last workshop addressed the theme of “Assessment and following up the recommendations of the Arab Conference on the development of the human rights system of the League of Arab States for 2013”. These workshops resulted in producing reports that stated views for evaluation of the draft statute of the court.
16. The conference was concluded with issuing “Bahrain Declaration”, which includes recommendations concerned with the development of the Statute of the Court. These recommendations call for relentless pursuit for the development of the statute of the Arab Court in light of the successful experience of regional and international human rights courts, including the court judge system, considering all options for issuing the statute of the Court, including considering it as one of the additional protocols of the Arab Charter on Human Rights, examining the international human rights conventions acceded to by States Parties as one of the legal references to be relied on by the Arab court, in addition to the Arab Charter on Human Rights, and any other Arab human rights agreement to which the contending States are party, and confirming the provisions of Article 43 of the Arab Charter of Human Rights.

17. The recommendations call for the headquarter state to provide all facilities for the Arab Court of Human Right, to facilitate its operation procedures, facilitate the entry of parties and witnesses who resort to the court, and protect potential victims. The recommendations require that the condition for the exhaustion of the internal appeal process should not affect the right of the eligible parties to resort to the Arab Court in accordance with the terms of fair trial stipulated in Article No. 14 of the International Covenant on Civil and Political Rights and in accordance with the General Comment No. 32 by the Commission on Human Rights. Individuals, non-governmental organizations, and national human rights institutions should be allowed to resort to the Arab Court directly.
18. It was also recommended that the State Parties should undertake that the litigants will not suffer from any form of threat, pressure or retaliation because of their resort to the court, and that a mechanism should be developed for monitoring, following up and supervising the implementation of the judgments and decisions of the Arab Court. It was confirmed that the sources of the financial support for the budget of the Arab Court should be diversified and should not be charged to the States parties alone and that the League of Arab States should bear part of the budget. The most important recommendation is probably the need to amend the Arab Charter on Human Rights of 2004, especially with regard to granting the Arab Human Rights Committee (of the Charter) the power to refer individual complaints submitted to the Committee to the court in the case no amicable settlement is reached, without prejudice to the competence of the court to consider the cases on the form and on the merits.
19. The participants in the conference recommended supporting and fostering the operations of the expert committee of the Arab Charter on Human Rights and urged the Arab non-state parties to the Arab Charter on Human Rights to accede to the Charter. They further recommended developing the action mechanisms of the Permanent Arab Committee for Human Rights and transferring them to the Human Rights Council of the League of the Arab States. The participants also recommended urging national human rights institutions and civil society organizations to provide legal assistance to the litigants in order to resort to the Arab court, and to invite the Arab Network of National Institutions to further support the implementation of the recommendations and initiatives of civil society organizations on the development of the Arab human rights system.
20. The participants called upon the Arab Group to follow up on the recommendations of Doha Conference to pursue its duties and submit periodical reports on its activities to the organizations participating in this conference. The participants requested the League of Arab States to facilitate the work of the Arab Group to follow up on the recommendations of Doha Conference by providing information and enhance coordination mechanisms to build a participatory dialogue that helps develop the regional human rights system. The recommendations concluded that there is a need to organize events to introduce the Arab human rights system at national levels⁶⁵.
21. In this regard, and in order to give effect to NIHR plan and strategy for the years (2013-2016), NIHR took part in the program of technical cooperation with the Office of the United Nations High Commissioner for Human Rights, which commenced in March last year. A series of events were held which aim to identify priorities relevant to the advancement of human rights condition in the Kingdom. Representatives of ministries, government agencies, NIHR, relevant civil society organizations and national human rights activists took part in the program.

⁶⁵ For further information, visit NIHR website: www.nihr.org.bh

22. Based on the initial consultation with stakeholders and the review of the various recommendations made by the United Nations mechanisms, six events were held. The first event was titled "The role of the National Institution for Human Rights in the promotion and protection of human rights". The next event was titled "The legal situation of monitoring and inspecting reform and rehabilitation centers and the rights of prisoners and detainees in Bahrain". This was followed by the event entitled: "Role of the judicial authority in the promotion and protection of human rights". The next event targeted civil society organizations and was titled "The role of civil society organizations in the promotion and protection of human rights". The next event was titled: "The role of the media in the promotion and protection of human rights". The last event was a national symposium that was titled "National consultations: setting priorities, reporting challenges and evaluating the recommendations on preparing for the capacity-building program in the field of human rights in the Kingdom of Bahrain".
23. In order to complement and implement NIHR strategy and plan for disseminating human rights culture and enjoyment of human rights in accordance with the best practices and international standards through hosting specialized training courses to convert human rights knowledge into practical skills, NIHR hosted an informative lecture to the students of the Royal Academy of Police who are enrolled in its program to acquire human rights diploma. The lecture was titled "The role of the National Institution for Human Rights in the promotion and protection of human rights". Another lecture was held for a group of officers on "Human rights standards for the police". The lecture was held in cooperation with the Southern Governorate Police Directorate of the Ministry of Interior.
24. In the framework of cooperation with civil society organizations in human rights-related issues, NIHR organized a training course over three days for the members of the Board of Directors of Together for Human Rights Society on "International and national mechanisms for the promotion and protection of human rights". The course addressed the basic concepts of human rights, the role of national institutions in the promotion and protection of those rights, and search methods in the official electronic sources of the United Nations related to human rights. These activities are held in pursuit of the memorandum of understanding signed by NIHR with the Society based on its belief in the necessity of partnership with civil society organizations concerned with human rights issues in the Kingdom.
25. NIHR paid attention to training for those engaged in the field of justice. It prepared an intensive training program for junior lawyers, which addressed multiple aspects of human rights. The program introduced the basic principles of human rights, "Paris Principles" relating to the Status of National Human Rights Institutions, the international law of human rights, and the international humanitarian law. It further included attendance of the sessions and workshops held on the sidelines of the International Conference of the Arab Court of Human Rights. Another training course was held, which addressed public rights and freedoms in the Constitution of the Kingdom of Bahrain. The training tackled the principles of legal research in the field of human rights. In addition, a lecture was held on fair trial guarantees standards, and another on ways to invoke the international human rights conventions before the national law.
26. In this regard, NIHR participated effectively in the "Legal Clinic for Human Rights at the University of Bahrain" program. This is a training program for law students to acquire skills in the field of human rights. It offers workshops and presentations about NIHR role in the promotion and protection of human rights. The program lasted for fifteen weeks. It addressed

NIHR competence in the field of human rights promotion, as well as its role in the protection of human rights. NIHR mechanism for receiving complaints, the procedures related thereto, providing assistance and legal advice, and NIHR role in monitoring human rights violations were reviewed in the program.

27. In order to interact with international human rights mechanisms, particularly the United Nations treaty-based bodies, NIHR organized a lecture on the “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)” for the members of the Council of Commissioners participating in the meeting on the discussion of the report of the Kingdom of Bahrain to the Committee on the Elimination of Discrimination against Women (CEDAW). It also organized a seminar to the public in January 2014 about the said Convention and its role in protecting women’s rights in the Kingdom of Bahrain. The seminar was held in conjunction with the Kingdom of Bahrain preparation to submit and discuss its third report before the Committee on the Elimination of Discrimination against Women (CEDAW).
28. In the same context, NIHR, at the request of the Supreme Council for Women, presented its observations and views on updating the information stated in the third report of the Kingdom of Bahrain on the Convention on the Elimination of All Forms of Discrimination against Women. NIHR outlined its observations under three main headings: observations on the guidelines related to the form and content of the reports to be submitted by States Parties to the international human rights treaties; observations on the content of the report; and the Government of the Kingdom of Bahrain implementation of the concluding observations of the Committee on the Elimination of Discrimination against Women. On another occasion, NIHR responded to the questions received from the Supreme Council for Women pertaining to NIHR complaint filing mechanism for women, other related information, and the temporary special measures adopted by the States to accelerate de facto equality between women and men in various public fields
29. On February 10, 2014, on the sidelines of the meeting held for the discussion of the third periodic report of the Kingdom of Bahrain on the Convention on the Elimination of All Forms of Discrimination against Women, the President of NIHR delegation delivered a speech to the relevant Committee in which he outlined NIHR contribution, through the relevant national team, to updating the information of the third periodic report of the Government of the Kingdom. He presented NIHR observations and views on the report. He also indicated that most observations and views were adopted, except for a number of issues that have not been referred to in the early response of the Government Kingdom to the list of issues and questions submitted by the Committee.
30. In the area of partnership with civil society organizations and regional and international relevant bodies, NIHR signed several memoranda of understanding with the Ahlia University in Bahrain: on January 20, 2014; Dignity for Human Rights Association in Bahrain: on January 21, 2014; Bahrain Youth Society in Bahrain: on February 9, 2014; the National Center for Human Rights in the Hashemite Kingdom of Jordan: on February 23, 2014; the National Council for Human Rights in the Kingdom of Morocco: on February 26, 2014; the Institute of Public Administration in the Kingdom of Bahrain: on March 3, 2014; the Political Development Institute of the Kingdom of Bahrain: on March 10, 2014; Bahraini Association for Multiple Sclerosis Patients in Bahrain: on April 20, 2014; the Arab Organization for Human Rights, based in the Arab Republic of Egypt, on May 25, 2014; the Independent Commission for Human Rights in the State of Palestine: on May 25, 2014; and the Ombudsmen Bureau in the Hashemite Kingdom of Jordan: on May 25, 2014.

31. Memoranda of understanding were also signed with the International Organization for Penal Reform based in the Hashemite Kingdom of Jordan: on May 25, 2014; Asia and the Pacific Forum (APF), based in Australia, on May 25, 2014; the Shura Council of the Kingdom of Bahrain: on June 23, 2014, the House of Representatives of the Kingdom of Bahrain: on June 25 2014; the Supreme Judicial Council in the Kingdom of Bahrain: on August 28, 2014; Gulf International Organization for Human Rights, based in the United Arab Emirates, on October 20, 2014; the Kuwaiti Society for Human Rights: on October 29, 2014; Alba Trade Union in Bahrain: on November 9, 2014; Causeway Institute for Peace Building and conflict resolution International, based in Northern Ireland in the United Kingdom, on December 7, 2014; the University of Bahrain: on December 9, 2014, and finally with Together for Human Rights Society in the Kingdom of Bahrain: on December 21, 2014. These treaties generally aim to build bridges of cooperation with those organizations and agencies to advance the promotion of human rights and work together to develop programs that achieve the desired objectives of common interest.
32. As regards legislative review, NIHR, at the request of the House of Representatives or the Shura Council, presented its views on a number of national laws to indicate their conformity with international human rights instruments and the relevant international obligations of the Kingdom. These laws mainly include the draft law for the establishment of the National Institution for Human Rights, attached to Decree No. 2 of 2014; draft law amending certain provisions of Decree Law No. 18 of 1973 on Public Meetings, Marches and Gatherings, prepared in light of “the standardized form of the proposed law submitted by the House of Representatives” and the draft law amending certain provisions of the Bahraini Citizenship Law of 1963, attached to Decree No. 46 of 2014.
33. NIHR also presented its views on the draft law amending certain provisions of the Penal Code promulgated by the Legislative Decree No. 15 of 1976 “regarding the crimes of murder, breach of decency, assault on accommodation, threat by weapons, slander, libel, disclosure of secrets, theft, fraud, breach of trust, usury and insulting the National Council, which is prepared in the light of the proposed law submitted by the House of Representatives” draft law amending certain provisions of the Penal Code promulgated by Legislative Decree No. 15 of 1976 “on bribery, fraud, immorality, prostitution, gambling and banning pork, which is prepared in light of the proposal law submitted by the House of Representatives” draft law amending certain provisions of Law No. 26 of 2005 “on political associations, which is prepared in light of the proposed law submitted by the House of Representatives” and draft law No. 26 of 2005 on political associations, attached to Decree No. 35 of 2012.
34. NIHR further took part in the international events and days which are held to promote human rights in the community. In 2014, NIHR released eleven statements on those days and events. The first statement was issued on Human Rights Day; the International Day against Corruption; the International Day of Persons with Disabilities; the International Day for the Elimination of Violence against Women; Universal Children’s Day, International Day for Tolerance; International Day of Peace; World Elder Abuse Awareness Day (WEAAD); the International Day of Innocent Children Victims of Aggression; and World Press Freedom Day. In addition, NIHR re-published the statement of the High Commissioner for Human Rights, “Ms. Navi Pillay”, on the International Day in Support of Victims of Torture. The publication of these statements as a whole is aimed at raising awareness of the public and concerned parties with these international days or events and indicating their importance and application at the national level, which ultimately would promote human rights⁶⁶.

