

المؤسسة الوطنية لحقوق الإنسان  
National Institution *for* Human Rights



Sixth Annual Report  
National Institution for Human Rights  
Kingdom of Bahrain

2018





Hotline 8000 11 44

Tel: +973 17 111 666, Fax: +973 17 111 600, P.O. Box 10808, Manama, Kingdom of Bahrain



[www.nihr.org.bh](http://www.nihr.org.bh) | [info@nihr.org.bh](mailto:info@nihr.org.bh)



**Sixth Annual Report  
National Institution for Human Rights  
Kingdom of Bahrain  
2018**



“ Citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election except in accordance with the law ”

Paragraph (e) of Article (1) of the  
Constitution of the Kingdom of Bahrain



# Table of Contents

Introduction	9
<b>Chapter I: Advisory Opinions Submitted by the National Institution for Human Rights to the Constitutional Authorities</b>	<b>11</b>
Section I: Advisory Opinions Submitted by the National Institution for Human Rights to the Shura Council	12
Section II: Advisory Opinions Submitted by the National Institution for Human Rights to the House of Representatives	15
<b>Chapter II: Progress Achieved, and Efforts and Activities of the National Institution for Human Rights in the Promotion and Protection of Human Rights</b>	<b>35</b>
Section I: Progress Achieved and Efforts and Activities Undertaken in the Promotion of Human Rights	36
Section II: Progress Achieved and Efforts and Activities Undertaken in the Protection of Human Rights	48
<b>Chapter III: Observing the Parliamentary and Municipal Elections of 2018</b>	<b>59</b>
Section I: Observing the parliamentary and municipal elections prior to polling day	66
Section II: Observing the parliamentary and municipal elections on polling day	86
Section III: Observing the parliamentary and municipal elections following polling day	90
<b>Chapter IV: Key Issues with a Direct Impact on Human Rights Situation in the Kingdom of Bahrain and their Influence on Sustainable Development Goals 2030</b>	<b>97</b>
Section I: The Right to Work, Decent Life, and Equality	99
Section II: The Right to a Safe and Suitable Environment	119
Section III: Promoting Justice and the Rule of Law	127





## Introduction

In view of the prominent status of human rights, the importance of having policies to protect, promote, and preserve human rights in the Kingdom of Bahrain, and working towards the improvement and advancement of human rights principles, His Majesty King Hamad bin Isa Al Khalifa, the Ruler of the Country, issued Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Law-Decree No. (20) of 2016, to be a beacon of enlightenment and a center for human rights expertise and guidance, in order to further promote the context of democracy and consolidate the pillars of a constitutional state.

Pursuant to Article (21) of the Law on the Establishment of the National Institution for Human Rights, which stipulates that, **“The Council of Commissioners shall prepare an annual report on the efforts, work, and other activities of the Institution on human rights in the Kingdom, and any proposals and recommendations it deems suitable within the scope of its mandate, identifying the obstacles to performance and the solutions to surmount and avoid such. The Council of Commissioners shall present its report to the King, the Council of Ministers, the House of Representatives, and Shura Council, and shall present its report, in parallel, to the public;”** and complementing the consistent approach adopted by the National Institution for Human Rights towards issuing its annual reports periodically and sequentially, the Sixth Annual Report complements the previous reports and reflects the state of human rights in the civil, political, economic, social, and cultural fields.

The Sixth Annual Report consists of four chapters preceded by an introduction. Chapter I tackles the advisory opinions, which the National Institution for Human Rights (NIHR) has submitted to the public constitutional authorities. Chapter II covers the progress achieved and the efforts and activities put forth in promoting and protecting human rights.

Considering that, the most momentous national human rights event - in the timeframe of the report - is the electoral process for the election of the members of the House of Representatives and the Municipal Councils of 2018; and given the broad mandate granted to the NIHR under its Establishment Law, Chapter III of this Report is devoted to reviewing its efforts in observing the electoral process.

The Fourth and final Chapter of this Report is dedicated to highlight the main Sustainable Development Goals (2030) and to demonstrate the extent to which these Goals are linked to the various human rights issues, especially that, in July 2018, the Government of the Kingdom of Bahrain presented its Voluntary National Review (VNR) to the United Nations High-level Political Forum on Sustainable Development. The NIHR hopes that this Report, and the previous reports, will serve as a tool to enhance human rights situation in the Kingdom of Bahrain, in line with the Kingdom’s obligations arising from regional or international human rights instruments, or those related to the Universal Periodic Review (UPR) through the Working Group of the Human Rights Council, in order to achieve best practices in the enjoyment of various rights and fundamental freedoms, and to make human rights as a lifestyle.



## Chapter I

# Advisory Opinions Submitted by the National Institution for Human Rights to the Constitutional Authorities

### Preface:

One of the main tasks and duties entrusted with the NIHR is to encourage the ratification or acceding to regional and international human rights instruments and to ensure their effective implementation. NIHR duties and tasks do not end there, but rather they go beyond that to demonstrate compliance by State parties to the regional and international obligations arising from ratification or accession to such instruments, and to propose legislation, regulations, or practices, or to amend such, in a manner consistent with the relevant regional or international standards.<sup>(1)</sup>

Referring to the provisions of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, amended by Decree-Law No. (20) of 2016, Paragraph (b) of Article (12) thereof expressly affirms that the NIHR is duly authorized to **“Review legislation and regulations in force in the Kingdom pertaining to human rights, and recommend the amendments it deems suitable, particularly insofar as the consistency of such legislation with the Kingdom’s commitments to the international human rights. It may also recommend enacting new legislation related to human rights.”**

Paragraph (c) of the same Article stipulates that the NIHR is competent to **“Review the consistency of legislative and regulatory stipulations with regional and international conventions on human rights issues, and to present proposals and recommendations to the competent authorities insofar as everything that would promote and protect human rights, including the recommendation to accede to regional and international conventions on human rights.”** Such competence is a reflection of the content of the Paris Principles and the General Comments of the Sub-Committee on Accreditation (SCA).

To set off such competence, the NIHR expressed its viewpoints on two requests referred to it by the Shura Council and ten requests referred by the House of Representatives pertaining to decrees, draft laws, and proposed laws.

Therefore, this Chapter tackles the advisory opinions submitted by the NIHR to the constitutional authorities in two main sections: Section I presents NIHR’s perspectives that is referred to the Shura Council, while Section II presents NIHR’s perspectives referred to the House of Representatives, with respect to issues, which, in its view, have infringed or have a direct impact on human rights and fundamental freedoms, while taking into consideration the provisions of the Constitution and the relevant regional and international instruments and standards.

---

(1) The Paris Principles relating to the status of national institutions for promoting and protecting human rights- competence and responsibilities- Paragraph (3) p.5/General Comment (1-3) Encourage ratification of or accession to human rights instruments - p. 91.

## Section I

### Advisory Opinions Submitted by the National Institution for Human Rights to the Shura Council

Valuing the efforts devoted by the Shura Council pertaining to human rights matter, given that it is the constitutional institution guaranteeing public rights and freedoms, the NIHR has received during the timeframe of the Report two requests to obtain its opinion, as follows:

#### **First: Draft law amending some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976 (prepared in light of the draft law “as amended” submitted by the House of Representatives)**

1. The NIHR submitted its advisory opinion on a draft law amending certain provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, which consists of two articles, as well as the preamble. The First Article included replacing the texts of Articles (325) and (327) of the Penal Code issued by Decree-Law No. (15) of 1976, and the Second Article is an executive article.
2. Article (325), as stated in the draft law, provides that: **“1. Any person who forces a male or a female to commit acts of debauchery or prostitution by way of coercion, threat, or deceit shall be punished by imprisonment for a term not less than five years and not exceeding seven years. 2. If the victim is less than 18 years old, the penalty shall be imprisonment for a period not less than seven years and not more than 10 years.”**
3. The NIHR sees that the essence of the amendment contained in the above text is in its provisions, which increase the prescribed penalties to imprisonment for a term of at least five years and not exceeding seven years for the offense of forcing a male or a female to commit acts of debauchery or prostitution by way of coercion, threat, or deceit; and aggravate the prescribed penalty to imprisonment for a period of not less than seven years and no more than ten years if the age of the victim is less than 18 years. The objectives and intentions of tightening the penalty contained in the draft law are to create a state of security and social stability and to deter committing this type of crime. Such aggravated penalty is not meant to affect the enjoyment of fundamental rights and freedoms of individuals, and does not constitute a violation or breach of human rights as stated in the relevant international and regional human rights instruments.
4. Article (327), as stated in the draft law, stipulates that: **“If the offender in the preceding three articles is a spouse of the victim, or is his or her ascendant, tutor, carer, or a person with authority over the victim, the penalty shall be increased up to a maximum of fifteen years.”**
5. It is the view of the NIHR that the essence of the amendment contained in the above text is in its provisions, which replace the phrase “double the minimum and maximum penalty” with the phrase “the penalty shall be increased” if the offender is a spouse of the victim, or is his or her ascendant, tutor, carer, or a person with authority over the victim. Given that the draft law aims at tightening the penalty imposed on a person who forces a male or a female to commit acts of

debauchery or prostitution by way of coercion, threat, or deceit because the penalty prescribed is not commensurate with the criminal act, as the penalty of the original law does not achieve general deterrence in the society, especially with the increase in this type of crime.

6. Therefore, in order to achieve the objectives of the draft law, the NIHR sees that it is desirable to keep the applicable text, which increases the penalty to its minimum and maximum limits instead of Constricting the penalty. In the case of increasing the penalty, the provisions of Article (76) of the Penal Code must be applied, which specifies the term of increased penalties, which are circumstances that may not achieve the objectives of this proposed amendment.
7. From the foregoing, the NIHR agrees with the provisions included in the amendment of Article (325) of the Penal Code promulgated by Decree-Law No. (15) of 1976, an amendment that ensures the Constricting of the penalty prescribed in the crime of forcing a male or a female to commit acts of debauchery or prostitution by way of coercion, threat, or deceit, which does not have an effect on the enjoyment of fundamental rights and freedoms by individuals, and does not constitute a violation or breach of human rights according to the relevant international and regional human rights instruments.
8. The NIHR favors to retain the text of Article (327) of the Penal Code promulgated by Decree-Law No. (15) of 1976, as stated in the original law, which maximizes the penalty to its minimum and maximum limits instead of increasing the penalty, as it aims to achieve the same goals and objectives desired in the draft law.

**Second: A draft law amending certain provisions of the Reform and Rehabilitation Institution Law promulgated by Law No. (18) of 2014 (prepared in light of the proposed law “as amended” submitted by the House of Representatives)**

1. The NIHR referred its advisory opinion on a draft law amending a number of provisions of the Reform and Rehabilitation Institution Law, promulgated by Law No. (18) of 2014, which consists of three articles, as well as the preamble. The First Article replaces the text of the second paragraph of Article (41); the Second Article adds a new second paragraph to Article (27) of the Reform and Rehabilitation Institution Law, issued by Law No. (18) of 2014, and the Third Article is executive.
2. The second paragraph of Article (41) of the draft law states that, “...**the Director of the Institution may, after the approval of the Minister or whoever he may so delegate, authorize the inmate to leave the institution to visit his/her family in the event of the death of a relative up to the second degree. The visit may include attending the funeral of the deceased or the mourning ceremony. In addition, the inmate may be permitted to leave in situations which the management of the Institution deems necessary.**”
3. The new second paragraph of Article (27), as in the draft law, states that, “... **the management of the Center shall organize periodic meetings and assemblies for preaching and religious**

**guidance by specialists appointed by the official authorities to promote the inmates spiritually and ideologically in a moderate and proper manner, to reintegrate them well into society after the end of their prison sentence.”**

4. The NIHR sees that the original text contained in the second paragraph of Article (41) of Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law can achieve the desired outcome of the proposed amendment and gives discretionary power to those in charge of implementation on a case-by-case basis; and that excessive interpretation of the texts may limit the executive body. Therefore, there is no purpose of the amendment as its justification is already achieved in the original articles.
5. Concerning the new second paragraph of Article (27) of Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law, the NIHR considers that the purposes of the proposed addition are achieved in the texts contained in the same Law and its Implementing Regulation issued by Decision No. (131) of 2015. Accordingly, the NIHR would prefer to retain the text of the second paragraph of Article (41) in the original Law, and delete the new second paragraph of Article (27) in the draft law.

## Section II

### Advisory Opinions Submitted by the National Institution for Human Rights to the House of Representatives

Valuing the efforts of the House of Representatives pertaining to human rights issues, given that it is the constitutional institution that guarantees public rights and freedoms, the NIHR received during the timeframe of the Report ten requests to obtain its opinion, as follows:

#### **First: A draft law amending some provisions of the Reform and Rehabilitation Institution Law, issued by Law No. (18) of 2014 (prepared in light of the proposed law “as amended” submitted by the House of Representatives)**

1. The NIHR referred its advisory opinion on the draft law amending some provisions of the Reform and Rehabilitation Institution Law, promulgated by Law No. (18) of 2014, consisting of three articles, as well as the preamble. The First Article includes replacing the text of the second paragraph of Article (41), the Second Article adds a new second paragraph to Article (27) of the Reform and Rehabilitation Institution Law, issued by Law No. (18) of 2014, and the Third Article is an executive article.
2. The second paragraph of Article (41) of the draft law states that, **“...the Director of the Institution may, after the approval of the Minister or whoever he may so delegate, authorize the inmate to leave the institution to visit his/her family in the event of the death of a relative up to the second degree. The visit may include attending the funeral of the deceased or the mourning ceremony. In addition, the inmate may be permitted to leave in situations which the Administration of the Institution deems necessary.”**
3. The new second paragraph of Article (27), as in the draft law, states that, **“... the Administration of the Center shall organize periodic meetings and assemblies for preaching and religious guidance by specialists appointed by the official authorities to promote the inmates spiritually and ideologically in a moderate and proper manner, to reintegrate them well into society after the end of their prison sentence.”**
4. The NIHR sees that the original text contained in the second paragraph of Article (41) of Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law can achieve the desired outcome of the proposed amendment and gives discretionary power to those in charge of implementation on a case-by-case basis; and that excessive interpretation of the texts may limit the executive body. Therefore, there is no purpose of the amendment as its justification is already achieved in the original articles.
5. Concerning the new second paragraph of Article (27) of Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law, the NIHR considers that the purposes of the proposed addition are achieved in the texts contained in the same Law and its Implementing Regulation issued by

Decision No. (131) of 2015. Accordingly, the NIHR would prefer to retain the text of the second paragraph of Article (41) in the original Law, and delete the new second paragraph of Article (27) in the draft law.

## **Second: Draft law on domestic workers (prepared in view of the proposed law submitted by the House of Representatives)**

1. The NIHR referred its advisory opinion on a draft law on domestic workers (prepared in view of the proposed law submitted by the House of Representatives), consisting of (26) articles, as well as the preamble. The articles, in its entirety, address organizing the recruitment of non-Bahraini domestic workers, by setting forth the most important conditions that homeowners (employers) must meet to be granted permission to recruit domestic workers, the obligations of the recruitment offices, and the main obligations, duties, and responsibilities of both the homeowner (employer) and the worker and the relationship between them; in addition to including the financial penalties in the form of fines for those violating its provisions.
2. Before expressing its views on the draft law in detail, NIHR prefers to present a number of general observations, which it regards as being consistent with the considerations of the draft law, as well as being in harmony with international and regional instruments relating to domestic workers, as follows:

### **1.1. Using a number of terminologies that are consistent with human dignity:**

- 1.1.1. The authors of the draft law, when using the term “domestic worker”, ruling out the term “house maid”, did well. Using this term, as viewed by the NIHR, is in conformity with the conventions of the International Labor Organization, foremost of which is Convention No. (186) of 2011 on Decent Work for Domestic Workers, which used the term “domestic worker”; some relevant comparative legal systems followed the same approach.
- 1.1.2. The NIHR considers that, to safeguard the inherent human dignity of domestic workers, which intrinsically refuses to be humiliated or belittled in view of the nature of domestic work, some of the terms contained in the draft law might put the worker in a position that is looked at as being inferior in a humiliating way.
- 1.1.3. Among those words and phrases that the NIHR would prefer to be replaced with more respectful terms to preserve the dignity of domestic workers and, at the same time, to be in agreement with the terms usually used by the law, is the term “the fugitive”, which is used to describe the worker who leaves work at the homeowner’s (employer), as in Article (19) of the draft law, which states that, “... **in the case of finding the fugitive worker** ...”. There is no harm in using another term with the same meaning, such as “leaving work” and “holding”, to read, “If the worker is held after leaving work”.



1.1.4. This approach has been adopted by the Labor Market Regulatory Authority when the term “the worker leaves” was used in Order No. (77) of 2008 with Respect to the Employer’s Obligations in the Event the Foreign Worker Leaves Work in Violation of the Terms of the Work Permit, issued by the Chairman of the Board of Directors of the Labor Market Regulatory Authority. The Order addresses the procedures to be followed when the worker leaves work at the person who has obtained the work permit. The use of such term gives the same meaning as using the phrase “escape from work.”

## **1.2. Prohibition of subjecting the domestic workers to everything that would violate their dignity:**

1.2.1. The NIHR asserts the need to create a legal barrier to prevent subjecting domestic workers to any act that would violate their inherent human dignity. This is consistent with the provisions of the Convention on Decent Work for Domestic Workers No. (189), as well as other relevant international standards. Paragraph (d) of Article (3) of the said Convention, in the course of the representation of the measures that the State must take, stipulates that the State shall, **“Eliminate discrimination in respect of employment and occupation.”** In addition, Article (5) of the Convention explained that, **“Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment, and violence.”**

1.2.2. The NIHR has noted that, in reality, practices - for commercial marketing purposes - have revealed dealing with domestic workers in an inferior or degrading manner, by way of the advertisements published by the recruitment offices, which preview the domestic workers and classifies them by nationality, religion, and cost. Thus, treating them as goods that are promoted in a way to attract homeowners, which is contrary to human dignity.

1.2.3. Therefore, the NIHR considers it necessary to include a provision in the draft law that criminalizes any act that would jeopardize the human dignity of domestic workers, similar to what the Kuwaiti legislator did, by including a provision that criminalizes the acts that offend the dignity of this category in Law No. (68) of 2015 on Domestic Worker. Article (5) of the aforementioned Law stipulates that, **“The offices are not permitted to advertise, promote, or categorize the workers according to faith, gender, color, or cost, or advertise them in any humanly degrading manner.”**

## **1.3. Conduct further discussions and consultations with the relevant parties:**

Beyond any doubt, the purpose of the draft law is to be a fair measure of the rights of domestic workers, to preserve their rights and prevent their violation and to settle their disputes. The draft law cannot reach that goal unless it is drafted in a participatory approach by all the concerned bodies, such as the Public Prosecution, the Ministry of Interior, the Labor Market Regulatory Authority, and representatives of the recruitment offices. The NIHR deems such participatory approach necessary to reach an integrated law that ensures the effective protection of domestic workers in conformity with the relevant international instruments.

3. With regard to the detailed observations, the NIHR shall limit its views on the provisions of the draft law to the legal texts, which it considers prejudicial to or influencing human rights and fundamental freedoms, in particular Articles (6), (12), (17) and (20). Otherwise, the NIHR refers its comments with regard to the form (legal language and style) and substance (contents) to the statement contained in the memorandum of opinion of the Honorable Government and the memorandum of the Legislative and Legal Opinion Commission attached to the draft law.
4. Article (6) of the draft law stipulates that, **“The owner of the household is required to: 1. Be a Bahraini national; the Authority may allow non-Bahrainis to hire domestic workers in accordance with the conditions to be determined for this purpose, including the provision of a bank guarantee of five hundred dinars to secure the rights of the worker. 2. Be a head of a household, a disabled person, or an elderly person. 3. Shall not be convicted, or referred to court, in a case of assaulting a worker; the owner of the household shall provide a written declaration of such with a copy of his/her passport. 4. Shall have the financial capacity to fulfill his/her obligations to the worker.”**
5. The NIHR considers that the above article has set forth the conditions that must be met by the owner of the household in order to be able to recruit and employ the worker. Among the conditions, is that the owner of the household must be a Bahraini citizen. However, it allowed a non-Bahraini resident to recruit and employ a worker after obtaining the approval of the Authority and in accordance with the determined conditions, including the provision of a bank guarantee of five hundred dinars to secure the rights of the worker. This requirement is in line with the purpose of the draft law, namely, to guarantee and protect the foreign worker’s rights. However, the requirement, as stated in the text, assumes that the worker’s rights are violated exclusively by the non-Bahraini employer and not by the Bahraini one, while the violation is possible and can happen in all cases, which requires applying such requirement (providing a bank guarantee) to the applicant without regard to his/her nationality.
6. The aforementioned article has stated, as a condition, in paragraph (3), that the owner of the household shall not be convicted, or referred to court, in a case of assault on a worker; and that he/she shall provide a written declaration of such with a copy of his/her passport. This condition, although it appears that it provides protection for the worker of any violation that may be inflicted on him/her by the employer; however, the NIHR considers that this condition should be based on a final judgment issued by a competent court against him/her in his/her capacity as the owner of the household in which the worker works, and not merely by referring to the court. Presumption of innocence is an existing inherent right for all and can only be withdrawn by the issuance of the judgment with all its previous requirements.
7. In describing the type of the case, it is noted that the condition stated in paragraph (3) of the above text only describes it as an assault case, without specifying the nature of the assault, for example physical assault, indecent assault, or verbal assault such as swearing or defamation. The latter does not call for rejecting the application. Moreover, merely describing the case as an assault may lead to arbitrariness in rejecting the request by the granting body, which may harm the parties; thus, it necessitates indicating the type of assault specifically.

8. On the other hand, the “non-conviction” requirement mentioned in paragraph (3) of the above text is there to protect the worker and ensure that he/she is not subjected to assault, which is a condition with preventive nature. However, such protection may be subject to violation should the declaration submitted by the owner of the household prove later to be invalid, and that it is contrary to reality, which contradicts the preventive nature of the condition. Therefore, the NIHR would prefer to exempt the owner of the household from submitting the declaration, on condition that the Authority assumes full responsibility for verifying that his/her criminal record is free of an assault case in which he was convicted as the owner of the household against the worker. Hence, the NIHR agrees with what is stated in Article (6) of the draft law, except for paragraphs (1) and (3) as detailed above.
9. Article (12) of the draft law stipulates that, **“(a) The worker shall be obliged to: 1. Carry out domestic work with honesty and sincerity. 2. Respect the privacy of the household in which he/she works and preserve the property of the owner of the house and the contents of the house. 3. Keep secrets known to him/her from his work. 4. Respect the prevailing customs and traditions of the society. 5. Inform the owner of the household before departing, leaving, or being absent from the house. (b) If it is proved that the worker has caused the loss or damage of tools or materials owned or possessed by the owner of the household, or that were in the custody of the worker, and the act was caused deliberately or due to serious error, the owner of the household is entitled to deduct from the worker’s wages the value of the lost or damaged items or the value of repair. In case of disagreement between the owner of the household and the worker, the issue shall be referred to the Workers Affairs Committee stipulated in Article (15) of this law. (c) In the event of escaping from the house, without the owner of the household being the cause of such, the worker shall bear all the expenses incurred by the owner of the household in addition to the cost of returning to his/her country. (d) The worker shall pay the value of the ticket to return to his/her country if he/she wishes to leave the Kingdom for any reason whatsoever.”**
10. The NIHR considers that the above article has summed up the obligations of the worker against the employer (the owner of the household). However, the listing in clause (c) is not sufficient to determine what expenses the worker must pay back to the owner of the household if he/she quits work. It is not clear whether it means the expenses of recruitment and employment only, or beyond, especially that a breach of contractual obligations entails the breaching party to compensate the other party, when necessary, which inherently includes the lost gains and the loss incurred by the owner of the household.
11. The text of clause (d) raises the question about the extent to which a worker’s desire to travel is relevant and, accordingly, bear the cost of the ticket. This is in fact contrary to the provision of Article (21) of the law, which stipulates, **“The worker is prohibited from leaving the Kingdom without the permission of the owner of the household or the office, as the case may be. The Minister of Interior, in coordination with the Minister, shall issue a decision on the terms and procedures for workers’ permits to enter the Kingdom and the procedures for their departure.”** In order to address the discrepancy between the texts of the two Articles to guarantee the right of

the worker to leave or to travel, the NIHR prefers to amend the texts of clause (d) of Article (12) and Article (21) or merge them, and include the consent of the owner of the household or the office, as the case may be, while keeping the worker's right to appeal to the Workers Affairs Committee stipulated in Article (15) of the draft law upon rejection, to ensure fairness. In addition, the above Article, ignored to mention the commitment of the worker to perform the work entrusted to him/her at the owner of the household only.