⁶⁶ To view the full text of the statements, visit NIHR website: www.nihr.org.bh.

35. NIHR has keen interest in attending and participating in regional and international forums held in and abroad the Kingdom, which are relevant to its work and mandates. It took part in several seminars, workshops, training courses, and conferences. At the local level, NIHR participated in the joint seminar titled “Diplomacy in the service of humanity”, which was organized by the Arab Red Crescent and Red Cross Organization in cooperation with the Foreign Ministry and the Bahrain Red Crescent Society on “humanitarian diplomacy”.
36. At the regional level, NIHR participated in a seminar on “Report Writing”, which was held by the Arab Network of National Human Rights Institutions on December 11, 2014 at the headquarters of the Arab Network in Doha, Qatar. NIHR also participated in the International Conference on “Security and Human Rights Challenges in the Arab Region”, which was organized by the National Committee for Human Rights on November 6, 2014 in the State of Qatar, in cooperation with the General Secretariat of the Council of Arab Interior Ministers, the League of Arab States, the High Commissioner for Human Rights, and the Arab Network of National Human Rights Institutions in Doha. On “The role of national human rights institutions in the reform of the criminal justice system”, NIHR presented a research paper about this issue during the international conference on “Penal reform and human rights: reality and aspirations”, which was organized on November 4, 2014 by the High Commissioner for Human Rights, the International Organization for Penal Reform, the Directorate of Public Security, and Reform and Rehabilitation Centers Department in the Hashemite Kingdom of Jordan. The conference was sponsored by the Swedish Development Agency (SIDA).
37. At the international level, and based on NIHR concern with reviewing the experience of other countries in the field of national reconciliation, a delegation of the Institution participated in the educational visit to Northern Ireland, which was organized by Bridge Foundation for Peace Building and Resolving International Disputes during the period from 9 to November 14, 2014.

SECTION II: NIHR ROLE IN THE PROTECTION OF HUMAN RIGHTS

1. The provisions of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights stress its role in the “protection” of human rights by awarding it a set of mandates in order to achieve its objectives in this area. This includes monitoring human rights violations, conducting the necessary investigation, receiving complaints of human rights, and conducting field visits to monitor human rights conditions in the places where human rights violations are likely to occur.
2. Article 12, Clause (e), of the abovementioned Law states that NIHR has the mandate “**To monitor violations of human rights instances, 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**”. Clause (f) provides that it has the mandate “**To receive, examine and consider complaints related to human rights, refer the complaints, which NIHR deems necessary, to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities**”.
3. As regards field visits as one of the monitoring tools available to NIHR, Article 12, Clause (g) provides for NIHR mandate “**To conduct field visits in accordance with the applicable principles in order to monitor human rights situation in reform institutes, detention**”.

centers, labor gatherings, health and education centers, or any other public place in which it is suspected that human rights violations are committed”. These mandates serve the role undertaken by NIHR in the protection of human rights.

4. In this regard, it should be noted that the provisions of Law No. 26 of 2014, specifically the aforementioned Article No. 12, Clause “e”, expressly provides for NIHR monitoring mandate, as opposed to the Royal Order No. 46 of 2009 on the Establishment of the National Institution for Human Rights. This provision emphasizes the need to expand the mandates in the field of protection of human rights in a manner consistent with the international decisions in this regard. In addition, the required protection should not be limited to only receiving complaints, but it should extend to tracking and monitoring human rights situation and documenting it in the various ways and means. The monitoring process is necessary to ensure the degree and extent of the State respect for its legal or international obligations related to human rights.
5. In order for NIHR to be able to undertake its role in the protection of human rights, it completed the preparation of a complaint manual in implementation of NIHR strategy and action plan for the years (2013-2016) within the first theme “Involvement in human rights protection efforts”. This manual serves as a benchmark and a reference for complaint handling, the applicable procedures in this regard, evaluating complaint issues, and the best ways of intervention and treatment in accordance with the best practices. It is an indicative tool that enables individuals and entities to deal with complaint mechanism effectively, thus achieving the goal sought by the national institution in the field of protection.
6. The manual covers general principles related to the concepts, terminology, and the code of conduct that should be adopted by specialists in receiving complaints. It indicates the types of complaints, which NIHR has the mandate to consider, the applicable procedures for receiving, considering, and dealing with complaints until the final stages, and the adopted procedures in providing counseling and legal assistance. NIHR also completed another manual related to the monitoring process, which will be a benchmark and a reference in monitoring human rights violations process in accordance with the best practices in this regard. The manual will deal with the basic principles of monitoring, the procedures used to monitor certain events and occasions, and writing reports on these events. In preparing these two manuals, NIHR was concerned to adopt the best practices and similar experiences in other countries and regional and international organizations⁶⁷.
7. Pursuant to the mandates set out in the provisions of the Law, NIHR played an active role in the protection of human rights. It issued and interacted with certain events that have cast a shadow on human rights. It released four statements on separate occasions in which it indicated its deep regret for the death of five police officers and one citizen in security events. It expressed its condolences and sympathy to the families of the deceased, and expressed disapproval at the same time of the illegal acts. It called on all parties to adhere to peacefulness and professionalism, and demanded the wise people in the community to call for calmness and renunciation of violence and not to deviate from the right path, which is detrimental to the Kingdom and affects its stability. NIHR stressed the need to move from the state of tension to a state of détente in order to achieve national reconciliation and rebuild the modern state
8. With regard to the monitoring process, NIHR had a role in following up daily events, it followed up the legal status of 31 persons whose citizenship was forfeited in 2013. It noted that the lack of citizenship for these persons has a negative impact, such as restrict their

⁶⁷ To view complaint and monitoring manuals, visit NIHR website on the following link: www.nihr.org.bh.

freedom of movement and deprive them of employment, livelihood, decent living, the right to accommodation, acquisition, health and education, as well as other related rights. Accordingly, it stressed the need to consider and correct their legal status by a judicial procedure.

9. Accordingly, NIHR confirmed that forfeiture of citizenship is a legitimate right of the state. However, the exercise of this right must not create the phenomenon of “stateless” persons. In all cases in which citizenship is forfeited, the procedure taken should be accompanied with legal guarantees that clearly determine the forfeiture case and should be taken only based on a court ruling and the person whose citizenship is forfeited should be given the effective right to appeal the decision to the court⁶⁸.
10. During the House of Representatives consideration of the draft law amending certain provisions of the Bahraini Citizenship Law of 1963, attached to the Decree No. 46 of 2014, NIHR presented its views in this regard. It concluded that it is imperative that the withdrawal or forfeiture of Bahraini citizenship should be conditional upon a conclusive court’s judgment. This procedure should be taken through filing a lawsuit in which the administrative body litigates the person whose citizenship is intended to withdrawn or forfeited according to the applicable legal procedures in this regard.
11. NIHR communicate with the concerned authorities a number of allegations related to denying some of the detainees and convicts of health treatment and care. NIHR Reassured to ensure the right of a detainee in health care, as one of fair trial guarantees, should be offered to the detainees or imprisoned persons. Appropriate and free medical care and treatment should be provided whenever the need arises. It is the responsibility of police departments and centers and reform, rehabilitation and remand centers to check all sick detainees or prisoners on a regular basis, prepare medical reports on their physical or mental health, maintain these reports on the personal file of the prisoner or detainee, and consider the implications of continued detention or any condition of detention. Detainees and prisoners should undergo a comprehensive medical examination from the moment of detention until release. NIHR emphasizes the role of Prisoners and Detainees Rights Commission⁶⁹ and General Secretariat of Ombudsman⁷⁰.
12. NIHR received a number of complaints related to depriving some of the arrested defendants from communicating with the outside world, or not knowing the reasons for their arrest and place of detention. In this regard, NIHR followed up such cases and emphasized the defendant’s right to communicate with the outside world and have the assistance of a lawyer of his choice to protect his rights and defend himself as an inherent right that should be made available at all stages of litigation.
13. Decree-Law No. 46 of 2002 Promulgating the Code of Criminal Procedure, as amended, confirms the right of the accused to communicate with the outside world. In particular, Article 61 stipulates as follows: “**Any arrested person shall be informed of the reasons for his arrest and shall have the right to contact any members he chooses of his family to inform them of the arrest and have the assistance of a lawyer**”. The right to communicate with the outside world is an abstract right that is not conditional upon the type of crime for which the persons is arrested. Therefore, this right is established to the arrested person in all cases.

⁶⁸ For further information on the right to citizenship, see NIHR First Annual Report for 2013, p. 60.

⁶⁹ Article 3 of Decree No. 61 of 2013 Establishing and Determining the Mandates of the Prisoners and Detainees Commission.

⁷⁰ Article 12 of Decree No 27 of 2012 on Establishing an Independent Office of the General Secretariat of Ombudsman.

14. NIHR indicates that communication with the outside world by the detainees should not be restricted to communication with family or counsel for defense. In fact, it extends to enabling the detainee to attend the funeral or mourning ceremony in the event of the death of his ascendants, descendants, spouse or relatives to the second degree in line with the social norms and traditions prevailing in the Kingdom.
15. With regard to the publishing of the photographs and names of the persons accused of a certain offense before a final court ruling is issued. NIHR confirmed that the competent authorities should adhere to the provisions of the Constitution, particularly Paragraph “c” of Article 20, which stipulates that **“An accused person is innocent until proved guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defense at all stages of the investigation and trial in accordance with the law”**.
16. NIHR considered that such publication does not comply with Paragraph 1 of Article 11 of the Universal Declaration of Human Rights, which stipulates that: **“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense”**. Paragraph 2 of Article 14 of the Covenant on Civil and Political Rights stipulates that **“Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law”**. Stressing the principle of presumption of innocence, which impairs the human dignity of the accused.
17. With regard to the death of the detainee at Jow Reform and Rehabilitation Center, NIHR released a statement in which it expressed its sorrow and condolences to the family of the deceased. NIHR asked to take all necessary action to expedite the completion of immediate and serious investigations to identify the full reasons for the death, inform the public of these reasons, and refer any person proved liable to fair trial. At the same time, NIHR stressed the need for enforcing strict controls that organize handling inmates in all circumstances in order to determine the responsibility of the security command for the actions of its subordinates and prevent the recurrence of such tragic incidents in the future. NIHR is closely following the course of the trial, to which was presented the defendants for the death of the prisoner, where the case is still pending before the courts⁷¹.
18. In the same context, NIHR representatives attended a number of hearings related to the security events that had a public resonance. This includes attending the trial hearings of the accused in the case known as “Dry Dock riot events”, which dates back to 2013. NIHR had visited the remand center in the dry dock following the posts published on the social networks. These posts indicated that at dawn, on Friday, August 16th, 2013, a group of detainees on provisional basis created chaos and riots in one of the “wards” and the detainees were assaulted by beating and ill-treatment⁷².
19. NIHR continued to attend the court hearings in the incident referred to above up to the hearing in which the decision was pronounced on September 24, 2014. The third Criminal High Court sentenced the 19 accused persons to imprisonment for three years and instructed them jointly to pay the amount of BHD 600 in compensation for the damage caused to the Ministry of the Interior after they were convicted for causing riot in the Dry Dock jail. It should be noted that NIHR expressed its willingness before the court to provide its information about the incident

⁷¹ To view the full statements of NIHR, visit NIHR website: www.nihr.org.bh

⁷² For further information, refer to NIHR First Annual Report for 2013, p. 23.

when requested to do so in accordance with the applicable legal procedures in this regard. It renewed its willingness during the proceedings at the appeal stage.

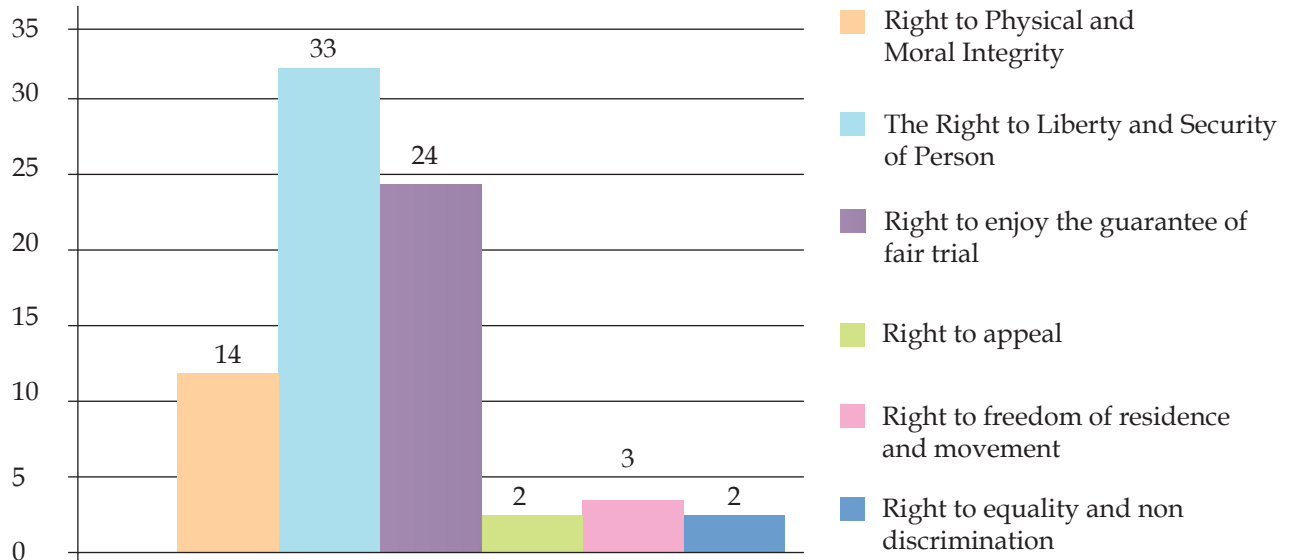
20. On another occasion, NIHR attended the seven trial hearings of the Assistant Secretary General of the Association of Islamic Accord which started in 2013 until 2014. The Public Prosecution charged him with incitement to commit terrorist offenses, promoting acts that include terrorist offenses, abuse of office, and administration of a political association established in accordance with the law to call for committing systematic crimes, which are defined in and punishable by the Protection of Community from Terrorist Acts. The third High Criminal Court acquitted the accused of the charge attributed to him.
21. In connection with the right to enjoy fair trial guarantees, NIHR observed the claims of some of the lawyers in cases which the Protection of Community from Terrorist Acts Law is applied, to grant the accused or his client's a long notice to submit the pleading. NIHR see the importance of ensuring the clarity of the procedures for all are inconsistent with Article 14, Clause (3-b), of the International Covenant on Civil and Political Rights to which the Kingdom of Bahrain acceded under Law No. 56 of 2006, which stipulates as follows: "**To have (the accused or his representative) adequate time and facilities for the preparation of his defense ...**", to ensure effective enjoyment of this right by the accused and his representative as one of the elements of the right to a fair trial.
22. NIHR attendance of the trial hearings, pursuant to its role in monitoring the human rights situation related to the accused rights to the realization of justice, aims to determine the course of the trial and monitor any violations of the right of the accused to the enjoyment of fair trial guarantees in accordance with the relevant international instruments⁷³.
23. On another issue related to the rights of foreigners, NIHR received complaints from 27 foreigner detainees in which they alleged that their detention continued despite that they fulfilled their criminal penalties. They further complained that the competent authority, represented by the Ministry of the Interior (Citizenship Affairs, Passports and Residency Department) did not enforce the deportation punishment issued against them. Accordingly, NIHR addressed the Ministry of the Interior, which reported that there are judicial orders issued by civil courts that include financial claims which gave rise to the travel ban procedure. Therefore, it was impossible to implement the deportation part of the judgment. The Ministry further stated that it has contacted the Supreme Judicial Council to consider the possibility of implementing the deportation judgment.
24. NIHR, in pursuit of its efforts in this regard, addressed the Supreme Judicial Council to consider those judicial orders. The Council reported that according to the law, the consideration of the possibility of implementing the deportation order falls within the jurisdiction of the judge who executes the punishment. Accordingly, NIHR re-addressed the Supreme Judicial Council and confirmed that the continued detention of the complainants in the present condition violates the right to liberty. NIHR indicated that it is impermissible to deprive any person of his liberty except for reasons provided by the law, because judicial orders for travel ban do not give rise to detention. In fact, this contradicts the provisions of Article 11 of the International Covenant on Civil and Political Rights, which was acceded to by the Kingdom of Bahrain under Law No. 56 of 2006, which provides that: "**No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation**". The reasons for the travel ban decision are the inability of the detainee to fulfill this financial obligation.

⁷³ For further information on the right to fair trial, refer to NIHR First Annual Report for 2013, p. 35.

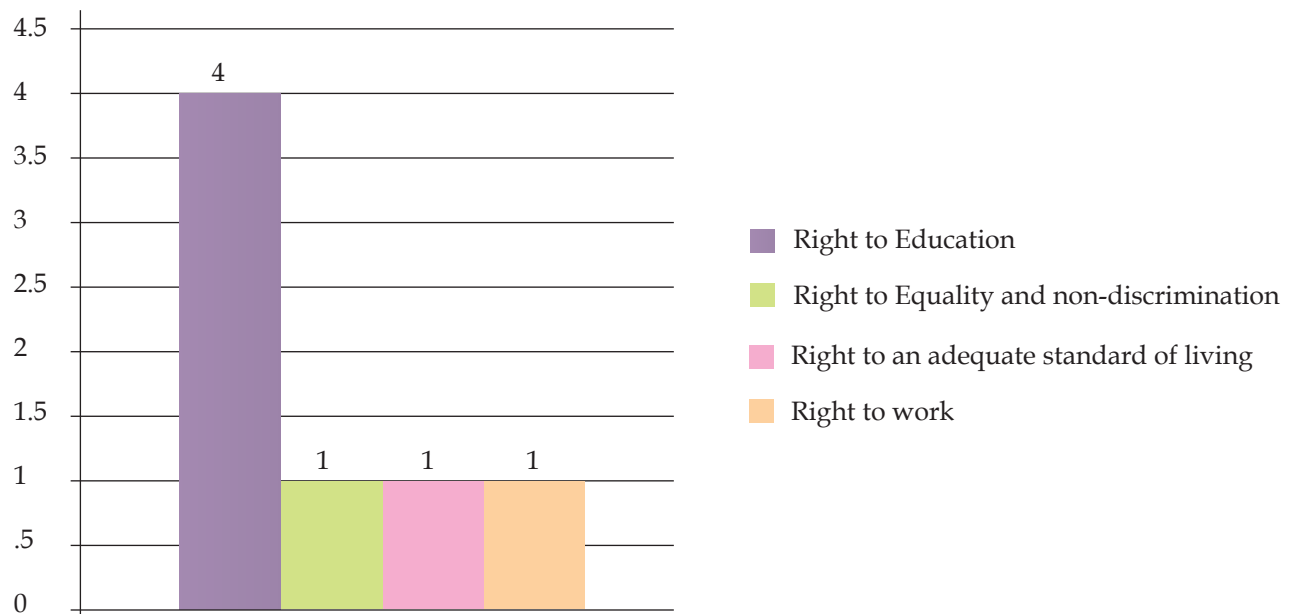
25. Accordingly, in this regard, NIHR appreciates the efforts of the Ministry of the Interior to solve this problem through communication with the competent authorities and the relevant parties. It stresses the need for the Supreme Judicial Council, as the authority in charge of the supervision and control of law enforcement, to undertake a prominent role in the issue of the implementation of the deportation orders if they conflict with any other judicial decisions issued by the courts, without prejudice to the rights of the foreigners and the interests of the other concerned parties.
26. NIHR stresses the need for the various diplomatic missions to assume a prominent role in following up the affairs of their nationals, in particular, in connection with the procedures, decisions and judgments issued against foreign nationals. This can be accomplished through communication with the competent authorities in the Kingdom or communication with the families of these nationals in their countries in order to make settlements, particularly financial settlements, for implementation of the deportation orders issued against them.
27. As part of NIHR mandate in the protection of human rights, NIHR played an active role in receiving, considering, and referring the various types of complaints of human rights violations to the competent authorities, following up these complaints effectively, informing those concerned of the procedures that should be applied, helping them take such procedures, or assisting in the settlement of complaints with the relevant authorities. In 2014, NIHR handled 88 various complaints in terms of the rights which are claimed to have been violated.
28. The number of complaints related to civil and political rights amounted to seventy-eight. The number of complaints related to the right to physical and moral integrity amounted to fourteen; the number of complaints related to the right to liberty and security of person amounted to thirty-three; while the number of complaints related to the right to the enjoyment of fair trial guarantees amounted to twenty-four. Two complaints were related to the right to appeal before the administrative body, while the complaints related to freedom of residence and movement amounted to three. The share of complaints related to the right to equality and non-discrimination in the enjoyment of civil and political rights was two.
29. With regard to the complaints related to economic, social and cultural rights, NIHR received a total of seven complaints in terms of the rights which are claimed to have been violated. The complaints related to the right to education amounted to four, and there was one complaint related to the right to equality and non-discrimination; one complaint related to the right to employment; and one complaint related to the right to an adequate standard of living (right to housing). In addition, NIHR received three complaints which address issues that do not fall within the civil, political, economic, cultural or social rights.