12. Accordingly, the NIHR would prefer to indicate the expenses, which the worker is obliged to refund in accordance with clause (c) of the above article without generalization; and amend clause (d) of the same article to comply with the provision of Article (21) of the draft law, as previously noted. The NIHR emphasizes the importance of introducing a final clause in the article in question that requires the worker to perform the work entrusted to him/her for the employer only.
13. Article (17) of the draft law stipulates that, **"In the event of any complaint or information relating to violation of the worker's rights or the obligations of the owner of the household or the worker, the Authority shall take the following measures: (a) Summon both, the owner of the household and the worker to the Authority to resolve the complaint amicably. (b) If the complaint pertains to the dwelling place of the worker, such place shall be inspected by two work inspectors (a male and a female) to ensure that the provisions of this law are applied, after obtaining the approval of the owner of the household. (c) If the owner of the household objects to the inspection referred to in paragraph (b) of this article such act shall constitute a presumption against the owner of the household on which the Authority shall base the reasoning of its decision in the complaint. (d) If the inspection provided for in this article indicates the existence of any violations, the owner of the household shall be warned to remove such within one week from the date of the warning. Otherwise, an arrest report shall be issued against him/her and the necessary procedures stipulated in the applicable Labor Law for the Private Sector shall be taken."**
14. The NIHR considers that the above article, although in essence, regulates the procedures to be followed in the event of a complaint of violation of the worker's rights. However, clause (b) has went beyond the limits of regulating and violated the privacy guaranteed by the Constitution of the Kingdom of Bahrain for dwellings in Article (25), which states that, **"Dwellings are inviolable. They cannot be entered or searched without the permission of their occupants; exception in cases of maximum necessity as laid down and in the manner provided by law."**
15. In addition, the text of Article (17) of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006, states that, **" (a) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honor and reputation. (b) Everyone has the right to the protection of the law against such interference or attacks."**
16. On the other hand, conducting an inspection, even if an entity other than the judiciary issues it and acquired an administrative character, yet, in its nature, it is considered an act of investigation,

which aims to reveal the truth by searching and examining a place granted special inviolability by virtue of the law. Moreover, the mentioned inspectors have the status of law enforcement officers, and are subject to the provisions of Decree-Law No. (46) of 2002 promulgating the Code of Criminal Procedure and its amendments regulating the work of law enforcement officers.

17. It is also noted that clause (c) has established a legal presumption against the owner of the household that the complaint of the worker is valid if the owner of the household does not consent to the inspection of the place of residence of the worker. There is no doubt that there is legal suspicion surrounding this presumption, as there is no causal relationship between refusing to inspect the place where the worker lives in the employer's house and the soundness of the complaint. There may be considerations leading the owner of the household to insist on non-inspection, including tarnishing of reputation and invasion of privacy.
18. Therefore, it is the view of the NIHR to reconsider the text of Article (17) above, in a way that does not conflict with the individual's right to privacy and inviolability of his/her dwelling, which is guaranteed by the Constitution, legal systems, and international human rights instruments. The right of the worker to verify his/her complaint should not be given priority over the right to privacy, which the law accorded to the place of dwelling, in a way that does not contradict the provisions of the Code of Criminal Procedure issued by Decree-Law No. (46) of 2002 and its amendments.
19. Article (20) of the draft law stipulates that, **“(a) The inspectors of the Authority who are appointed by the CEO to carry out inspections and checks with regard to the execution of the provisions of this law and the regulations and decisions issued in implementation thereof, shall have the following powers: (1) Enter the work premises, recruitment offices, and other related sites. (2) Examine records relating to foreign workers. (3) Check work permits and the identity of foreign workers. (4) Request the necessary data, documents, and information from employers, recruitment offices, their representatives, or those responsible for their actual administration. (b) Employers, recruitment offices, their representatives, or those responsible for their actual administration shall not obstruct the inspectors of the Authority in performing their duties, and shall provide them with the correct documents, data, and information required for the performance of their duties within a reasonable period as specified by the inspectors. (c) The employees authorized by the Minister of Justice, in agreement with the Minister, shall have the capacity of legal enforcement officers with regard to the offenses set out in this law, which fall within their jurisdiction, and are related to their duties. The Reports drawn up in connection to such crimes shall be referred to the attorney general pursuant to a decision issued by the CEO.”**
20. Referring to the provisions of Article (34) of Law No. (19) of 2006 concerning Regulating the Labor Market and its amendments, which dealt with inspection and judicial arrest of work premises, branches and offices of employers, recruitment (Manpower) agencies, employment offices, and other related sites, the NIHR notes that they conform with the provisions of Article (20) of the draft law in terms of the procedures and the targeted parties, and without changing some of the terms that do not apply to domestic work, the owner of the household, domestic worker, or recruitment

offices, since the draft law in question is unrelated to work premises, employment places, and work permits of foreign workers contained in the text of the said Article of the draft law.

21. Entering the work premises and employment offices, perusing records relating to foreign workers, checking work permits and the identity of foreign workers, and requesting data, documents, and information required from employers and employment offices or their representatives, or officials responsible for their actual administration, are in fact actions taken against workers, work premises, and their owners covered in Law No. (19) of 2006 concerning Regulating the Labor Market and its amendments, and does not apply to domestic workers by virtue of the nature of the place and the work. In view of the fact that the subject matter of the Article in question - although the connotation does not cover domestic work and workers - is related to conducting inspection, the NIHR refers to the same opinion mentioned in the previous article.
22. Therefore, the NIHR would prefer to rephrase the said article in a manner consistent with the subject of the draft law, as stated above, namely domestic workers, and add the phrase “without prejudice to the provisions of Decree-Law No. (46) of 2002 issuing the Code of Criminal Procedure” at the beginning of Article (20), in order to avoid the possibility of conflicting legal texts regulating the work of the judicial arrest officers contained in the Decree-Law No. (46) of 2002 issuing the Code of Criminal Procedure and its amendments with the draft law under study.

**Third: Draft law amending Article (56) of the Traffic Law issued by Law No. (23) of 2014 (prepared in light of the proposed law “as amended” submitted by the House of Representatives)**

1. The NIHR referred its advisory opinion on the draft law amending Article (56) of the Traffic Law issued by Law No. (23) of 2014 (prepared in light of the proposed law “as amended” submitted by the House of Representatives), which comprises two articles and the preamble. The first article adds a seventh paragraph to the text of Article (56) of the Traffic Law, which includes the exemption of persons with disabilities from the amount of conciliation for the offense of disregarding the decisions of the administration on parking in certain places, when it is proved that there were no parking places reserved for them or none was vacant at the time of writing the ticket. The second article is executive relating to the competent authorities, who implement the provisions of this law, and the date of entry into force of the provisions contained therein.
2. Paragraph (7) of Article (56) of the draft law states that, **“Persons with disabilities shall be exempted from the conciliation payment in respect of the offense of not abiding by the decisions of the administration on parking in certain places set forth in clause (12) of Article (47) of this Law, when it is proved that there were no parking places allotted for them or none was vacant at the time of writing the ticket.”**
3. In principle, the NIHR values the goals and objectives of the draft law, namely, to take into consideration persons with disabilities, who may suffer greatly in moving around, transportation, and running errands in many of the places they visit, in terms of the availability of dedicated parking

spaces, or if they are insufficient or occupied by others. This makes them choose to either return without meeting their needs, or bear the legal consequences of parking in a manner that violates traffic rules or signals.

4. Although the NIHR shares the view of the House of Representatives on the importance of empowering persons with disability to enjoy all their rights on an equal footing and without any discrimination, yet, the draft law, in its current version, does not meet the principle of equality and non-discrimination, which is the cornerstone of international and regional human rights instruments, including the Convention on the Rights of Persons with Disabilities, which the Kingdom of Bahrain has ratified under Law No. (22) of 2011, as it discriminates in exemptions from the prescribed penalties among equal legal statuses.
5. In practice, the text as stated in the draft law requires that persons with disabilities be exempted from the amount of the agreed conciliation if it is proved that there is no reserved or vacant parking place for them at the time of issuing the ticket. The NIHR inquires about the mechanism to be used by the law enforcement officers to prove such case, especially in the case of unavailability of a vacant parking place at the time of issuing the ticket.
6. If the text contained in the draft law in its current version is applied, the NIHR believes that it could be a reason to encourage the violation of the law on the pretext of absence of, or vacant, reserved parking places for persons with disabilities. Therefore, parking in unassigned places might obstruct road traffic or expose vehicles and pedestrians to risk.
7. In this sense, and in order to achieve the objectives of the draft law, the NIHR calls for further efforts in implementing the provisions of Article (9) of the Convention on the Rights of Persons with Disabilities ratified by the Kingdom of Bahrain under Law No. (22) of 2011, that State Parties should take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public. In addition, the number of parking places allotted for persons with disabilities must be increased and located close to public service delivery areas.

**Fourth: Draft law amending Article (127 bis) of the Code of Criminal Procedure issued by Decree-Law No. (46) of 2002**

1. The NIHR submitted its advisory opinion on the draft law amending Article (127 bis) of the Code of Criminal Procedure issued by Decree-Law No. (46) of 2002, comprising, in addition to the preamble, two articles. The first article stipulates replacing the text of Article (127 bis) of the Code of Criminal Procedure, whereas the second article is executive.
2. The objective of the draft law is to extend the scope of the competent authority to take the necessary measures to ensure the safety of the persons who are involved in the case and protect them by

granting the examining magistrate or the competent court, as well as the public prosecutor, the power to take such measures. In addition, the draft law aims at extending the circle of persons who are guaranteed protection in the existing text, to include informants and experts besides the victims, the witnesses, and those who give information in the case. Moreover, the proposed amendment adds new measures that may be taken in order to protect them, such as providing a security officer (guard) to the person or the place of residence, recording certain calls, and tracking some of the means of correspondence and communications. The second article is executive and pertains to the competent authorities, who implement the provisions of this law, and the date of entry into force of the provisions contained therein.

3. Article (127 bis), as stated in the draft law, stipulates that, **“The public prosecution or the investigating judge or the competent court, as the case may be, based on the request of the victims, the witnesses, the informants, the experts, or those who give information in the case, or according to what is perceived by the competent authorities from the investigations, and for acceptable considerations regarding their safety and the safety of people close to them, may order to take the necessary measures to protect them against potential danger which could threaten them because of, or in the event of, reporting, testifying, or coming forward with information. In such case, it shall be entitled to order, with the consent of the victims, informants, witnesses, experts, or the people who must be protected, to take all or some of the following measures until the danger no longer exists: 1. Relocation of place of residence. 2. Change of identity. 3. Ban the disclosure of any information about the identity, location, and place of residence of the protected persons, or place restrictions on the circulation of some of this information. 4. Provision of physical security for the protected person or around the place of residence. 5. Recording certain calls and tracing some of the means of communication and correspondence. If any of the measures set out in the preceding paragraph are taken, a brief on the content of the testimony or the information shall be maintained in the investigation, without disclosure of the real source until the circumstances that called for taking such measures no longer exist; or until the case is referred to the competent court and the permission to disclose the source’s identity is issued by the court.”**
4. Therefore, the NIHR agrees in principle with the legal observations (in form and in substance) contained in the memoranda of the Government and the Legislation and Legal Opinion Commission on Article (127 bis) as mentioned in the draft law, and refers these observations to prevent repetition.
5. However, the NIHR finds it necessary to give its opinion on clause (5) of Article (127 bis) as set forth in the draft law, which authorized the Public Prosecution to record certain calls and trace some means of communication and correspondence in order to protect informants and experts besides the victims, witnesses, and those who give information in the case.
6. Therefore, while recognizing the right of the Public Prosecution to take several measures during the initial investigation stage, including the recording of certain calls and the tracking of certain means of communication and correspondence, yet this right must not be granted without limits or controls; but rather through the legal and judicial guarantee approved by the legislator in Article



(93) of the Code of Criminal Procedure; which stipulates that, for recording calls and tracing some means of communication and correspondence, the Public Prosecution must obtain a reasoned prior permission from the Lower Court judge upon reviewing all the documents of the case, for a period not exceeding thirty days, renewable for another similar period(s).

7. On the other hand, the right of the Public Prosecution to record certain calls and to trace some means of communication and correspondence must not prejudice the right of the accused to communicate with his/her attorney and consult with him/her freely and at all times privately, without the possibility of wiretapping their conversation. Article (94) of the same law stipulates that, **“A Public Prosecution member shall not seize from the attorney defending the accused or the consulting expert the papers and documents delivered to them by the accused for the discharge of the mandate entrusted to them, nor the correspondence exchanged between them in the case.”**
8. Based on the foregoing, the NIHR agrees in principle with the objectives and goals of the amendment of the provision of Article (127 bis) of the draft law under consideration. However, the NIHR expects to reconsider it, taking into account the legal observations (in form and in substance) included in the relevant memoranda of the Government and the Legislation and Legal Opinion Commission, without prejudice to the legal and judicial guarantee mentioned in Articles (93) and (94) of the Code of Criminal Procedure in the event that the Public Prosecution records certain calls and tracks some means of communication and correspondence, as detailed above.