30. Below is a diagram that shows the number of complaints received by NIHR in 2014 concerning the various civil, political, economic, social and cultural rights, and the rights that fall under these rights as follows:

CIVIL AND POLITICAL RIGHTS



ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

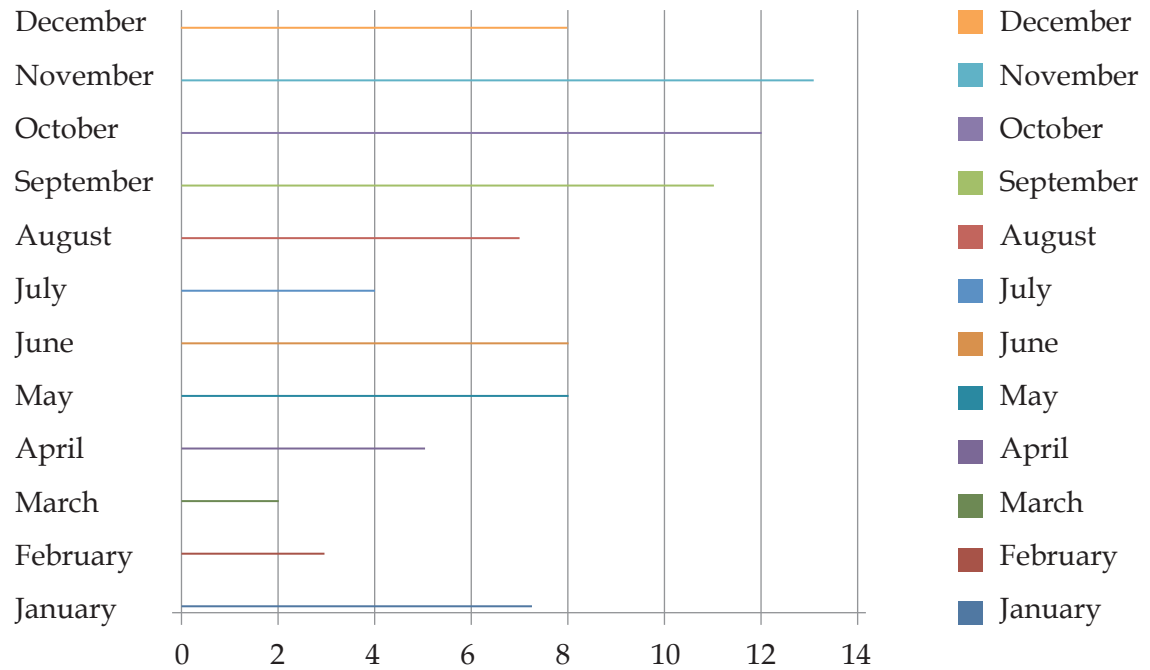


31. Below is a diagram that indicates the number of complaints received by NIHR in 2014 with respect to the various civil, political, economic, social and cultural rights or other issues that do not fall within these rights as follows:

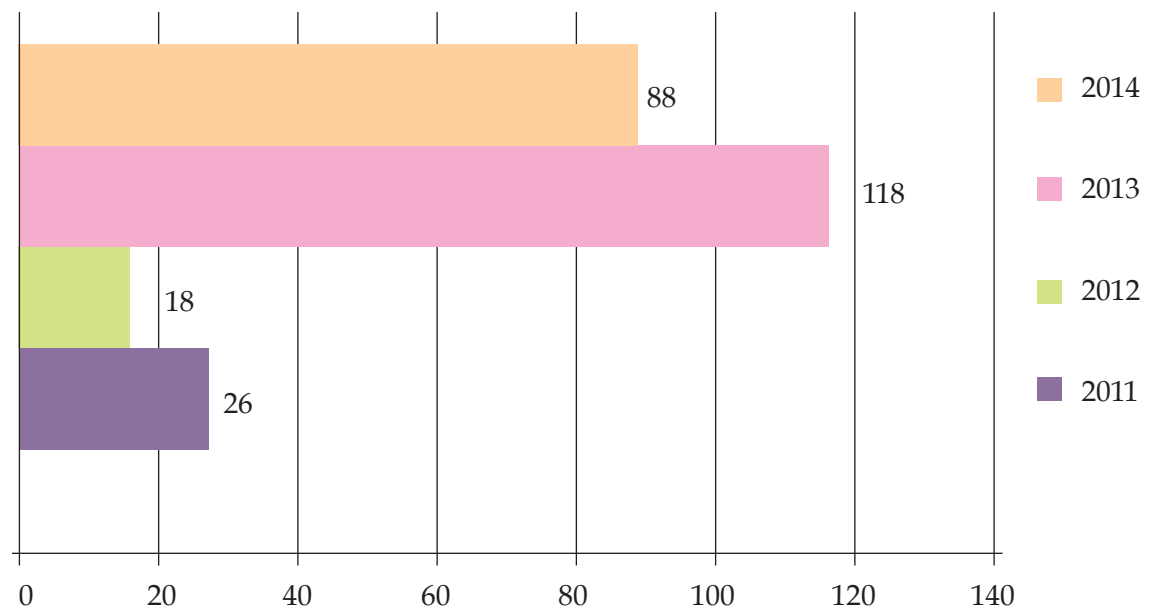


32. Below is a table and diagram that indicate the number of complaints received by NIHR in 2014 concerning the various civil, political, economic, social, and cultural rights or other issues that do not fall within these rights. These complaints are distributed by month and the number and category of complainants as follows:

Month	Number of Complaints	Number of Complainants	Categories		
			Male	Women	Children
January	7	33	32	1	-
February	3	3	3	-	-
March	2	4	4	-	-
April	5	5	-	-	-
May	8	8	-	-	-
June	8	8	-	-	-
July	4	4	-	-	-
August	7	7	-	-	-
September	11	12	10	2	-
October	12	13	12	1	-
November	13	13	10	3	-
December	8	9	9	-	-
Total	88	119	80	7	0

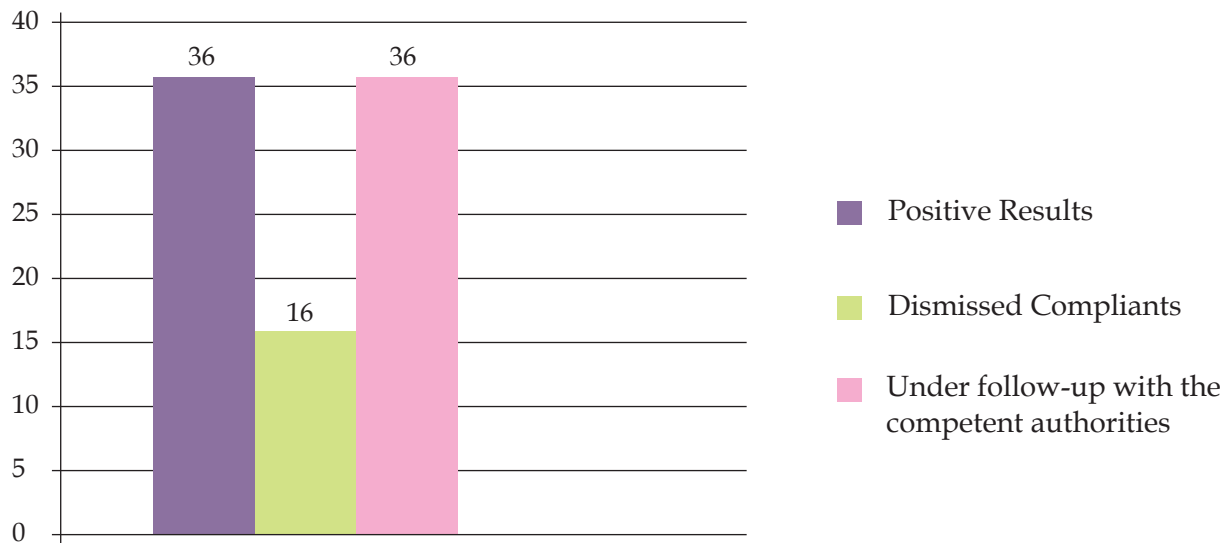


33. Below is a diagram that indicates the number of complaints received by NIHR in 2011, 2012, 2013, and 2014:



34. Upon receipt of these complaints, NIHR considered and stated its legal opinion thereon. Out of 88 complaints, positive results were achieved in 36 complaints for the complainants by putting an end or preventing the violations committed against them. NIHR dismissed 16 complaints; nine complaints because there were no violated rights and three because NIHR lacks the competence to consider them, as they were considered before a legal or administrative investigation body. As regards the remaining four complaints, the complainants have not completed the necessary procedures to decide on these complaints. NIHR addressed the competent authorities concerning the remaining 36 complaints, but until the end of December 2014, NIHR received no response on them despite that NIHR re-addressed the competent authorities with regard to these complaints.

35. Below is a diagram that indicates the actions taken concerning the total complaints received by NIHR in 2014:



36. Article 12, Clause (f), of the provisions of Law No. 26 of 2014 on the Establishment of the National Institution for Human Rights grant NIHR the power to receive complaints and provide legal assistance and advice through informing those concerned of the procedures that should be applied, helping them take such procedures, or assisting in the settlement of complaints with the relevant authorities. Thus, NIHR takes part in providing assistance and legal advice for individuals or any entity, whether if a complaint is filed for which NIHR lacks competence to consider, or if such assistance or legal advice is initially requested. NIHR gives advice on the procedures to be followed and assists in taking these procedures before resorting to NIHR. NIHR indicates the need to exhaust all administrative or legal remedies and appeal, as the case may be, file a complaint to the competent security authorities, or refer to any other competent authority to consider the request.

37. In this regard, NIHR received 124 requests for assistance and legal advice, most of which were related to personal issues or conflicts between individuals; issues considered before a judicial or administrative investigation body; requests for releasing detainees; or requests for obtaining the Bahraini citizenship for children of a Bahraini mother or other stateless persons.

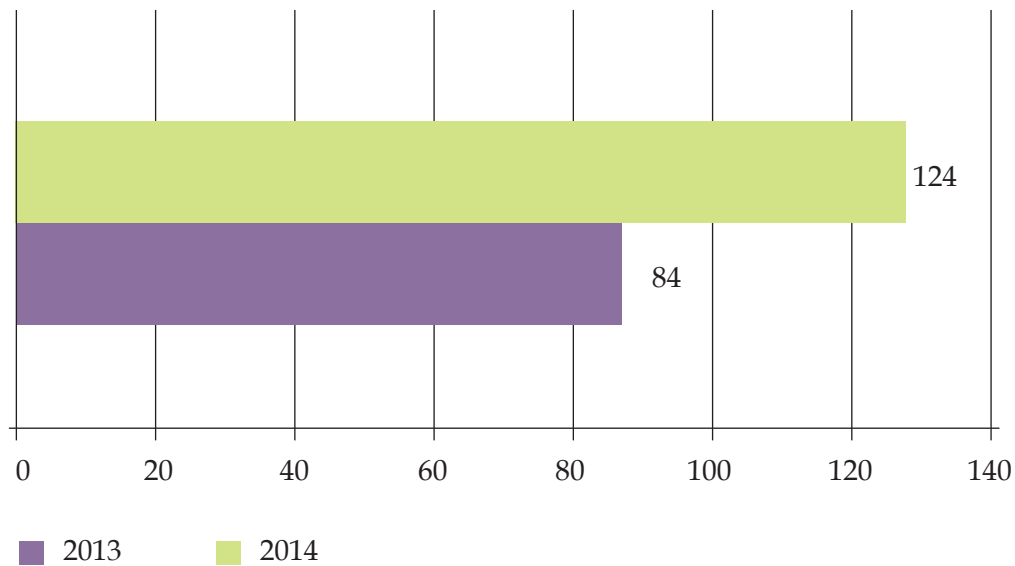
38. Some of the requests for assistance and legal advice filed to NIHR did not involve direct prejudice to civil, political, economic, social and cultural rights. However, it was necessary for NIHR to intervene in other cases through direct communication or officially addressing the competent authority. The most notable intervention was identifying the destiny of the detained citizen with the Afghan authorities. NIHR addressed the Independent Commission for Human Rights in the Afghan Republic on June 18, 2014 for this purpose. NIHR further intervened with the Ministry of the Interior to facilitate obtaining a good conduct certificate to be submitted to an educational body or for employment purposes, or to consider returning the Hajj and Umrah permit. NIHR addressed the Ministry of Justice, Islamic Affairs and Awqaf concerning this permit.

39. It is worth noting that NIHR received one request for intervention and mediation with the public prosecutor by the family of a deceased person so as to facilitate the delivery of a report on the causes of his death in order to hold the burial ceremony, as the burial of the body was delayed for more than two months. In view of purely humanitarian circumstances, NIHR

directly contacted and sent a written correspondence to the Public Prosecution on June 10, 2014. As a result of these efforts, the family of the deceased obtained the report and held the burial ceremony.

40. Below is a table and diagram that indicate the number of legal assistance and advice requests received by NIHR distributed by month in 2014 and the applicant category as follows:

Month	Number of Legal Assistance and Advise Requests	Categories		
		Male	Women	Children
January	12	10	2	-
February	15	10	5	-
March	7	5	2	-
April	14	14	2	-
May	8	8	-	-
June	11	-	-	-
July	11	10	1	-
August	9	10	-	-
September	15	11	4	-
October	6	7	1	-
November	12	8	4	-
December	4	4	-	-
Total	124	97	21	0





CHAPTER III: KEY ISSUES WITH DIRECT IMPACT ON HUMAN RIGHTS

PREFACE:

The status of human rights is like any other status that is affected by the conditions and changes that occur in the community, including positive changes that promote the human rights situation in the country, or negative changes that render these rights vulnerable to abuse. These conditions and changes result from security, political or economic incidents that affect the community, or arise from violations and abuses that are detrimental to the community resources and capabilities.

Accordingly, this Chapter deals with issues of particular importance which NIHR believes to have formed a turning point in the human rights course in the Kingdom of Bahrain, and which have a negative impact on the efforts to promote and protect human rights.

The first issue is related to combating trafficking in persons. This crime targets a certain category of persons who have been forced due to certain circumstances to be in a weak legal status. This phenomenon is growing in various forms. The second issue is related to the right to nomination and election. The third parliamentary and municipality elections were held in 2014, after reinstating the parliamentary life in the Kingdom. The third issue is related to protection against enforced disappearance, which is a crime that deprives the individual of his liberty by arrest, detention or abduction without any procedural or substantive guarantees or judicial control that prevents the public authority or its officers from committing these acts. The enforcement of this right is necessary to meet the international human rights obligations of the Kingdom.

SECTION I: COMBATING TRAFFICKING IN PERSONS⁷⁴

1. The crime of trafficking in Persons haunts the world's conscience as a form of modern slavery. It is even known in the international circles as the "bondage of modern times" because it targets a category of persons who are forced by certain circumstances to be in a weak legal position through practices by other persons in a stronger legal position. This crime has been firmly addressed by the international human rights law because of its importance and seriousness. It is distinguished from the other crimes, since it entails deception or coercion to set the victims in a form of organized crime. States are concerned with submitting periodic reports which show the reality of the crime and the efforts taken by these countries to fight this crime. This attention stems from the fact that trafficking in persons constitutes a flagrant violation of human rights and fundamental freedoms.
2. The Kingdom of Bahrain is highly concerned with the crime of trafficking in Persons. Its national legislation includes various provisions dealing with the fight against this crime. The Kingdom played a positive role in this regard by highlighting it as a crime that constitutes a gross violation of the fundamental human rights and freedoms, by raising awareness of this crime through various mechanisms and means, and taking the necessary measures to prevent it.
3. Despite the fact that the Constitution of the Kingdom of Bahrain does not explicitly refer to the prohibition of slavery and trafficking in Persons in all their forms, Article 13, paragraph c, of the Constitution provides that **"No forced labor shall be imposed on anyone except in the circumstances specified by the law for national emergency and with just remuneration, or as an implementation of a judicial decision"**.
4. In the context of national legislation, Law No. 1 of 2008 on Combating Trafficking in Persons was enacted, which includes a preamble and ten articles. Article 1 addresses the concept of the crime of trafficking in persons, the legal elements constituting the crime, and forms of the crime. Articles 2 and 3 set out the sanctions against the perpetrators of this crime. Article 4 indicates the aggravated punishment for this crime. Articles 5 and 6 identify the necessary actions to be taken in this type of crime at the investigation or trial phases, as one of the legal safeguards that need to be enjoyed by the victim.
5. Article 7 of the aforementioned Law provides for setting up a committee known as the "Committee to Assess the Status of Foreign Victims" as per a decision by the Minister of Social Development. Article 8 provides for setting up a committee known as the "National Committee to Combat Trafficking in Persons" as per a decision by the Minister of Foreign Affairs. In particular, this Committee is concerned with developing and following up the issues related to preventing and combating trafficking in persons and protecting the victims of this crime.
6. It is noted that the aforementioned Law was not the first law to address trafficking in persons. In fact, it was preceded by other legislation represented in the provisions of the Penal Code promulgated by Decree-Law No. 15 of 1976, as amended. Articles 198 and 302 bis of the Penal Code criminalize some forms of this crime, in case of using workers to perform a certain work for the State, or a government or public agency, or detaining their wages, in whole or in part, without justification, whether it is by a public officer, an officer assigned with public service, or any other individual.

⁷⁴ By reference to the international human rights instruments, it is noted that the term "Human trafficking in Persons" is used. The same term has been adopted by the Special Rapporteur on trafficking in Persons, especially women and children. However, Law No. 1 of 2008 on Combating Trafficking in Persons uses the term "trafficking in persons". Both terms connote the same concept.

7. The provisions of Law No. 19 of 2006 on the Regulation of the Labor Market, as amended, address the crime of trafficking in persons. The Law organizes the relationship between foreign workers and the employers to ensure the recognition of the rights of workers and not exploiting them. Law No. 5 of 2007 on Combating Begging and Homelessness defines the two terms and the actions taken against them. In certain circumstances, begging is considered a form of trafficking in persons through using a juvenile or handing him to others for begging purposes, inciting a person to beg or forcing him into homelessness. Law No. 37 of 2012 Promulgating the Law of the Child includes provisions to protect children from falling victims to this crime as a result any form of exploitation.
8. In terms of international human rights instruments, the Slavery Convention concluded in September 1926, amended by the Protocol of 1953, the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which were acceded to by the Government of the Kingdom of Bahrain under Decree No. 7 of 1999, in addition to the International Covenant on Civil and Political Rights, which was acceded to by the Government of the Kingdom of Bahrain under Law No. 56 of 2006, prohibit all forms of slavery and trafficking in persons.
9. The United Nations Convention to Combat Transnational Organized Crime was adopted by a resolution of the United Nations General Assembly No. 25 in the fifty-fifth session of November 15, 2000. It has two Protocols, namely: the Protocol against the Smuggling of Migrants by Land and Sea, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, which were acceded to by the Government of the Kingdom of Bahrain under Law No. 4 of 2004. This Convention and its supplementary Protocols constitute the international legal protection in the field of combating and preventing the crime of trafficking in Persons. In the same context, the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the Resolution of the United Nations General Assembly No. (45/158) on December 18, 1990, prevents migrant workers or any member of their families to be held in slavery, servitude or forced or compulsory labor. It should be noted that the Government of the Kingdom of Bahrain has not acceded to this Convention to date.
10. Article 3, Clause (a), of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children defines trafficking in persons as: **“recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”**. In any event, Clause 5 of the same Article considers that the consent of the victim is of no relevance to establish the crime.
11. Within the Government of the Kingdom of Bahrain efforts to combat and prevent the crime of trafficking in persons, and in implementation of Article 8 of Law No. 1 of 2008 on Combating Trafficking in Persons, the Minister of Foreign Affairs issued Resolution No. 1 of 2008 Forming the National Anti-Trafficking in Persons Committee, which was reconstituted under Resolution No. (1) of 2009 to include representatives from the Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Islamic Affairs and Endowments, Ministry of Social Development, Ministry of State for Media Affairs, Labor Market Regulatory Authority, and three civil associations nominated by the Ministry of Social Development.

12. The National Anti-Trafficking in Persons Committee was assigned to develop programs on preventing and combating trafficking in Persons, protecting victims of this crime, encouraging and supporting the preparation of research, information, media campaigns and social and economic initiatives to prevent and combat trafficking in Persons, coordinating with the state agencies regarding the information about this crime, participating with the competent authorities in the preparation of the reports to be submitted to the relevant international parties on the measures that have been taken in this regard, and following up the implementation by the competent government agencies of the recommendations and guidelines set out in the relevant conventions and protocols to which the Kingdom is a party. The Committee is assigned to submit annual reports that include the results of its work and recommendations to the Ministry of Foreign Affairs and to inform the concerned authorities of those recommendations.
13. To complement the provisions of the Law, the “Committee to assess the status of foreign victims of trafficking in persons” has been formed under the decision of the Minister of Social Development No. 30 of 2008, which was reconstituted under Resolution No. 20 of 2011 and Resolution No. 11 of 2013 to include representatives from the Ministry of Foreign Affairs, Nationality, Passports & Residence affairs of the Ministry of Interior, the Ministry of Social Development, and the Labor Market Regulatory Authority. This Committee was granted the mandate to remove any obstacles to the foreigners’ employment, if it is found that they need employment. The Committee may coordinate with the Ministry of Interior to return the foreigner to the country of his citizenship or to his place of residence in any other country upon his request. The Committee may also recommend if his stay in the country is necessary and to correct his legal conditions to allow him to take up employment. The Committee may also review all reports on the victim and to hear his statements or those of his legal representative.
14. In the context of providing the necessary protection to the victims of trafficking in Persons through the provision of shelters for victims of this crime, “Dar Al-Aman” was established in 2006 to accommodate one hundred and twenty six cases of women with their children who were exposed to violence and abuse, including victims of trafficking in Persons. The necessary care and rehabilitation services are provided to rebuild the victim personality and to ensure the proper integration and adjustment of the victim. In addition, “Dar Al-Karama Social Care” for accommodating beggars and vagrants was established in 2007. “Child Protection Center” was established in 2007, which is concerned with protection of child victims of trafficking in Persons, as well as with cases of physical, psychological, and sexual abuse and severe neglect⁷⁵.
15. In order to complement institutional building efforts, a special division at the Ministry of the Interior concerned with fighting trafficking in persons was established. This unit reports to the General Directorate of Investigations and Criminal Evidence, and plays an active role in the search, investigation and arrest of the perpetrators of this crime, bringing them to investigation, and opening a hot line to receive communications and complaints related to the crime of trafficking in persons. In addition, it has a role in raising the community awareness about this crime through various media outlets.
16. With regard to the provisions of Law No. 1 of 2008 on Combating Trafficking in Persons, NIHR believes that the Law lists the forms of trafficking in Persons. It expands to include sexual exploitation, child labor, and trafficking in human organs, with severe punishment in cases that require aggravation. Further, it expands the indictment to include legal persons, imposes imprisonment and penalty, and considers the trafficked person as a “victim” who does not require punishment. In addition, the Law pays attention to the victims of trafficking in Persons by stating that they should be placed in medical or psychological rehabilitation

⁷⁵ For further information, visit the website of the Ministry of Social Development on the following link: <http://www.social.gov.bh>

centers, nursing homes, or shelters. It also provides for the victim's right to bring his case before the courts, and allows the victim of the crime of trafficking in Persons to stay in the Kingdom - if foreign - provided that his legal conditions are adjusted.