**Fifth: Draft law amending some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976 (prepared in light of the proposed law “as amended” submitted by the Shura Council)**

1. The NIHR submitted its advisory opinion on the draft law amending some of the provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976 (prepared based on the proposed law “as amended” submitted by the Shura Council). The draft law comprises two articles, in addition to the preamble. The first article replaces the provisions of Articles (354) and (370) of the Penal Code, which aim to tighten the penalty imposed on any person who is found in a public road or in a frequented place inciting pedestrians, by words, signs, or any other means, to indulge in vice; and on any person who publishes, by any method of publication, news, photographs, or comments pertaining to confidential matters on the private or family lives of individuals, even if such is true, should the publication thereof be damaging thereto. The second article is executive relating to the competent authorities, who implement the provisions of this law, and the date of entry into force of the provisions contained therein.
2. Whereas Article (354), as stated in the draft law, provides that, **“A punishment of imprisonment for not less than three months and not exceeding six months, or a fine of not less than one hundred dinars and not exceeding five hundred dinars, shall be inflicted upon a person who is found on a public road or in a place frequented by the public inciting passers-by, by words or signs or any other means, to indulge in vice.”** While Article (370) of the same draft law provides that,

**“A punishment of imprisonment for not less than three months and not exceeding one year, and a fine of not less than five hundred dinars, or either penalty, shall be inflicted upon any person who publishes by any method of publication news, photographs, or comments pertaining to confidential matters on the private or family lives of individuals, even if such is true, should the publication thereof be damaging thereto.”**

3. Considering that Article (354) of the draft law is intended to increase the penalty imposed on anyone found on a public road or in a place frequented by the public inciting passers-by, by words or signs or any other means, to indulge in vice, to become imprisonment for not less than three months and not exceeding six months, or a fine of not less than one hundred dinars and not exceeding five hundred dinars, instead of imprisonment for a term not exceeding three months or a fine not exceeding twenty dinars, as stated in the original law.
4. Whereas Article (370) of the draft law is intended to increase the penalty imposed on anyone who publishes by any method of publication news, photographs, or comments pertaining to confidential matters on the private or family lives of individuals, even if such is true, should the publication thereof be damaging thereto, to become imprisonment of not less than three months and not more than one year, and a fine of not less than five hundred dinars, or either penalty, instead of imprisonment for a term not exceeding six months and a fine not exceeding fifty dinars, or either penalty, as stated in the original law.
5. Accordingly, the NIHR believes that the purpose and objective of the amendment contained in the draft law on tightening the penalty prescribed for acts of criminal offense is to achieve public and private deterrence from committing these acts, commensurate with the gravity of the offense. In addition, the purpose is to protect the privacy of individuals, especially with the emergence of social media, which may be exploited to violate the individual’s right to privacy.
6. Based on the foregoing, the NIHR agrees with the objectives and purposes of the proposed amendments to the provisions of Articles (354) and (370) of the Penal Code promulgated by Decree-Law No. (15) of 1976. The increase of the penalties imposed on the crimes under consideration, adopted by the proposed law, is intended to achieve public and private deterrence from committing such crimes, commensurate with its gravity. This increase of penalty does not have an effect on the enjoyment of fundamental rights and freedoms of individuals. In addition, the amendments proposed in the draft law do not constitute a violation or abuse of human rights, according to the international human rights instruments.

**Sixth: Draft law to add a new clause to Article (2) of Law No. (58) of 2006 on Protection of Society from Terrorist Acts (prepared in light of the proposed law submitted by the House of Representatives)**

1. The NIHR referred its advisory opinion on the draft law adding a new clause to Article (2) of Law No. (58) of 2006 on the Protection of Society from Terrorist Acts (prepared in light of the proposed law submitted by the House of Representatives), which comprised 2 articles, in addition to the

preamble. The first article adds a new clause, number (11), to Article (2) of the Law on the Protection of Society against Terrorist Acts. The new clause aims at abating the phenomenon of harboring fugitives in terrorist crimes, whether accused or convicted, to prevent them from committing other terrorist crimes or impunity, thus, contribute to the preservation of security and stability in the Kingdom. The second article is executive relating to the competent authorities, who implement the provisions of this law and the date of entry into force of the provisions contained therein.

2. Clause (11) of Article (2), as stated in the draft law stipulates that, **“The penalties set forth in Article (3) of this Law shall be applicable to any of the following offenses if committed deliberately for committing a terrorist act: ... (11) Harboring (shielding) accused or convicted fugitives in terrorism cases”**. The NIHR values in principle the objectives to be realized by the draft law. Its views are, in principle, consistent with the legal observations (in form and in substance) contained in the memoranda of the Government and the Legislation and Legal Opinion Commission on adding a new clause for Article (2) as stated in the draft law, and refers these observations to prevent repetition.
3. The NIHR emphasizes that, in keeping with good legal drafting of punitive provisions, especially in deliberate crimes, the two main elements of a crime must be determined: the physical element (Actus Reus), which is the criminalized conduct of the offender; and the mental element (Mens Rea), the crime subject matter of the draft law, which is the intention of the offender and knowledge that the person whom he harbored and hid from law enforcement authorities is (accused or convicted) in cases of terrorism.
4. In view of the fact that the text set forth in the draft law provides legal protection of a person acting in good faith, who does not know of the offense committed by the person he hid and harbored, the word “Knowingly” must be included at the end of the added clause of Article (2) of the draft law. The purpose of such insertion is the actual fulfillment of the objectives and intentions of the penalty for this crime.
5. On the other hand, the NIHR affirms that, although the purposes of punishment for committed crimes is to achieve public and private deterrence, rehabilitate the offender, and correct his/her behavior, to be a good person who benefits himself/herself and his/her society; yet, these considerations must not be distant from the surrounding family and community dimensions.
6. Reverting to the text of the draft law, the NIHR notes that it has neglected to consider the family and societal dimensions to this type of crime. The requirements of logical reasoning, as well as considering the family dimension, require absolving the offender who committed the harboring or concealing if he/she is a spouse, ascendant, or descendent of the accused or convicted person, who is a fugitive of a terrorist crime. Such exemption is a modernized commendable human course, adopted by the Bahraini legislator in a number of punitive provisions in force, whether prescribed in the Penal Code promulgated by Decree-Law No. (15) of 1976 or Law No. (58) of 2006 on Protection of Society from Terrorist Acts.

**Seventh: Draft law amending some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, accompanying Decree No. (38) of 2018**

1. The NIHR referred its advisory opinion on a draft law amending some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, accompanying Decree No. (38) of 2018. The draft law comprises three articles in addition to the preamble. The first article provides replacing the text of Article (277 bis) of the Penal Code. The second article stipulates the addition of two new articles (277 bis 1) and (277 bis 2) therein. Both articles aim at countering the growing phenomenon of the manufacture and use of flammable and explosive containers, which endangers the lives of people and public and private properties, and increasing the prescribed penalty for such manufacturing and use to protect the homeland. As for the third article, it is executive relating to the competent authorities, who implement the provisions of this law, and the date of entry into force of the provisions contained therein.
2. Article No. (277 bis), as stated in the draft law, stipulates that, **“A prison sentence of no more than ten years and a fine not less than five hundred dinars and not exceeding 1000 dinars shall be inflicted upon any person who manufactures flammable or explosive containers for the purpose of using such to endanger people’s lives or public or private properties, or possesses or obtains the materials used for manufacturing thereof, for the same purpose.”**
3. Article No. (277 bis 1), as stated in the draft law, stipulates that, **“A prison sentence for a term not exceeding five years and a fine of not less than five hundred dinars shall be inflicted upon any person who possesses or obtains flammable or explosive containers for the purpose of using such to endanger the lives of people or public or private properties.”**
4. Article No. (277 bis 2), as stated in the draft law, stipulates that, **“A prison sentence for a term not exceeding eight years shall be inflicted upon any person who distributes or uses flammable or explosive containers for the same purpose. The penalty shall be a life or temporary imprisonment of not less than ten years if such use leads to a permanent disability. The penalty shall be death sentence or life imprisonment if such use causes the death of a person.”**
5. The NIHR values in principle the objectives of the draft law, namely, to counter the growing phenomenon of the manufacture and use of flammable and explosive containers and endangering the lives of people and public and private properties, and to increase the prescribed penalty for such manufacturing and use to protect the homeland.
6. Whereas Article No. (277 bis) of the draft law is intended to aggravate the penalty imposed on anyone who manufactures flammable or explosive containers for the purpose of using such to endanger the lives of people or public and private properties, or obtains or possesses the materials used for manufacturing thereof, for the same purpose, to become imprisonment for a term not exceeding ten years and a fine not less than five hundred dinars and not more than one thousand dinars, instead of imprisonment and a fine, or one of the two penalties, as stated in the original law.

7. Since Article No. (277 bis 1) of the draft law has criminalized the act of possessing and obtaining flammable or explosive containers for the purpose of using such to endanger the lives of people or public and private properties, imposing a penalty of imprisonment for a term not exceeding five years and a fine not less than five hundred dinars.
8. Article No. (277 bis 2) of the draft law also criminalized the act of distributing or using flammable or explosive containers for the same purpose, imposing a penalty of imprisonment for a term not exceeding eight years; and imposing life imprisonment or temporary imprisonment for a term not less than ten years if such use causes a permanent disability; and the death penalty or life imprisonment if such use leads to the death of a person.
9. Therefore, the NIHR believes that the policy adopted by the draft law to tighten the penalty prescribed for some crimes or to introduce other criminal acts in the draft law, is to achieve the purposes and objectives of creating a state of security and social stability, deterrence of committing this type of crime, as well as helping reduce such criminal acts that endanger the individual, society, and the State.
10. In addition, The NIHR considers that the proposed amendments contained in the draft law, namely the increased and newly introduced penalties, are not meant to affect the enjoyment of fundamental rights and freedoms of individuals, and do not constitute a violation or breach of human rights as stated in the relevant international and regional human rights instruments.

**Eighth: The proposed law amending Article No. (370) of the Decree-Law No. (15) of 1976 on the issuance of the Penal Code**

1. The NIHR referred its advisory opinion on the proposed law to amend Article No. (370) of Decree-Law No. (15) of 1976 on the issuance of the Penal Code. The propose law consists of two articles, as well as the preamble. The first article amends Article No. (370) of Decree-Law No. (15) of 1976 issuing the Penal Code. The second article is executive.
2. Article No. (370) of the proposed law stipulates that, **“A prison sentence for a term not exceeding three years and fine not less than ten thousand dinars and not exceeding twenty thousand dinars, or either penalty, shall be inflicted upon any person who publishes by any method of publication news, photographs, or comments pertaining to confidential matters on the private or family lives of individuals, even if such is true, should the publication thereof be damaging thereto. If the purpose of the publication of the news or pictures or comments is to defame individuals through social media or any means of information technology, this is considered an aggravating circumstance.”**
3. The NIHR values the principles and precepts underlying the proposed law, which, as mentioned in the explanatory memorandum, deals with the weakness of the penalty contained in the text of the original law, which is not commensurate with the magnitude of the crime. In addition, the spread of crimes of insult and defamation through social media requires tightening of the current penalty.

4. The NIHR believes that the policy adopted by the proposed law keeps pace with developments in society through the inclusion of the offense of insult and defamation by means of modern communication and information technology. This policy aims to achieve a state of security and social stability, deter people from committing this type of crime, as well as to help reduce such crimes that put at risk the individual, society, and the State. It is not considered a development that has an effect on the enjoyment of fundamental rights and freedoms by individuals. Moreover, the proposed amendments contained in the proposed law do not constitute a violation of human rights as provided for in the relevant international or regional human rights instruments.
5. However, the NIHR has noticed that the proposed law has prescribed a fine penalty of not less than ten thousand dinars and not more than twenty thousand dinars. Such penalty may not give the judge discretionary power commensurate with the size of the crime in accordance with the conditions and circumstances of some of these crimes. Hence, the NIHR considers that the proposed law is relatively tight in the penalty of the minimum fine.
6. In all cases, the NIHR asserts that the essence of the proposed law is consistent with the general comments of the Human Rights Committee, which is entrusted to interpret the provisions of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006. The Committee declared that, **“Article No. (17) of the International Covenant on Civil and Political Rights guarantees the protection of personal honor and reputation. It is the duty of the States to provide adequate legislation to this end, to take measures to enable any person to protect himself or herself effectively from any unlawful attacks that actually happen, and to provide an effective remedy against those responsible for such ...”**
7. Accordingly, the NIHR agrees in principle with the objectives and intentions of the proposed law to amend Article No. (370) of Decree-Law No. (15) of 1976 regarding the promulgation of the Penal Code, as it covers cases that are not addressed in the current text. Such cases are worthy of legal protection concerning protecting the rights and freedoms of individuals and ensuring respect for their personal lives and their right to privacy. However, the NIHR anticipates to reconsider the fine penalty adopted by the proposal, since it may not give the trial judge discretionary authority commensurate with the magnitude of the crime according to the conditions and circumstances of some of these crimes.

**Ninth: The proposed law amending certain provisions of Decree-Law No. (15) of 1976 issuing the Penal Code**

1. The NIHR referred its advisory opinion on the proposed law to amend some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, which consists of two articles as well as the preamble. The first article included replacing the texts of Articles (364) and (365) of the Decree-Law No. (15) of 1976 issuing the Penal Code, and the second article is executive.