17. However, there are deficient aspects in the Law, which is incommensurate with a law that deals with a particular crime and is assumed to be conclusive and able to fight the crime in an integrated manner. The Law does not include the definitions of the terms stated therein in order to disambiguate the terms, for example; "sexual exploitation practices, practices similar to slavery, and criminal groups", as the case in other Arab laws⁷⁶. The importance of clarifying these terms lies in assisting the investigation bodies (the public prosecution or the competent court) to properly classify the case in accordance with the law. The lack of a clear identification of these forms lead to minimizing the crime through conferring a less dangerous legal description. The crime of trafficking in Persons takes several forms that overlap with other crimes that are less dangerous such as begging, breach of work organization laws, and other crimes set out in the Penal Code, such as assaulting the integrity of the body and the crime against chastity.
18. In addition, the Law, in demonstrating the cases of aggravated punishment for the crime of trafficking in Persons by a criminal group, does not explain the concept of this group, the number of the members of this group, whether it conducts its criminal activity within the territorial borders of the Kingdom or abroad, and the means of practicing its activities, such as management of commercial activity to hide the crime, or management of websites. Moreover, in enumerating the cases of aggravated punishment, the Law does not state the case in which the victim is the spouse of the offender, a child, or a person with disability.
19. The crime of trafficking in Persons is a trans-national crime that covers the source countries, transit countries, and countries of final destination. However, the Law does not refer to the territorial scope of the application of its provisions, for instance in the case of a crime committed in more than one state; if it is committed in one country but was planned, set up, guided and supervised in another state; if it is committed in one country through an organized criminal group that is engaged in criminal activities in more than one state criminal group; or if it is committed in one country but its implications extend to other countries⁷⁷.
20. In addition, the Law does not independently address the mandate or jurisdiction for its application, taking the circumstances surrounding the crime into account, such as committing the crime by an organized criminal group that operates in more than one country, including the Kingdom of Bahrain; the crime committed abroad and having results in the Kingdom; citizens who were victimized abroad; or if the perpetrator was found in the territory of the country after committing the crime in another country⁷⁸.
21. In the field of protection of the victims of the crime of trafficking in Persons, the Law does not indicate the need to provide protection and ensure complete confidentiality for the victims of the crimes of trafficking in Persons, whether at the stage of investigation or trial. The Law also considers the crime of trafficking in Persons a felony punishable by imprisonment, but it does not refer to the attempted crime of trafficking; the punishment of the accomplice in the crime; and the person knowingly benefiting from services or benefits through the victim of

⁷⁶ Jordanian Law No. 9 of 2009 on the Prevention of Trafficking in Persons and the Egyptian Law No. 64 of 2010 on Combating Trafficking in Persons.

⁷⁷ UAE Federal Anti Human Trafficking Law No. 51 of 2006.

⁷⁸ Egypt Anti Human Trafficking Law No. 64 of 2010.

trafficking in Persons, as this entails that the beneficiary will escape punishment while being an accomplice. It further does not allude to the possibility of exempting the offender from punishment in the case of reporting the crime⁷⁹.

22. While the aforementioned issues are addressed in the general provisions of the Penal Code promulgated by the Decree Law No. 15 of 1976, as amended, NIHR is of the view that since the crime of trafficking in Persons is considered an organized and non-traditional crime and has a separate law dedicated for it, it is preferable that the provisions of the Law cover all issues related to this crime in order to assist law enforcement officers and the investigation body (the public prosecutor or the competent court) to deal appropriately with this crime in accordance with the law and to match its serious implications.
23. In terms of the efforts made towards combating human trafficking, NIHR notes that the Committee established under Article No. 8 of the Law is a national committee entrusted with combating the crime of trafficking in persons. It is represented by the official bodies of government, along with civil society organizations. Therefore, it is obliged, to develop a national strategy to combat trafficking in persons. However, since the establishment of this Committee, it did not perform the role assigned to it in this regard. In affirmation of NIHR intention to consolidate coordination and cooperation with the Committee concerning the dissemination of human rights culture and promoting and protecting human rights on the ground, it has prepared a proposed draft national strategy to combat trafficking in persons. The draft was sent to the Ministry of Foreign Affairs as the body concerned with this issue in order to be referred to the said Committee for consideration and taking the necessary action.
24. The draft national strategy includes four key themes, namely: “prevention”, “protection”, “prosecution”, and “building local, regional, and international partnerships”. The first strategic theme related to “protection” includes three key strategic objectives. The first objective is “drawing up comprehensive policies to combat trafficking in persons”, through evaluating and reviewing the reality of this crime in the Kingdom, proposing new laws or amending the laws in force, taking advantage of the best practices in this area, and adopting preventive policies for the purpose of combating children trafficking and exploitation. The second strategic objective is related to “raising awareness” among the public on this crime through the development of awareness programs targeted towards ministries and official and non-official bodies, strengthening the role of civil society institutions and non-governmental institutions, and incorporating the provisions of the law in academic courses in law schools, specialized national institutes, and relevant training programs. The final strategic objective is related to “conducting specialized training in the field of combating trafficking in persons” through the development of a general framework for training programs and creating a national training team on the fight against this crime and updating it in the light of international developments.
25. The second strategic theme related to “protection” includes three main objectives. The first objective is to “identify the victims and those affected by trafficking in persons crimes” by determining the mechanisms for identification of the victims and those affected by the crime in accordance with the relevant international standards, and designing and implementing training programs for law enforcement officers and civil society institutions specialized in identifying the victims and those affected by this crime and dealing with them appropriately. The second strategic objective deals with “protection and support of victims and those affected by trafficking in persons crimes” through setting up one or more center for sheltering the victims and those affected by this crime in a safe and temporary manner, facilitating the reporting of such cases, and preparing qualified personnel for the shelters to provide guidance,

⁷⁹ UAE Federal Anti Human Trafficking Law No. 51 of 2006.

advice and assistance to the victims and those affected, providing the necessary supporting documents and papers for these victims and those affected and adjusting their legal status, and adopting an approach for the protection of the victims and those affected, especially women and children, based on international human rights standards, and directing the media to consider the necessary privacy necessary in this regard.

26. With respect to the third strategic theme related to “prosecution”, it includes two key strategic objectives; the first is to “strengthen the rule of law and create specialized judicial rooms” through promoting the capacity of the public prosecution and the judicial authority officers to ensure the application of the law, taking the necessary legal measures to prosecute the perpetrators of this type of crime, and protecting witnesses of this crime. The second objective deals with “introducing an executive body that is qualified and specialized in the fight against trafficking in persons” by developing a legal framework for combating trafficking in persons unit at the concerned law enforcement bodies and creating data and information specific to this unit.
27. The fourth and last strategic theme is related to “building local, regional and international partnerships”. It includes two key strategic objectives. The first objective is to “promote transparency, participatory approach and cooperation” by enhancing the channels of communication between governmental and non-governmental entities and cases of trafficking in persons without prejudice to the privacy of the relevant parties, and connecting the work carried out by the relevant authorities with the National Committee to combat the crime of trafficking in persons. The second strategic objective addresses “local, regional and international cooperation” through the promotion of local international and regional cooperation, activating the channels of communication and the exchange of information and experience, as well as coordinating and cooperating with the diplomatic missions inside and outside the Kingdom in all matters related to this crime.
28. NIHR monitored the activities of the National Committee to Combat Trafficking in Persons. It was noted that it does not have a prominent activity that is commensurate with the scale and development of the crime as well as the mandates assigned to the Committee under the Law. In addition, since its formation, the Committee did not publish its reports to the public on a regular basis in order for the public opinion to be informed of the efforts made to combat and prevent the crime of trafficking in Persons.
29. It should be noted that NIHR has already addressed the Ministry of Foreign Affairs in 2013 to obtain information about the role of the National Committee, the decisions issued by it, the number of cases related to trafficking in Persons, the accused persons in these crimes, the judgments issued against them, the mechanisms adopted by the state to protect victims and their family members, the actions taken for their rehabilitation, the compensation provided to them, and the actions taken with regard to domestic workers and the assistance provided to them for the purpose of assessing the reality of the crime, the ability to control it, and the constraints, if any, in order to submit proposals and solutions.
30. To identify the reality of the crime of trafficking in Persons in terms of the number of cases during 2014, NIHR addressed the public prosecution, being the competent investigation authority, to inquire about the number of cases in this crime and the actions taken in this regard. The public prosecution indicated that it received twenty-one cases during 2014. Ten cases were referred to the competent court after the conclusion of the investigation and the defendants were convicted. Five cases are still under investigation, while six cases were dismissed. However, the public prosecution did not indicate the reasons for dismissal.

31. Accordingly, NIHR believes that the twenty-one cases, according to the Public Prosecution statement, raise concern in the absence of initiatives, serious actions taken by the competent authorities, in particular by the “National Committee to Combat Trafficking in Persons”, or a national strategy to combat this crime. This has a major impact on human rights and fundamental freedoms, particularly the rights of foreigners. Accordingly, there is need to review the law on this crime and other relevant laws to ensure comprehensiveness and consistency with the relevant international instruments. It is necessary to activate the work of the abovementioned Committee and to adopt the recommendations set out in NIHR first annual report in connection with combating trafficking in Persons⁸⁰.

SECTION II: THE RIGHT TO NOMINATION AND ELECTION

1. The right to nomination and election is one of the most prominent civil and political rights and one of the pillars of democratic rule that is based on that people are the source of all authorities. A transparent and fair electoral process is considered one of the most important guarantees for the existence of a legal state. The absence of this right or impeding the enjoyment of its exercise undermines the legal elements for the establishment of such a state.
2. The Constitution of the Kingdom of Bahrain guarantees the right of citizens to nomination and election through Article (2), paragraph (e) which states as follows: **“Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections, in accordance with this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law”⁸¹.**
3. At the level of national legislation, there are a number of laws that lay down the detailed rules governing the exercise and protection of the right to nomination and election⁸², including the Decree Law No. 14 of 2002 on the Exercise of Political Rights, as amended, which deals with the referendum process and the election of members of the House of Representatives. It sets forth the required conditions for exercising these rights, the conditions in which the right to vote is forfeited, matters related to the lists of voters and the mechanism organizing the referendum and the election, crimes related to referendum and election and the penalties for these crimes.
4. The Decree Law No. 15 of 2002 on the Shura Council and the House of Representatives, as amended, indicates the composition of the Shura Council, its term of office, the conditions for the appointment of its members, cases of membership termination, whether through forfeiture or upon request of members, the composition of the House of Representatives, the mechanism for election of its members through direct and secret election according to individual election system, its prescribed term of office, the conditions and procedures to be taken into account in the nomination for membership of the House of Representatives, provisions related to the electoral propaganda, prescribed conditions for forfeiture of membership or resignation from the House of Representatives, in addition to the penalties for violation of its provisions.
5. With regard to the right to participate in the public affairs, the provisions of the Municipalities Law promulgated by the Decree Law No. 35 of 2010, as amended, divides the Kingdom of Bahrain to municipalities and to the Capital Secretariat. It indicates the mechanism for

⁸⁰ To review the recommendations related to combating trafficking in Persons, refer to NIHR First Annual Report for 2013, p. 95.