2. Article No. (364), as stated in the proposed law, stipulates that, **“A punishment of imprisonment for a term of not less than two years and a fine not exceeding five hundred dinars shall be inflicted upon any person who, by any method of publication, attributes an incident to another person that would make him/her liable to punishment or subject to contempt. The punishment shall be imprisonment for a term of not less than three years and a fine if the libel is committed against a public servant during, because of, or by reason of discharging his/her job; or if such libel affects one’s honor, or damages the reputation of families, or if an unlawful purpose is noticed. If the libel takes place by way of publishing in any newspaper, publication, or social media, this shall be considered as aggravating circumstance.”**
3. While Article No. (365) of the same draft law stipulates that, **“A penalty of imprisonment for a period not exceeding two years and a fine not exceeding five hundred dinars shall be imposed on any person who slanders another by any method of publication so as to affect his honor or integrity, which does not contain a specific allegation against him. The penalty shall be imprisonment for a period of not less than three years and a fine not exceeding five hundred dinars, or one of these two penalties, if the insult is committed against a public servant during, by reason of, or on the grounds of performing his duties, or if such insult is injurious to one’s honor or the reputation of families, or intended for attaining an illegal purpose. If the insult takes place by way of publishing in any newspaper, publication, or social media, this shall be an aggravating circumstance.”**
4. The NIHR values the principles and precepts underlying the proposed law - as stated in the explanatory memorandum - in that the proposed law aims at ensuring that the members of society respect each other, reducing the phenomenon of insult and slander that has recently spread through social media, ensuring freedom of expression without prejudice to the provisions of the law and without harming others, and increasing the penalty for the offenses of slander and defamation by means of publishing, thereby achieving public and private deterrence for those who commit such crimes or are contemplating to commit them.
5. The NIHR believes in principle that the policy adopted by the proposed law keeps pace with developments in society through tightening the penalties prescribed for the offense of insult and defamation, and introducing social media as tools for this crime. This policy aims to achieve a state of security and social stability, deter people from committing this type of crime, as well as to help reduce such crimes that put at risk the individual, society, and the State. It is not considered a development that has an effect on the enjoyment of fundamental rights and freedoms by individuals. Moreover, the proposed amendments contained in the proposed law do not constitute a violation of human rights as provided for in the relevant international or regional human rights instruments.
6. However, by extrapolation from the provisions of the above-mentioned articles, the NIHR has noted that the authors of the proposed law set the penalty of (imprisonment and fine) for such offenses, whereas the original text of the Law prescribed the penalty of (imprisonment or fine) for such offenses, other than that stated in the second paragraph of Article No. (365) of the proposed law, which made the penalty (imprisonment and a fine or one of these two penalties).

7. Therefore, in order to enhance the role of the trial judge by granting him discretionary power to construct the punishment that most appropriately fit the criminal offense committed in accordance with the conditions and circumstances of the criminal case. The NIHR suggests that the punishment for such offenses be (imprisonment and fine, or one of these penalties), while keeping the proposed tightening of penalty as stated in the proposed law regarding the term of imprisonment and the amount of the fine. This distinction in penalty would give the judge actual discretionary power to determine the appropriate penalty in the light of the facts before him, while prescribing the penalty of (imprisonment and fine) together and their application at the same time may be unjustified tightening, inconsistent with the circumstances, conditions, and facts of the criminal case in certain circumstances.

**Tenth: The Proposal with aspiration that the honorable Government prepares a study on the Kingdom of Bahrain's compliance with the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights**

1. The NIHR referred its advisory opinion on the aspiration that the Government of Bahrain prepares a study on the Kingdom's commitment to the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The objective is that the Government pays more attention to the commitment of the Kingdom of Bahrain to the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, as well as follows up such incessantly.
2. While the NIHR appreciates in principle the goals and objectives to be achieved by the proposal of aspiration on preparing a study on the Kingdom's commitment to the provisions of the two International Covenants by the Honorable Government; and although the NIHR agrees with the House of Representatives with regard to devoting more attention and continuous follow-up by the Government on the extent of the commitment of the Kingdom of Bahrain regarding this subject.
3. However, the NIHR, by reference to the content of the proposal of aspiration - as in its explanatory memorandum - considers that it is merely a general proposal by the House of Representatives to the esteemed Government, requesting the latter to prepare a study on the extent of compliance of the Kingdom with the provisions of the two International Covenants. It is a proposal that does not contain any legislative or regulatory texts, or a particular study, or a plan to promote or protect a human right. This makes the content of the proposal of aspiration beyond the competencies assigned to the NIHR as set out in its Establishment Law.
4. On that basis, the NIHR noted that, pursuant to the accession of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights by Law No. (56) of 2006, in particular Article No. (40) thereof, and the International Covenant on Economic, Social, and Cultural Rights, by Law No. (10) of 2007, in particular Article No. (16) thereof, the Honorable Government is obliged to submit regular periodic national reports to the relevant human rights treaty bodies of the United Nations on the progress made in the implementation of the provisions of the two International Covenants.



In addition, the NIHR, as stipulated in its Establishment Law, may submit parallel reports of the national (state) reports that the Honorable Government undertakes to submit periodically to the United Nations treaty bodies.

5. To fulfill the commitments, the Government has submitted its Initial National Report on the progress made in the implementation of the provisions of the International Covenant on Civil and Political Rights. The NIHR has also submitted its parallel report on the contents of that report. The National Report of the Kingdom of Bahrain was discussed before the United Nations Human Rights Committee during its 123rd session, which extended from 2-20 July of this year.
6. The NIHR urged the House of Representatives to push the Government to submit its Initial Report on the progress made in the implementation of the provisions of the International Covenant on Economic, Social, and Cultural Rights, which was due since December 2009, thus further enhancing and protecting human rights in the Kingdom of Bahrain.



## Chapter II

# Progress Achieved, and Efforts and Activities of the National Institution for Human Rights in the Promotion and Protection of Human Rights

### **Preface:**

The role of national human rights institutions is enhanced through their constitutional or legislative mandate in the area of “promotion and protection of human rights”. This role was reflected clearly in the “Paris Principles” on the status of national institutions in the promotion and protection of human rights as a constitution for their work and an active and constructive element in the promotion and protection of Human rights in the state system.

The role of these institutions in “promotion” is illustrated by the dissemination of the culture of human rights through the various means available. This includes holding conferences, training courses, workshops, and lectures targeting the public, or specific target groups, as well as training in the field of human rights and publishing and printing educational leaflets related to the work of national institutions. The lack of knowledge of the principles of human rights among all segments of society is a strong reason for violations, as promotion of human rights concepts and instilling awareness of such rights contributes to providing protection for all of those rights.

Concerning the “protection” of human rights, which is the main pillar corresponding to the role of national institutions in the promotion of these rights; it includes receiving complaints, providing legal assistance, and monitoring everything that may prejudice the right of individuals to enjoy their rights and general freedoms. Monitoring is a necessary means to ascertain the degree and extent to which a State respects its legal or international obligations relating to human rights. Protection also requires that national institutions conduct field visits to places where human rights violations are likely to occur. Accordingly, this chapter addresses the role of the NIHR in the promotion and protection of human rights under two main sections: the first section is dedicated to present its activities in the field of promotion of human rights, while the second section is dedicated to reviewing its efforts in the field of protection of those rights.

## Section I

### Progress Achieved, Efforts and Activities Undertaken 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 and its amendments, affirm its role in the promotion of human rights. Article No. (12) of the Establishment Law set forth the functions of the NIHR within its jurisdiction to achieve its objectives in this area, through its participation in the development and implementation of a national plan for the promotion of human rights in the Kingdom, examining the legislation and regulations in force relating to human rights, recommending amendments thereto, as it deems appropriate, particularly with regard to the consistency of this legislation with the Kingdom's international human rights obligations, as well as recommending the issuing of new legislation related to human rights.
2. The provisions of the Law also granted the NIHR jurisdiction to consider the agreement of legislative and regulatory texts with regional and international treaties on human rights, including to recommend to the competent authorities to join the relevant regional and international conventions, provide parallel reports, participate in the formulation and discussion of the reports that the Kingdom pledged to submit periodically in implementation of regional and international agreements on human rights, and to make comments on such, publish the reports in the media, and cooperate with the national authorities, regional and international organizations, and the relevant institutions in other countries who are concerned with the promotion of human rights.
3. The provisions of the Law also charged the NIHR with holding conferences and organizing seminars and training courses in the field of human rights; conducting research and studies in this regard, participating in local and international forums and meetings of regional and international organizations, as well as publishing its own bulletins, publications, data, and special reports and posting them on NIHR's website.
4. Pursuant to the duties, functions, and powers of the NIHR contained in the provisions of the Law, it played an active role in the promotion of human rights through publishing a number of educational leaflets and publications on human rights, conducting a number of seminars and lectures, and concluding a number of memoranda of understanding with various civil society organizations and relevant regional bodies. It also played an active role in the legislative review field in cooperation with the House of Representatives and the Shura Council, in addition to issuing a number of statements to coincide with international days or events. The NIHR also participated in many relevant seminars, workshops, training courses, and conferences at the regional and international levels.
5. The NIHR launched its Strategy and Plan of Action for the years (2019-2021) based on the promotion and protection of human rights in accordance with modern principles, human rights frameworks, and best practices. The launch took place during NIHR's celebration of the National Human Rights Day, which is observed every year on 10 December, marking the 70th Anniversary

of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly, in the presence of senior staff of official bodies, civil society organizations, law enforcers, and human rights defenders.

6. The NIHR's Strategy and Plan of Action for the years (2019-2021) aims mainly at making human rights concepts a way of national life. Four main themes are selected for the next three years, namely, environmental impact on human rights, sustainable economic development and human rights, the right to equal treatment, and promotion of awareness of human rights principles in civil society institutions and the business sector.
7. As part of extending the collaboration bridges and bonds with academic institutions working in the field of human rights, the NIHR has concluded a memorandum of understanding with the Faculty of Law at the Royal University for Women to expand future cooperation frameworks in the field of human rights.
8. Concerning partnership with the concerned local, regional, and international bodies, the NIHR held consultative meetings and gatherings with a number of ambassadors and diplomats accredited in the Kingdom of Bahrain, and international organizations, organs, and mechanism concerned with human rights affairs, in addition to regional and international consultancies operating in the human rights field and foreign communities clubs. Those meetings discussed a number of topics, most prominently, the interest of the Kingdom of Bahrain in human rights ever since the launch of the reform project of His Majesty the King, which included establishing several human rights institutions and associations; the most notable is the National Institution for Human Rights. Moreover, the establishment of the National Institution for Human Rights, its legal framework, and its role in the promotion and protection of human rights, in addition to the role of those institutions and their activities in the various issues related to human rights, ways of joint support and cooperation between the two parties, and NIHR's readiness to provide expertise in the field of training and education on human rights issues and to build the capacity of the members of those institutions insofar as the various international human rights instruments and the arising obligations of the Kingdom of Bahrain, and the relevant international mechanisms of the Human Rights Council were addressed during such meetings and gatherings.
9. Moreover, the NIHR participated in the consultative meetings held by the Ministry of Foreign Affairs, which were attended by the relevant civil society organizations active in human rights. The purpose of the meetings was to discuss and evaluate the recommendations of the Working Group on the Universal Periodic Review mechanism of the UN Human Rights Council, and to indicate the recommendations that have been implemented. The NIHR has referred its views on the recommendations to the Ministry of Foreign Affairs.
10. The NIHR made a significant new achievement, as the Secretariat was able to obtain ISO Quality Management System Certification in its updated version (ISO 9001: 2015) issued by the International Organization for Standardization (ISO), following an audit conducted by Bureau Veritas Certification

Holding, UK branch. The ISO Quality Management Certification was obtained for all the processes and procedures undertaken by the Secretariat of the NIHR to ensure that they are in agreement with the established objectives and in compliance with all the requirements of the Quality Management System. Thus, it became the first national human rights institution to obtain the ISO certificate at the regional level.