⁸¹ Constitution of the Kingdom of Bahrain 2002 and its amendment 2012.

⁸² For more information visit NIHR website: www.nihr.org.bh

composition and membership of municipal councils and the Capital Secretariat, membership conditions, the mandates assigned to municipal councils, its regulations, the provisions related to its executive body, and its allocated financial resources. Decree-Law No. 3 of 2002 on the Election of Members of Municipal Councils, as amended, indicates the conditions for electing members of municipal councils, cases of forfeiture of this right, the provisions related to the lists of voters, electoral domiciles, and election mechanism. The Decree Law further determines the penalties for violating its provisions.

6. In order to complement this legislative system to practice the right to nomination and election, there is supportive legislation to regulate the exercise of this right, such as Decree Law No. 14 of 1973 on the Organization of Advertisements and Resolution No. 77 of 2006 on the Organization of the Election Campaigns of the House of Representatives and Municipal Councils, which deal with issues and procedures relating to electoral propaganda and the related penalties.
7. The right to nomination and election is set forth in the international human rights instruments, specifically in the International Covenant on Civil and Political Rights, which was acceded to by the Kingdom of Bahrain under Law No. 65 of 2007. Article 25 of the Covenant provides that every citizen has the right without any distinction to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which will be by universal and equal suffrage and will be held by secret ballot, guaranteeing the free expression of the will of the electors.
8. The international instruments⁸³ related to the right to nomination and election confirm that the exercise of this right should not be based on any distinction between citizens, whether on the grounds of gender, race, language, religion, political or other opinion, national or social origin, property, birth or any other reason. Exercising political rights by the citizens, whether by nomination or election, should be under free and fair periodic election procedures, within reasonable time periods, and under laws guaranteeing the actual exercise of these rights. The voters should have the freedom to cast their votes for the candidates of their choice and to have the freedom to express their views in full independence without being exposed to violence, threat of violence, coercion, enticement or any attempts to interfere and manipulate in a manner that affects this independence of any kind.
9. The legislation regulating the electoral process may include reasonable restrictions that are designed to regulate or restrict the right to nomination and election without compromising its essence. The restrictions regulating this right may include setting a minimum legal age to exercise the right to vote. On the other hand, the international instruments directly related to the citizens' right to nomination or election that is based on literacy, education level or non membership of political parties or associations is an unreasonable restraint that violates this right.
10. In order to achieve the effective exercise of the right to nomination and election, the state must take effective measures to ensure the exercise of this right. The electoral lists should include a record of the names and information of eligible voters. The registration of voters is an integral part of the electoral process and if these lists do not include accurate and updated information, citizens may be deprived of exercising their right in this regard.

⁸³ General Comment 25 (57) adopted by the Human Rights Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Doc. No. CCPR/C/21/Rev.1/Add.7.

11. In order to ensure the full enjoyment of the right to nomination and election, it is necessary to enable people to exchange information and opinions related to the electoral process freely through free press and other media that is able to comment and to inform the public opinion on the course of this process with full transparency. This right is related to the need for the State to take all necessary measures to ensure the enjoyment of other relevant human rights, such as the right to peaceful assembly, holding peaceful public meetings and the right to association, which are the fundamental pillars for the effective exercise of the right to nomination and election.
12. The State should establish an independent body to oversee and ensure the integrity and course of the electoral process in accordance with the provisions of the law. In particular, this body should be in charge of ensuring the secrecy of the ballot during the electoral process and protecting voters from various forms of temptation or coercion that drives them to reveal their electoral orientation. This body should also ensure the safety of the ballot boxes and that the votes are counted in the presence of the candidates or their agents. The decisions taken by that body in respect of the electoral process should be subject to judicial control to ensure the confidence of the voters and the public in the outcomes of this process.
13. In terms of the actual practice of the right to nomination and election, and in order to complement the reformist approach led by His Majesty the King at the beginning of the millennium, which commenced with the adoption of the National Action Charter in 2001, reinstating the parliamentary life, and conducting the parliamentary and municipal elections for the first time in 2002, followed by holding the elections in 2006, which was complemented in 2010, in 2014, the parliamentary and municipal elections were held. Voters were invited to exercise their constitutional right to vote and nominate in the elections that took place on November 22, 2014. The second round of elections was held on November 29, 2014. The elections culminated in composing the House of Representatives and the three municipal councils distributed to the provinces of the Kingdom.
14. Pursuant to the provisions of the Decree-Law No. 14 of 2002 on the Exercise of Political Rights, as amended, and Decree-Law No. 3 of 2002 on the Election of Members of Municipal Councils, as amended, a committee known as the "Higher Committee to Oversee the Integrity of Election and Referendum" will be composed. The Committee will be headed by the Minister of Justice, Islamic Affairs and Awqaf and will have sufficient members of judges and consultants. The Committee will prepare the lists of voters, receive nomination applications, examine and prepare lists of candidates, and consider the requests and objections relating to any action or decision issued by the Committee. In general, the Committee has the mandate to supervise the safety of the referendum or election of members of the House of Representatives and municipal councils.
15. According to the officially announced figures and statistics, the total number of candidates for membership of the House of Representatives in the parliamentary elections of 2014 was 266 distributed to the four provinces of the Kingdom. The candidates competed for 40 seats in the House of Representatives. Under the Law⁸⁴, ten seats are allocated to the Capital, eight seats to Muharraq, twelve seats to the Northern District, and ten seats to the Southern District. The total number of candidates for the election of the three municipal councils was 135. The Law⁸⁵ allocates eight seats to Muharraq Governorate, twelve seats to the Northern Governorate, and ten seats to the Southern Governorate.

⁸⁴ Article 2 of Decree No. 71 of 2014 on the Identification of Electoral Areas, Constituencies, and Boundaries and Sub-Committees for the Election of the House of Representatives.

⁸⁵ Article 2 of Resolution No. 35 of 2014 on the Identification of Electoral Areas, Constituencies, and Boundaries and Sub-Committees for the Election of the Municipal Councils.

16. According to those figures and official statistics, the electoral bloc of the Capital amounted to 90,349 voters, 68,618 voters in Muharraq, and 119,467 voters in the Northern District. The electoral bloc of the Southern District amounted to 71,279 voters⁸⁶, with a total electoral block of 349,713 voters. The participation percentage in the parliamentary elections amounted to 52.6%, while the participation percentage in the municipal elections amounted to 59.1% of the total number of voters⁸⁷.
17. The election system in the Kingdom is based on individual election⁸⁸, whether for membership of the House of Representatives or the municipal councils. It allows voters to vote for one candidate among several candidates, which means that the ballot paper is required to carry one candidate name. One candidate only is elected for each (parliamentary or municipal) constituency.
18. In order to enforce the outcomes of the national consensus dialogue between all political parties, which was led by His Royal Highness the Crown Prince at the invitation of His Majesty the King within the political theme, the parties to the dialogue agreed on the need to take corrective actions, including making legislative amendments that deal with constituencies and strengthening the independence of the Supreme Elections Committee. In 2014, several legislative amendments were made in connection with the electoral process, whether the election of members of the House of Representatives or members of municipal councils. Decree No. 71 of 2014 on the Identification of Electoral Areas, Constituencies, and Boundaries and Sub-Committees for the Election of the House of Representatives was issued. The Decree divides the Kingdom to 4 electoral districts, i.e. the Capital District, Muharraq, the Northern District, and the Southern District. Under Decree No. 39 of 2002 on the Identification of Electoral Areas, Constituencies, and Boundaries and Sub-Committees for the Election of the House of Representatives, there were five electoral districts. The Central District was cancelled from the said Decree.
19. Other legislative changes were made by enacting Law No. 24 of 2014 amending some provisions of the Municipalities Law promulgated by Law Decree No. 35 of 2001. The changes deal with the division of the Kingdom into four municipalities: Muharraq Municipality, Northern District Municipality, Central District Municipality, Southern District Municipality, and the Capital Secretariat. Under this amendment, Manama Municipality was cancelled and replaced by the Capital Secretariat. As a result, the Municipal Council of Manama Municipality was cancelled and replaced by the Municipal Council of the Capital that consists of no less than 10 members appointed by royal decree, including the Chairperson, Vice Chairperson, and experienced and competent civil society institutions members involved in municipal work who live in the Capital Province.
20. Subsequently, Decree No. 70 of 2014 on the Abolition of the Municipality of the Central District was issued. It was followed by Resolution No. 35 of 2014 on the Identification of Electoral Areas, Constituencies, and Boundaries and Sub-Committees for the Election of Members of the Municipal Council. The Resolution divides the municipal electoral districts to three regions: Muharraq District, Northern District, and the Southern District.

⁸⁶ Press release of the Executive Director of the parliamentary and municipal elections in 2014 published by Bahrain News Agency (BNA) on October 12, 2014.

⁸⁷ The final results of the parliamentary and municipal elections in 2014 declared by the President of the Supreme Committee to oversee the safety of the referendum and the election, published by Bahrain News Agency (BNA) on November 30, 2014.

⁸⁸ Article 9 of the Decree-Law No. 15 of 2002 on the Shura Council and the House of Representatives, as amended, Article 17 of the Decree-Law No. 14 of 2002 on the Exercise of Political Rights, as amended, and Article 5 of the Decree-Law No. 3 of 2002 on the Election of the Members of Municipal Councils, as amended.

21. Law No. 24 of 2014 was promulgated to amend certain provisions of the Municipalities Law promulgated by Law Decree No. 35 of 2001, in particular cancelling and replacing the municipal council of Manama Municipality with the Capital Secretariat. There was a legal debate about the constitutionality of this amendment because it would deprive those who have the right to stand for and vote in the municipal elections from this constituency. This contradicts Article 1, Clause (e), of the Constitution which provides as follows: **“Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections, in accordance with this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law”**, as well as Article 18 of the Constitution, which provides as follows: **“People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed”**.
22. In accordance with the applicable constitutional procedures in this regard, before His Majesty the King ratified the above amendment and before the Law was enacted, it was referred to the Constitutional Court to indicate its conformity with the provisions of the Constitution. Accordingly, on July 9, 2014, a decision was rendered by the Court, which approved the constitutionality of cancelling and replacing the municipal council of Manama Municipality with the Capital Secretariat. The court decision considered setting up the Capital Secretariat whose members are appointed by royal decree as not inconsistent with the provisions of the Constitution ⁸⁹.
23. As part of NIHR mandate in the protection of human rights, it observed the position of certain political forces that boycotted the parliamentary and municipal elections. While NIHR believes that this situation expresses the views and convictions of these parties under the Constitution, it is of the view that participation in the political life is a right of individuals guaranteed by the Constitution and international human rights instruments. NIHR fully believes that the democratic approach expressed by ballot boxes is the best way to ensure respect for human rights and the rule of law and maintain national unity. Therefore, NIHR looks forwards participation in the electoral process by the national powers on different spectra in order to advance reform and protect the framework of democracy and human rights.
24. The provisions of the Decree-Law No. 15 of 2002 on the Shura Council and the House of Representatives, as amended, in particular Article 27, states that **“All acts of electoral propaganda across the Kingdom shall be suspended twenty-four hours before the scheduled date for the electoral process”**. **NIHR observed that the official media broadcast a television interview with a number of candidates. In addition, a local newspaper published advertisements for candidates on the electoral silence day. These acts expressly violate the provisions of the aforementioned Article.**
25. Before and during the electoral process, NIHR observed security events in which the private property of some of the candidates was destroyed or burnt while their headquarters and electrical advertisements were attacked. NIHR believes that these acts are inconsistent with the values and principles of democracy and target public and private property. NIHR confirms that such acts would undermine security and stability, terrorize innocent citizens and residents, threaten security and civil peace, and violate human rights and fundamental freedoms in a manner that impedes enjoyment of these rights and freedoms.