11. The success of the Secretariat in complying with all the ISO requirements - which is considered the first of its kind in the world for the quality of the operations of the Secretariat - is an exceptional achievement that reflects the interest and dedication of the Secretariat to operate in accordance with internationally recognized methodologies for high efficiency and premier service. The aim was not only to obtain it as a certificate in itself, but rather the resolute desire for development, which is the result of the commitment and effort of all the employees to improve the level of services and functions provided by the Secretariat, in line with the Kingdom of Bahrain vision 2030.
12. The process of ISO certification has passed through a number of stages, namely study and evaluation, preparation for the implementation process, documentation of the quality system, application of the documented system, internal audit of the system, and external audit and obtaining the ISO certification.
13. During the study and evaluation stage, the working team prepared a report for all activities of the Secretariat. The preparation for the implementation process stage followed, in which the Quality Committee was formed, a timeline for the implementation and approval of the Quality Committee was developed, and training courses for its members were held. The documentation of the quality system was developed, during which the Quality Policy was prepared, documented, and declared, as well as its objectives identified. The application of the documented system stage followed, in which all the staff of the Secretariat were trained on using the documents of the quality management system, and then the quality system was applied. The internal audit of the system followed, which included identifying the internal auditors, performing the audit plan and the corrective and preventive procedures resulting from the audit, and reviewing the quality system by the Secretariat. The final stage was marked by the external audit and obtaining the ISO certificate by the international certification body. The final external evaluation was then implemented and the corrective actions were taken.
14. The Secretariat was also listed as a partner in the UN Global Compact Initiative. The NIHR is the first non-profit organization in the Kingdom of Bahrain to be accepted as a member in the Initiative as a result of its commitment to the ten principles of the UN Global Compact, which are based on respect of human rights, environment, workers rights, and anti-corruption.
15. The commitment of the NIHR to the above principles is reflected in the actions of the Secretariat, namely, implementing a green policy based on the rational use of energy and recycling, resulting in an 83% decrease in using paper (becoming paperless). In addition, the Secretariat pays considerable attention to the United Nations Sustainable Development Goals in its relevant training programs

and periodic reports, as well as the concept of human rights and business management that supports corporate responsibility in the promotion and protection of human rights.

16. The United Nations Global Compact initiative, adopted by the United Nations in 2000, aims to promote Sustainable Development Goals. It comprises 12,000 international partners from the business and industrial sectors and 4,000 non-profit organizations.
17. As part of its ongoing efforts to strengthen cooperation and exchange of experiences with the various local, regional, and international academic institutions, the NIHR, in coordination with the Supreme Council for Women, hosted a delegation of students from Johns Hopkins University during their visit to the Kingdom of Bahrain to become familiar with its experience in the area of the advancement of women.
18. The NIHR has been keen on attendance and representation, at the local and external levels, in regional and international forums connected with its field of work and specialization through its participation in many seminars, workshops, training courses, and conferences. The NIHR participated in the technical group assigned to evaluate the Pakistani Human Rights Commission in the Republic of Pakistan. The group consisted of a number of experts selected by the Asia Pacific Forum of National Human Rights Institutions (APF) to provide a technical program to improve the performance of the emerging human rights institutions in accordance with the relevant international standards.
19. In this regard, the NIHR participated in the meeting of the Global Alliance for National Human Rights Institutions (GANHRI), the Asia Pacific Forum (APF) Regional Meeting in Geneva, Switzerland, as well as its participation in the side event on “The role of the national institutions in promoting and monitoring global compliance of the executive and legislative branches with international human rights law”, which was held by GANHRI in cooperation with the Australian and Portuguese Governments and the Office of the High Commissioner for Human Rights in Geneva.
20. In addition, a delegation from the NIHR participated in the discussion session held by the Human Rights Committee, which is mandated to follow up on the implementation of the provisions of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain joined pursuant to Law No. (56) of 2006. The NIHR presented its parallel report that was submitted to the Committee on the Initial Report of the Kingdom of Bahrain on the progress made in the implementation of the provisions of the International Covenant. Moreover, a brief explanation was made on the main recommendations contained therein and the extent of the Kingdom’s implementation of its provisions.
21. Moreover, the NIHR participated in the training course on “Gender equality in the Middle East and North Africa” organized by the Danish Institute for Human Rights in Denmark. It also participated in the international symposium on “The Role of Islamophobia: Violations of Human

Rights and a Contemporary Appearance of Racism” organized by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation in partnership with the Government of the Republic of Turkey. In addition, it participated in the Round Table event on “the Rights of Women and Girls” organized by the Asia Pacific Forum (APF) in Amman, the Hashemite Kingdom of Jordan, as well as in the twenty-third annual meeting of the Asia Pacific Forum and the International Conference on Equality in Hong Kong.

22. Furthermore, the NIHR participated in a training workshop on “Monitoring the role of the media during the elections” in the Sultanate of Oman, organized by the Omani Commission for Human Rights in collaboration with the Arab Network for National Human Rights Institutions. The NIHR also participated in the program on training human rights facilitators of the Asia Pacific Forum in Thailand, and the training course on “International Humanitarian Law” organized by the Bahrain Institute for Political Development in cooperation with the International Committee of the Red Cross (Kuwait Branch). The NIHR participated as well in the training course on urgent humanitarian issues of refugees, which was organized by the United Nations High Commissioner for Refugees in the Gulf Cooperation Council States and the Ministry of Foreign Affairs of the Kingdom of Bahrain.
23. In that context, the NIHR participated, for three consecutive days, in the activities of the National Program for the Elections of 2018, organized by the Bahrain Institute for Political Development, by attending five lectures in a training course entitled “Follow-up and Monitoring Skills of the Electoral Process”. The first lecture was about the legislation governing the electoral process; the second on electoral irregularities and crimes; the third on electoral monitoring skills; the fourth on election campaigning for candidates; and the last lecture was on the preparation of the final report on the electoral process.
24. In order to publicize the Sustainable Development Goals 2030 and the challenges that may face the progress made in the implementation of these Goals, the NIHR organized a workshop on “the Sustainable Development Goals and follow-up indicators”. During this workshop, the Goals and Objectives of Sustainable Development and the central role of national human rights institutions in their realization were reviewed.
25. In order to promote and develop a culture of human rights in the Kingdom of Bahrain for various official and civil society groups, the NIHR participated in the Publications Exhibition, which was held as a side event of the Parliamentary Conference (National Action Charter ... Prospects, Sustainable Development, and Peace) organized by the House of Representatives, by displaying a number of its publications. The NIHR also participated in the distribution of its publications on Career Day at the Royal University for Women.
26. In the area of publications, the NIHR has reprinted a number of international and regional documents related to human rights in both Arabic and English languages. For example, the Paris Principles relating to the status of national institutions for the promotion and protection of human rights, the Universal Declaration of Human Rights, the International Covenant on Civil and



Political Rights, and the two Protocols attached thereto, the International Covenant on Economic, Social, and Cultural Rights, the Arab Charter on Human Rights, the Cairo Declaration on Human Rights in Islam, and the Constitution of the Kingdom of Bahrain, which, in its entirety, enhances human rights, instills its values, and disseminates awareness on such.

27. Moreover, the NIHR printed a pamphlet on its work, which was translated into English, Hindi, Malayalam, Tagalog, and Filipino languages in order to familiarize the citizens and residents with of the NIHR and its role in the promotion and protection of human rights. The NIHR has launched the book “Legal Protection for Persons with Disabilities between Reality and Anticipation in the Kingdom of Bahrain: A Comparative Study in the Light of International Human Rights Standards” of the Human Rights Culture Series. The disability issue is of great importance in contemporary societies due to its economic, educational, and psychological dimensions, not only on the person with disability and on his/her family, but also on society as a whole.
28. In order to contribute to the dissemination and promotion of a culture of human rights among the different groups of society, the NIHR participated in the 25th edition of Al Ayam Cultural Book Fair, along with a selection of Bahraini and Arab publishing houses. This Book Fair has a very important role in enriching Arab consciousness and thought through a variety of resources that have valuable information.
29. The NIHR was not away from interacting with the international, regional, and national events on the promotion of human rights. During 2018, the NIHR has issued thirteen statements on the occasion of International Women’s Day, Arab Human Rights Day, World Health Day, International Workers’ Day, World Press Freedom Day , International Day in Support of Victims of Torture, World Day against Trafficking in Persons, International Day of Democracy, International Day of Older Persons, International Day of the Girl Child, Human Rights Day, Universal Children’s Day, and Bahraini Women’s Day. The aim of these statements is to inform the public and the concerned bodies of all the different events, and highlighting their importance.
30. Coinciding with the celebration of the Kingdom with the Bahraini Women’s Day, the NIHR organized, in cooperation with the Supreme Council for Women, an awareness Lecture on “Bahraini Women’s history in the legislative field and municipal work”. The staff of the Secretariat participated in the lecture, which addressed a number of important topics through the course of progress of Bahraini women, most importantly, the Constitution of the Kingdom of Bahrain, the National Action Charter on Bahraini Women’s Rights, the establishment of the Supreme Council for Women and its role in supporting women, in addition to the role of women in the Government’s program of Action for the period (2015-2018). The lecture also highlighted the stages of development of women’s political participation in the Kingdom of Bahrain by presenting statistics on Bahraini women in decision-making positions, as well as the role played by the election consultations program for women throughout the electoral process.
31. In the area of holding and organizing conferences, and believing in the importance of disseminating the key topics contained in the United Nations Guiding Principles for Business and Human

Rights, as a priority function of the NIHR, it organized an international forum on “Business and Human Rights”, to promote and protect business management rights and exchange of experiences. The Forum focused on human rights issues related to business management and operations, particularly with regard to ways of harmonizing human rights and business rules by providing businesses with positive models that are in the interest of protecting human rights from any violation, in order to achieve the Sustainable Development Goals (2030). The Forum addressed a number of topics; the most important are intellectual property on medicine, labor rights, corporate and business responsibility, as well as the right to privacy in relation to information space (cyberspace).

32. The first session of the Forum focused on “Businesses and Human Rights: Challenges and Obstacles”. It highlighted the most important challenges and obstacles in business management and human rights, especially after the great openness witnessed by the countries of the world and the accompanying globalization and emergence of multinational companies and practices. The weak health and safety standards in the workplace, pollution, the developments in the technology and information sector, and the issue of intellectual property and copyright in creativity were discussed.
33. The second session of the Forum focused on the theme “Reality and Prospects for Business and Human Rights”, where the Guiding Principles for Business and Human Rights, which was unanimously approved by the Human Rights Council in 2011, were reviewed, as well as the international efforts in this area. The last session highlighted the status of businesses and human rights in the Kingdom of Bahrain, as one of the advanced countries in this area. It was emphasized that the Kingdom has taken a pioneering step in this regard, as it has established the institutions that protect these rights, the most important of which are the Labor Market Regulatory Authority, the National Health Regulatory Authority, which regulates health professions and services, and the National Institution for Human Rights. All of these institutions play an important role in strengthening and promoting a culture of respect for human rights in the various sectors in the Kingdom.
34. On the sidelines of the Forum, the participants were divided into three working groups; each group discussed a number of themes and prepared its recommendations on those themes. The first group discussed the ambitions and challenges in the work environment, the relationship between human rights and the work environment, the role of the employee in addressing the problems on discrimination in the workplace, as well as the impact of the work environment on business and human rights.
35. The second working group discussed the theme on cyberspace and the right to privacy. This group defined the right to privacy and its relation to big data, the economic and social repercussions of information space, the challenges of information security and solutions, as well as the threats to national security through misusing such data, and the role of public and private sectors in raising awareness of security therein.

36. The third working group dealt with the issue of intellectual property rights of the pharmaceutical industry, the extent to which patients benefit from generic drugs, the effect of copyright on businesses and human rights, and the advantages and disadvantages of generic drugs for companies.
37. Each group has made recommendations, the most important of which are: to reduce the problems related to business and human rights by enhancing practices with regard to the United Nations Guiding Principles on this matter, to induce identifying and sharing good practices in the business and human rights field, as well as the duty of businesses to not violate the principles on the fundamental rights set out in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work, as well as the fundamental rights stipulated in the two International Covenants on Civil and Political Rights, and Economic, Social, and Cultural Rights, to which the Kingdom of Bahrain acceded to, regardless of the size of the business, its sector, its ownership, or the nature of its activity.
38. In order to enrich the scientific and knowledge aspects of human rights issues of the employees of the public sector and the public through holding seminars, events, and training programs related to the promotion and protection of human rights, the NIHR held a two-day workshop in cooperation with the British Foreign and Commonwealth Office entitled, "Fair trial guarantees". It dealt with a number of themes, the most important are: the international system and its mechanisms for protecting human rights, fair trial guarantees in accordance with international standards, and the relevant regional and international agreements on fair trial guarantees, along with pre-trial, trial, and post-trial rights.
39. In performing the Memorandum of Understanding between the NIHR and the Asia Pacific Forum (APF), which aims to implement programs on human rights capacity building and qualifying of assistants, the NIHR organized a program on "Human Rights Capacity Building in Monitoring and Documentation". The program consisted of two parts, one part was theoretical, through a two-week distance-training course, and the other part was a two-day practical training course, where practical application on the preparation of monitoring reports for human rights monitoring and documentation processes, to reach the best monitoring methods.
40. Through this program, several themes on human rights monitoring and documentation mechanism were addressed. In addition, the experiences of the institutions participating in the program on human rights monitoring and documentation processes were presented, and the general concepts of the monitoring process, in particular the monitoring of reform and rehabilitation centers and the electoral process, were explained. The staff of the General Secretariat of the Complaints (Ombudsman), the Prisoners and Detainees Rights Commission, as well as the Secretariat of the NIHR participated in this program.
41. The NIHR organized a training course entitled "Analysis and Interpretation Skills for Harmonizing National Legislation with International Standards of Human Rights". The training course addressed a number of important topics, the most important are: general concepts of analysis and interpretation and their importance in developing national legislation, in addition to applications of

legal texts adopted by the legislator and their conformity with international standards. This event targeted a number of legal and human rights workers.