⁸⁹ The Constitutional Court’s decision on the Royal referral No. (a. H. M/2/2014) of the 12th Judicial Year rendered on July 9, 2014, published in the Official Gazette in its issue 3165 on July 17, 2014.

26. On the other hand, NIHR observed cases of exploitation of children during the electoral process. Children were hired for electoral publicity for some candidates in the streets and public roads. Therefore, NIHR emphasizes that pushing children in these places jeopardizes their lives and security and is incommensurate with their age group. The best interests of children should be observed.
27. As regards the lists of voters, NIHR observed that the lists of voters lack large numbers who have the right to vote for parliamentary or municipal elections due to the cancellation of the Middle Area Municipality causing confusion for some constituencies resulted in the inability of some citizens to exercise their electoral right. Accordingly, NIHR see that, in spite of the pre-announcement of the Higher Committee for voting the need to ensure the inclusion of the names of the voters in the electoral tables prescribed and given 45 days from the date fixed for the elections according to the law of the exercise of political rights, it was necessary to avoid the confusion resulted in the integration of the Municipalities. NIHR would like to see this issue is taken into account when preparing the lists of voters for the next round of general elections in 2018.
28. To enhance the confidence of voters in the outcomes of the electoral process and the role assigned to the Supreme Committee to oversee the integrity of election and referendum, NIHR hopes that the Supreme Committee will publish a detailed report after the end of the electoral process to indicate the course of this process, including voter registration and their entry in the electoral lists; nomination for membership of the House of Representatives or municipal councils; election campaigns; casting and counting of votes; announcement of results; and consideration of the electoral appeals. In addition, civil society organizations should take part in the membership of the Supreme Committee to oversee the integrity of election and referendum.

SECTION III: PROTECTION FROM ENFORCED DISAPPEARANCE

1. The crime of enforced disappearance directly affects civil, political economic, social and cultural rights. The essence of this crime is to deprive an individual of his liberty by arrest, detention or abduction without procedural or other substantive guarantees or judicial control that prevents the public authorities or its officers from committing this crime.
2. While the Constitution of the Kingdom of Bahrain does not refer explicitly to the crime of enforced disappearance, it includes a provision that enumerate the acts that may be described as enforced disappearance in certain circumstances. Article 19 of the Constitution provides that: **“a. Personal freedom is guaranteed under the law. b. A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision. c. A person cannot be detained or imprisoned in locations other than those designated in the prison regulations covered by health and social care and subject to control by the judicial authority”**.
3. At the level of national legislation, Law Decree No. 46 of 2002 promulgating the Criminal Procedure Law, as amended, include provisions that prohibit acts that may be described in certain circumstances as enforced disappearances. Article 61 of this Law provides as follows: **“No person may be arrested except by order of the legally competent authorities. The arrested person shall also be treated in a manner that preserves his human dignity, and may**

not be harmed physically or morally. Any arrested person shall be informed of reasons for his arrest, shall have the right to communicate with any members of his family of his choice to inform them of his arrest and shall have the right to counsel". Article 62 of the said Law provides that **"No one shall be imprisoned except in the designated prisons"**.

4. In terms of international human rights instruments, Article 9 of the International Convent of Civil and Political Rights, which was acceded to by the Government of the Kingdom of Bahrain under Law No. 56 of 2006, states that no one shall be subjected to arbitrary arrest or detention and no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. It confirms that anyone who is arrested shall be informed of the reasons for his arrest and will be promptly informed of any charges against him. He also should be brought promptly before a judge within a reasonable period or should be released. The Convent further confirms that anyone who has been the victim of unlawful arrest or detention will have an enforceable right to compensation.
5. Since the crime of enforced disappearance directly and significantly violates human rights and fundamental freedoms, the international human rights law dedicates a binding international instrument to it relating to the matters pertaining to this crime, namely, the International Convention for the Protection of All Persons from Enforced Disappearances. This Convention was adopted by the General Assembly of the United Nations in its resolution No. 61/177 of 20 December 2006. The International Convention is divided into three basic parts. The first part sets out the substantive provisions of this crime by indicating its concept and the obligations of States Parties arising therefrom. The second part of the International Convention tackles setting up the Committee on Enforced or Involuntary Disappearances and the issues relevant to its work. The last part indicates the procedural requirements related to signing, ratification and accession to the Convention and the relationship between the Convention and the provisions of international humanitarian law.
6. Article 2 of the International Convention for Protection of All Persons from Enforced Disappearance provides that: **"enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law"**.
7. The International Convention requires the States parties to take all necessary measures to ensure that the enforced disappearance constitutes a crime in their national criminal laws by imposing appropriate penalties that take into account the extreme seriousness of this crime. It considers that such a crime, when committed on a large scale and in a systematic manner, becomes a crime against humanity. It stresses that the statute of limitations for this crime should be long-term and proportional to its gravity and should commence at the end of this crime due to its ongoing nature. In addition, the state must guarantee the right of the victims of this crime through effective remedy during the limitation period.
8. In terms of criminal responsibility, the International Convention requires the States parties to take measures against anyone who commits, orders, solicits, attempts to commit, be complicit, or participates in the commission of the crime of enforced disappearance. It points out the conclusive inadmissibility to rely on any order or instructions by any military or civil public authority in the state, lack of internal political instability, or any other exceptional cases to justify the commission of a crime of enforced disappearance.

9. With regard to jurisdiction, the State party will be competent to decide on the crime of enforced disappearance when it occurs on any territory under its jurisdiction, onboard any aircrafts or ships registered in it, or when the perpetrator of this crime or the victim is one of its nationals. In all cases, the State party should ensure the detention of the perpetrator of enforced disappearance or take the necessary legal measures to ensure that he remains on its territory. The criminal case should be referred to its competent judicial authorities to commence the case in accordance with its national procedures, unless the person concerned is surrendered or referred to another state in accordance with its international obligations or to an international criminal court whose jurisdiction is recognized by the state.
10. The State party should ensure that anyone who claims that a person has been a victim of enforced disappearance has the right to inform the competent authorities of the facts. The State should investigate into this claim without delay while ensuring that the necessary measures are taken to protect the complainant, witnesses, relatives of the disappeared person, their advocates, and those involved in the investigation from any ill-treatment or intimidation procedures because of this claim or any witness statement.
11. The provisions of the International Convention refer to the principle of the inadmissibility of detention in unknown places and that the national legislation of the State party should incorporate the conditions under which deprivation of liberty orders may be issued. Furthermore, the authorities entrusted with issuing such orders should be identified. The person who is deprived of liberty should be maintained in officially recognized and controlled places and should be enabled to communicate with the outside world, including his family, lawyer or any other person of his choice, and they should be allowed to visit him. Foreigners should have the permission to contact the consulate authorities of the State of which he is a national.
12. The International Convention further obligates the State party to include guarantees in its legislation to ensure that the competent and qualified authorities and institutions under the law have access to places of detention when necessary with the prior permission of the judicial authority. The Convention further refers to the need for the State party to ensure that every person deprived of his liberty has the right to appeal to a judicial body through his family. The judicial body should decide without delay on the lawfulness of deprivation of liberty and should order his release if it is found that this deprivation is illegal.
13. In this regard, the State Party should set up one or more records of the persons deprived of their liberty and should update these records with the latest information. These records should be put immediately at the disposal of any judicial or other authority or any competent institution. The records should at least indicate the identity of the person deprived of his liberty, date, time and place of arrest, the authority that arrested him, the authority that ordered deprivation of his liberty, the reasons for this deprivation, and the health status of the person deprived of his liberty. The date and time of releasing or transferring the arrested person to another place of detention, the place to which he is transferred and the authority responsible for the transfer should be indicated.
14. The International Convention defines the victim of enforced disappearance as the disappeared person and any natural person who has suffered harm as the direct result of this enforced disappearance. It awards him the right to know the truth about his disappearance, and the course, outcome and fate of investigation. It points out the need for the State Party to guarantee the victim the right to indemnity for physical and moral damages, fair and appropriate compensation, as well as rehabilitation to ensure non-repetition of this act.

15. NIHR invites the Government to expediently fulfill its international obligations made before the Human Rights Council during its Universal Periodic Review process (UPR). The Government indicated that the recommendations addressed to it concerning ratification of the International Convention for the Protection of Persons from Enforced Disappearances are supported fully by the Government⁹⁰. Therefore, the ratification of the International Convention complements the efforts made for accession to or ratification of the international human rights instruments adopted by the United Nations. In addition, NIHR calls for the Government's cooperation with the special procedures generated by the Human Rights Council by considering and allowing the Working Group on Enforced or Involuntary Disappearance to visit the Kingdom.

⁹⁰ See the Report of the Working Group on the Universal Periodic Review (Bahrain) submitted to the Human Rights Council, which includes views on the conclusions, recommendations, voluntary commitments and replies presented by the review State under Page (5.6) - Document number: (A / HRC / 21/6 / Add. 1 / Rev.1).



VISION:
“HUMAN RIGHTS CULTURE AS A LIFESTYLE”

We hold the belief that human rights issue is among national constants. Recognition of civil, political, economic, social or cultural public rights and freedoms, whether individual or collective rights, is a commitment to the values of justice, equality and human dignity of all Persons without discrimination.


MISSION:
“TOGETHER TO CREATE A BETTER PRACTICE OF HUMAN RIGHTS”

We strive to develop, promote and protect human rights of the citizens and residents of Bahrain by providing protection and support for individuals to enable them to gain diverse knowledge to exercise their legitimate rights, determine their needs, how to demand and defend these needs through spreading the culture of human rights by all means available.

OBJECTIVES

1. Disseminating a culture of human rights and defending these rights by all means available.
2. Educating individuals on the fundamental rights guaranteed to them under national legislation and international conventions.
3. Empowering individuals through various training programs to increase knowledge and awareness of fundamental rights and how to exercise them in a manner that ensures that all individuals enjoy these rights.
4. Expanding the network of communication with organizations specialized in the field of human rights at the national, regional and international levels.
5. Receiving complaints and monitoring and documenting human rights violations.
6. Providing the necessary information and legal assistance services for victims of human rights violations.
7. Preparing parallel reports, taking part in drafting and discussing reports committed to be submitted by the Kingdom periodically, and making remarks on these reports in implementation of regional or international human rights conventions.



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“Recognizes the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms”.

United Nations General Assembly Resolution (66/169) of December 19, 2011
On national institutions for the promotion and protection of human rights -
Document number: (A / RES / 66/169)