42. In its concern for the rights of persons living with HIV/AIDS (PLWHA), and in accordance with the provisions of the Constitution of the Kingdom of Bahrain and the provisions of Law No. (1) of 2017 on Protection of Society from AIDS and Protection of the Rights of People Living with HIV/AIDS, the NIHR organized a workshop on the “Rights of People Living with AIDS”. This workshop serves as the essential core for disseminating knowledge about AIDS, presenting facts on the disease in the Kingdom of Bahrain and the world, contributing to the clarification of some misconceptions about it, and promoting the culture of the rights of PLWHA in the society seeking the elimination of all forms of discrimination against PLWHA. The workshop also stressed the need for all PLWHA to enjoy all human rights and fundamental freedoms, whether civil, political, economic, social, or cultural, guaranteed by the Constitution, international conventions ratified by the State, and applicable laws.
43. To complement NIHR’s strategy and plan of action in the area of the dissemination of human rights culture, and in the framework of activating the memorandum of understanding between the NIHR and the National Security Agency, it conducted a training program for the members of the National Security Agency during the period from 17 January to 4 September 2018. The objective of the training program is to strengthen and develop the capacity of the members of the National Security Agency in the field of human rights. The training program addressed the following topics: national mechanisms for the promotion and protection of human rights, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT), and the Optional Protocol to the UNCAT (OPCAT), Human Rights Council, and the Universal Periodic Review mechanism (UPR).
44. In addition, the NIHR, in cooperation with the Professional Standards Office of the National Security Agency, organized an introductory seminar on the Code of Conduct for National Security Agency Personnel issued by Decree No. (31) of 2012. The seminar aimed at disseminating and promoting a culture of human rights in the Kingdom of Bahrain in accordance with international, regional, and national instruments of human rights.
45. In partnership with the Royal Academy of Police, the NIHR hosted a new batch of Master’s students in Criminal and Police Sciences and Master’s students in Administrative and Security Sciences and Crisis Management, as well as the fifth intake to the Diploma in Human Rights and the second intake to the Diploma in Social Service in Security Institutions to inform the members of the Academy of the role played by the NIHR in the promotion and protection of human rights, in particular its mandate to receive complaints, provide legal assistance, and monitor human rights situation, in addition to providing the participants with practical skills in this area.
46. In this regard, the NIHR has actively contributed to the Cooperation Program of the Faculty of Law at the Royal University for Women, which is a practical training program for law female

students. The program aims at acquiring skills in human rights through educational lectures and visual presentations on the role of the NIHR in the promotion and the protection of human rights. The eight-week program addressed the NIHR's competence in the promotion field, as well as its role in the protection of human rights through explaining the mechanism of receiving complaints and the relevant procedures, providing legal assistance and counsel, and its role in monitoring human rights violations.

47. Moreover, the NIHR, in partnership with the Supreme Council for Women, the Bahrain Institute for Political Development, and the Institute for Judicial and Legal Studies, organized the awareness program on constitutional and human rights for government institutions and civil society organizations "My Rights 2" from April to October 2018. The aim of the program is to increase the awareness and develop the culture of employees working in the public sector and civil society organizations on constitutional, legal, and social rights and duties, and the legislation relating to the legal status of women in the various fields. In addition, make such a culture, lifestyle, and everyday behavior in their work in these institutions and organizations.
48. The program addressed the following topics: the role of the NIHR in the promotion and protection of human rights, the role of the Supreme Council for Women in the promotion and protection of women's rights, civil society and its relationship to democratic transformation, the role of the Office of Financial and Administrative Control in the control of public funds, mechanisms for achieving equal opportunities and gender balance at the national level, legal literacy for people with no legal background, the concepts of citizenship and human rights, development and democracy in the Kingdom of Bahrain, the role of the media in political shaping of citizens, the rights and obligations of the public servant under the Retirement Law, human rights and Sustainable Development Goals, the general framework of women's rights and the most important laws and resolutions supporting the integration of women's needs, functional rights and duties under the provisions of the Civil Service Bureau Law, political participation of women in the Bahraini constitution and legislation, democracy in the reform project, rights and fundamental freedoms in the Constitution of the Kingdom of Bahrain and the National Action Charter, analysis and interpretation skills to harmonize national legislation with international human rights standards, the rights and guarantees of the contracting party with the management in the Kingdom of Bahrain, the methodology for writing international reports related to women's rights, and democracy and types of political systems.
49. On World Down Syndrome Day, which falls on March 21 of each year, the NIHR organized a roundtable on "the status of people with Down Syndrome in the Kingdom of Bahrain". A number of the members of the House of Representatives and the Shura Council, representatives of the relevant government agencies and civil society organizations, as well as many parents of children with Down syndrome participated in the event. The participants of the roundtable discussed the challenges facing people with Down syndrome, and made a number of recommendations. The most important recommendations are to introduce some legislative amendments to promote the protection of the rights of people with Down syndrome, how the community deals with people

with Down syndrome, and to overcome the difficulties they face, and scale up the enjoyment of human rights and fundamental freedoms by all persons with Down syndrome.

50. The NIHR also organized a roundtable entitled “The reality of people with Autism Spectrum Disorder (ASD) in the Kingdom of Bahrain”, attended by a number of members of the House of Representatives and the Shura Council, representatives of the relevant government agencies and civil society organizations, as well as the parents of children with ASD. The participants discussed the challenges that may be encountered by people with ASD and how to integrate them into society. The event sponsored by the NIHR reached a number of recommendations and proposals to overcome the difficulties faced by people with ASD, and to scale up their full enjoyment of human rights and fundamental freedoms.
51. In order to extend cooperation with civil society organizations, the NIHR, in partnership with the Youth and Technology Society, organized a workshop entitled “The Role of Technology in Literacy”. The workshop aimed at introducing participants to the importance of technology in eradicating illiteracy by presenting the practical experiences of the Kingdom of Bahrain in information literacy, the role of technology in developing skills and creating job opportunities for youth, as well as the role of civil society organizations in fine tuning technical talents.
52. The NIHR participated in Bahrain Summer Festival organized by the Bahrain Culture and Antiquities Authority, in its tenth edition, which is one of the most anticipated events in the Kingdom of Bahrain because of its multi-cultural programs. The consecutive two-month festival presented a wide variety of activities and workshops for children. During NIHR’s participation, it presented a series of awareness lectures on the rights of the child contained in the International Convention on the Rights of the Child. In addition, it distributed coloring books on these rights that are characterized by being tailored specifically for children to inform them of their rights in a simple language and beautiful drawings that combine entertainment and education. In addition, contests were held and gifts were distributed to the children participating in the festival.
53. In the same context, the NIHR participated in the ninth edition of Youth City 2030 events organized by the Ministry of Youth and Sports Affairs in cooperation with Bahrain Labor Fund (Tamkeen), for two consecutive days. Youth City 2030 seeks to create a national partnership for young people and develop their intellectual skills to enable them shape their paths in any experience. The NIHR presented a series of awareness lectures on its role in the protection and promotion of human rights, in which more than 300 young men and women of different ages participated.
54. In order to raise awareness of the Convention on the Rights of the Child among children, the NIHR organized a lecture for the students of Sheikha Hessa Girls School on the Convention on the Rights of the Child in order to enhance their knowledge of the rights enshrined in the UN Convention. In addition, the NIHR held another lecture for the students of the same school on the rights of the girl child, coinciding with the International Day of the Girl Child, which falls on 11 October each year, in contributing to the promotion of the rights of girls, whether in education,

health, protection from violence, and prevention of discrimination, and enhancing the principle of equality and equal opportunities before the law.

55. In connection with the rights of the child, the NIHR participated in the awareness raising dialogue session entitled “The efforts of the Kingdom of Bahrain in the protection of the rights of the offender and victim child”, organized by the Institute of Judicial and Legal Studies. Relevant bodies participated in the event, such as the Public Prosecution and the Child Protection Center at the Ministry of Labor and Social Development. A brief presentation on the role of the NIHR in the promotion and protection of the rights of the child was presented by focusing on a number of topics, notably: legal framework and working mechanism of the NIHR in the field of promotion and protection of the rights of the child, its interaction with the United Nations mechanisms and international events concerned with the rights of the child, along with showing the relationship between the rights of the child and Sustainable Development Goals (2030).
56. In raising awareness of the rights and duties of residents, the NIHR organized awareness lectures on its competencies and mechanism of submitting complaints in a number of expats clubs in the Kingdom, including the Kerillian Club, the Nepal Club, the Sudanese Club, and the Philippine Embassy. This initiative strengthens the work of the NIHR in the field of protecting human rights, especially the rights of expatriate workers, by reaching out to the various foreign communities in the Kingdom of Bahrain.

**Table showing the number of events organized by the NIHR during (2016-2018)**

Year	Number of Events
2016	33
2017	56
2018	49

**Table containing information on the various events that were organized by the NIHR in 2018**

No.	Topic	Number/ Percentage
1	Total number of events	49 events
2	Number of participants in the events	2773 participants
3	Percentage of Bahraini speakers	77%
4	Percentage of women speakers	42%
5	Percentage of women participation in the events	54%
6	Average percentage of participants satisfaction with the events	95.1%

## Section II

### Progress Achieved, and Efforts and Activities Undertaken in the Protection of Human Rights

1. The Provisions of Law Number (26) of 2014 on the Establishment of the National Institution for Human Rights, amended by Decree-Law Number (20) of 2016, emphasizes the role of the NIHR in the protection of human rights, through receiving complaints, providing legal assistance, and conducting field visits to monitor human rights conditions at detention centers or any other place suspected of violating human rights.
2. Paragraph (e) of Article No. (12) of the same Law stipulates that the NIHR has jurisdiction “**to monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities to such violation, and provide them with proposals on initiatives to put an end to such violations. When necessary, the NIHR expresses its opinion on the reactions and positions of such competent authorities**”. Paragraph (f) thereof stipulates that the NIHR has the power to “**receive, examine, and investigate complaints related to human rights and refer them, if NIHR deems necessary, to the competent authorities, with effective follow-up by the NIHR, or to enlighten those concerned with the procedures to be followed and to help them implement such, or assist in the settlement of complaints with the relevant authorities**”.
3. The NIHR has updated the Guide on Receiving Complaints and the Provided Legal Assistance adopted in 2015, by issuing a new Guide to keep pace with the progress made in the complaints handling mechanism in terms of the new electronic system to follow up on the complaints received and legal aid provided. The Guide is divided into eight sections. The first section contains the general



principles of concepts and terminology. The second section deals with the competencies of the NIHR and the complaints that the NIHR has jurisdiction to consider and those that it is incompetent to do so. The third section is on the procedures for receiving the complaint, means of filing (submitting) the complaint, and the initiating procedures to deal with the complaint. The fourth section is on the mechanism and stages of dealing with the complaint, reviewing it, and providing legal opinion. The fifth section covers the follow-up of the complaint and the communication with the concerned bodies. The sixth section is on discontinuing the procedures and shelving the complaint. The seventh section covers the provision of legal assistance and counseling, while the eighth section is on the procedures for amending the Guide.

4. On the occasion of the first anniversary of the launch of the NIHR Hotline Service (80001144) for receiving complaints and inquiries; and in the light of its incessant concern to develop and update the communication mechanisms with citizens and residents in order to reach maximum levels of protection and promotion of human rights, an integrated system for managing phone calls (CMS - Communications Management System) was launched to receive complaints and inquiries. The CMS aims to improve the quality of the services provided by the customer service team. The new system has helped the NIHR's call center to manage the large number of calls received by the NIHR in accordance with international standards. The CMS has many important features that will help evaluate the performance of the employees of the call center, determine the needed training, and evaluate their performance periodically to ensure the quality of the service provided by them.
5. As to field visits, being one of the monitoring means granted to the NIHR, Paragraph (g) of Article No. (12) of the same Law stipulates its mandate to, **“perform announced and unannounced field visits, to monitor human rights situation in correction and reform institutions, detention centers, labor calls gathering, health and education centers, or any other public place suspected of being a site of human rights violations.”**
6. To put into effect the jurisdiction included in the provisions of the Law, the NIHR has played an effective and active role in the protection of human rights. It has attended a number of trial sessions that had resonance in public affairs, including attending twelve (12) trial sessions for three persons accused in a case of communicating with a foreign country to commit acts of hostility against the Kingdom of Bahrain. In addition, the NIHR attended five (5) trial sessions for a person accused in a case of publishing posts on his social media account (Twitter account) that included disseminating false news and statements, as well as deliberately announcing inflammatory propaganda in time of war, which would endanger the military preparations and operations, and publicly insulting a statutory body. The NIHR also attended six (6) trial sessions for persons accused in a case of organizing and managing a terrorist group affiliated with the terrorist cell known as Saraya Al Mukhtar, the attempted murder of police officers, the possession of explosives, weapons, and ammunition, and the attempt to assist persons convicted of terrorist cases to escape. It also attended two (2) trial sessions in the Shari'a Court of Appeal at the request of one of the parties to the case.

7. The NIHR also attended two sessions (2) before the Supreme Criminal Court of Appeal, in a trial for two persons accused of murdering a police officer and attempting the murder of other members of the security forces by carrying out a terrorist bombing. A final sentence of capital punishment has been ordered for both of the convicted. However, the Court of Cassation referred the case to the Court of Appeal to review after accepting an application for a reconsideration lodged by the Public Prosecution pursuant to the legal procedures followed in this regard.
8. With respect thereto, the NIHR asserts that attending the trial sessions is to examine and establish the validity of the judicial proceedings and the provision of fair trial guarantees in the trial of the accused. The right to a fair trial is one of the standards of international human rights law and a fundamental pillar of the fair trial stipulated in international instruments starting with the Universal Declaration of Human Rights. Article (11.1) thereof stipulates that, “... **he (the offender) has had all the guarantees necessary for his defense**”. Followed by the International Covenant on Civil and Political Rights, in which Article (14/3-B) stipulates that, “**To have adequate time and facilities for the preparation of his defense ...**” The Constitution of the Kingdom of Bahrain also affirms the right of defense in Paragraph (c) of Article No. (20), which stipulates that, “**...in which he is assured of the necessary guarantees to exercise the right of defense...**”
9. In a related context, the NIHR has been keen - since the lawsuit in case No. (1/terrorism/2017) was referred to the High Military Court of the military system of justice on 23 October 2017 <sup>(2)</sup> until the sentence was issued in the session held on 25 December 2017, which amounted to eight (8) sessions - to attend all the hearings in order to monitor the proceedings of the trial and to ensure that they conform to national, regional, and international standards related to fair trial. In addition, the NIHR attended five (5) trial sessions of the Supreme Military Court of Appeals, which issued its verdict on 21 February 2018.
10. Moreover, the NIHR, in continuation of its concern, and in order to reassure the public about the proceedings, has released public statements on all the hearings that it has attended, making observations regarding fair trial guarantees in such sessions.
11. The NIHR believes that referring the case to the High Military Court of the Bahrain Defense Force is consistent with the fact that it is a competent and independent court established by Decree-Law No. (34) of 2002, issuing the Military Judiciary Law, as amended by Law No. (12) of 2017.
12. The NIHR noted that the High Military Court, which is competent under the law to hear the present case, has taken into account safeguarding the principle of presumption of innocence and that the accused is presumed innocent until proved guilty under a fair trial, in which the accused has the necessary guarantees to exercise the right to defense at all stages of the investigation and trial. In addition, both defendants, on whom the judgment has been issued in their presence, exercised the right to have a defense attorney with their consent, and the hearings were public, and in conformity with the provisions of the Constitution and relevant national laws and international and regional human rights instruments.

---

(2) For more information: Fact-Finding Report of the National Institution for Human Rights on the Allegations of Torture and Enforced Disappearance Crimes against a number of Convicts in the case known as (1/Terrorism/2017); NIHR's website at [www.nihr.org.bh](http://www.nihr.org.bh).

13. Prior to the issuance of the judgment, the NIHR addressed the Military Justice to closely examine and verify, in accordance with the legal and administrative procedures in force, the allegation that a number of defendants of the present case were, at the time, subjected to enforced disappearance, torture, and other cruel, inhuman, or degrading treatment or punishment.
14. Under the broad mandate granted to NIHR and its legal position and its national responsibility for protection of human rights in the Kingdom of Bahrain, it initiated the necessary investigation of these allegations against the persons deprived of their personal liberty, and directly contacted the Military Justice as the legal body entrusted with considering the above case.
15. The NIHR was totally keen to be provided by the Military Justice with copies of the minutes of investigation with the convicts of Terrorist Crimes Prosecution and the Military Prosecution, as well as the requests for their referral to forensic medicine, the forensic reports received by the Terrorist Crimes Prosecution and the Military Prosecution in this regard, in addition to the forensic reports received by the Court that has the competence under the law to consider the case.
16. Referring to the definition of “torture” according to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, under Decree-Law No. (8) of 1998, it is the same definition set out in the Penal Code promulgated by Decree-Law No. (15) of 1976, as amended. In view of the fact that the minutes of investigation of the Public Prosecution, the Military Prosecution, and the forensic reports at the investigation and trial stages had no evidence that there were cases of torture in relation to the aforementioned convicts. These medical reports are issued by two different specialized medical agencies, with which NIHR is satisfied. Therefore, the claims of being subjected to crimes of torture by the aforementioned convicts are contrary to the contents of the relevant medical reports.
17. On the other hand, the NIHR has examined the applications filed by the relatives or legal representatives of some of the convicts to the Public Prosecution and the Military prosecution. These applications indicated that the applicants were aware of the whereabouts of the convicts and they requested allowing them or their representatives to visit them. In addition, the NIHR examined the log of visits by the families of the convicts and the log of phone calls between them and the convicts.
18. By reference to the provisions of the International Convention for the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly of the United Nations in its Resolution No. 61/177 dated 20 December 2006, in particular the crime of “enforced disappearance”, it appears that the provisions of the International Convention do not apply in any way to the actions taken with respect to the convicts in the case mentioned above. This was confirmed by the relatives of the convicts in the aforementioned applications to the investigation authorities, as well as the log of communications and visits that were made between the convicts and their relatives. As such, the NIHR considers that the reported allegations of “enforced disappearances” crime of the convicts in the present case are not consistent with international, regional, and national human rights standards.

19. In the framework of protecting the rights of expatriate workers, the NIHR observed news published in social media about the collapse of a building rented by a number of expatriate workers in the Salmaniya area, where a number of workers were injured, and some of the injured workers died. Since the moment of the collapse, the NIHR followed up on the details of the incident through visiting the injured and wounded workers in the Salmaniya Medical Complex by a delegation of the Council of Commissioners headed by the Chairperson of the Institution to check on them and their health status and make sure they have received proper medical treatment.
20. The NIHR commends the efforts of the ministries and the concerned bodies - each within their competence - especially the Ministry of Interior, which secured the area of the accident, rescued, and transported the injured to hospitals promptly. In addition, the Public Prosecution attended the site of the accident, examined it, and assigned specialists in this regard. The owner of the building was interrogated about the charges laid against him and the committed violations and ordered he be held in custody for seven days pending the investigation. The investigations, hearing the statements of the injured, and requesting the technical reports are being carried out in preparation for referring the case to criminal trial. Moreover, the Ministry of Labor and Social Development formed a working group comprising occupational safety inspectors and those concerned with social welfare to follow up on the conditions of those harmed in the incident, and make the necessary arrangements to provide them with temporary accommodation.
21. Regarding the role of the NIHR in carrying out announced and unannounced visits to monitor human rights conditions, the NIHR conducted two announced visits to the Women's Reform and Rehabilitation Center after allegations were circulated on social media on the violation of human rights of three female inmates out of (205) women inmates at the Women's Reform and Rehabilitation Center in Isa Town. These allegations reported that there were a number of restrictions on their access to medical care, religious practice, and others related to maintaining contact with the outside world or exposure to ill-treatment.
22. During the visits, the NIHR's delegation examined the health files of the inmates, the telephone calls and visits logs, and the disciplinary sanctions file. In addition, the delegation interviewed the inmates privately and listened to their statements in order to verify the mentioned allegations; each individually without the presence of the Center's officials on duty.
23. The NIHR's delegation found that the allegations made by the inmates of not being allowed to practice religious rites were incorrect and contradicted the reality. This was evident from the video surveillance recordings at the Center, which were shown to the delegation. As for the allegation that some of the Center's officials subjected one of the inmates to ill-treatment, the delegation watched the video recordings on the treatment of the inmate by the officials of the Center. It was evident that the treatment did not cross the limits of the legal use of force to ensure the safety of the inmate from attempting to cause harm to herself or to others. With regard to the right to communicate with the outside world, and through examining the relevant logs, it was found that all visits and communications were carried out in accordance with the Executive Regulations of the Center,

without any deprivation or arbitrariness. In the course of the delegation's visit, some of the inmates made observations regarding health care and daily life requirements, which were dealt with as befits the privacy of the inmates and were submitted directly to the Center's Administration.

24. In a related context, the NIHR conducted an announced exploratory visit to the Women's Reform and Rehabilitation Center to ascertain the validity of the allegations regarding their conditions in the Center as circulated on some social media sites. Following that visit, the NIHR's delegation met with (13) inmates, examined medical and disciplinary records, as well as other relevant records, logs, and information. It was evident that the inmates were treated with respect, the dates of the visits were regular, special places were provided for meeting with their families directly, and the communication system was in line with the Executive Regulations of the Reform and Rehabilitation Institution Law, where each of the inmates is given 30 minutes each week for phone calls. The NIHR's delegation also found out that there were no cases of hunger strike.
25. The visiting delegation was confident that the Administration of the Center was keen to provide recreational programs for the female inmates, such as practicing sports, exercise, and training them in a special workshop. Moreover, the Center allocated two hours a day out-of-cell time for each inmate distributed over two periods, as well as specific time for carrying out various activities. The delegation verified that the Center's Administration provides the necessary health care through the provision of medicine for the inmates and their regular visits to the health centers as scheduled.
26. A delegation from the NIHR also conducted two visits to the Reform and Rehabilitation Center (Jau Prison). The first visit took place after a number of complaints by some of the inmates regarding the living conditions in the Center were received by the NIHR. The delegation met with the inmates and listened to their statements, collectively or individually. Their conditions were discussed with the on-duty officials of the Center. A number of recommendations were submitted to the competent authority at the Ministry of the Interior, as well as following up on the conditions of the inmates with the same authority.
27. The second visit was carried out at the request of one of the inmates to meet with the delegation of the NIHR. The delegation visited the inmate immediately; met with him in private, without the presence of any of the Center's officials, and listened to his demands. The delegation also coordinated with the Administration of the Center on the demands raised by the inmate to improve his conditions at the Center.
28. In a related matter, the NIHR observed, through social media monitoring, an appeal by a parents to consider the situation of his son with mental retardation and to accommodate him at psychiatry institute. Accordingly, the NIHR followed up the matter with the concerned authorities, which initiated the procedures involved. It was ascertained that a medical committee, in which a member of the Council of Commissioners, who is a specialist in this area, participated, was sent to determine the state of health of the mentioned son, who was subsequently admitted to the psychiatric hospital.

29. The NIHR also monitored what is being circulated through social media of an individual staging a sit-in protest outside the Bahraini embassy in the United Kingdom, claiming that his father, who is detained at the Reform and Rehabilitation Center, does not receive proper treatment and health care. Subsequently, the NIHR contacted the officials in the competent authorities, explaining that the detainee has been refusing to go to his medical appointments for six consecutive months, and that they have documents supporting this.
30. In the same context, the NIHR observed news on social media about an inmate in the Reform and Rehabilitation Center who is at risk of losing his vision because his treatment was not completed. Consequently, the NIHR contacted the concerned officials to find out the health status of the inmate and to ensure that appropriate treatment and health care are provided.
31. The NIHR monitored news through one of the social media sites; the first was about a woman who was concerned for her convicted father's health because he was suffering from a stroke. The second news was under the title "Prisoner on the Edge of Death". The NIHR immediately contacted the concerned authorities to determine the health status of both inmates and to ensure that they were provided with appropriate treatment and health care.
32. The NIHR monitored the activities of the director of a private company potentially involving suspicion of trafficking in persons, through withholding the passports of around (150) workers and members of their families, threatening them, preventing them from traveling, as well as forcing them to work for additional hours without pay. Attempts were made by the NIHR in this regard; and the monitoring case was filed for the termination of the violation case after making sure that the issue was settled with those concerned in the company. The NIHR has monitored another case on allegations of similar practices carried out by a private company. The NIHR followed up the matter urgently with the Labor Market Regulatory Authority to establish the validity of the allegations and take legal procedures with respect to it.
33. In addition, the NIHR received a telephone call from a female citizen about a domestic workers recruitment agency, which posted an advertisement on one of the social media outlets involving suspicion of trafficking in persons. The NIHR monitored the case; and the concerned committee substantiated the allegation. Consequently, the NIHR contacted the concerned officials at the Ministry of Labor and Social Development, and the necessary measures were taken against the said agency.
34. With regard to the right to an adequate standard of living, the NIHR has monitored news that circulated on social media Regarding a Bahraini woman whose son has cerebral palsy. The woman has been looking forward to getting a housing unit that meets the needs of her son's health status for the past 16 years. After obtaining information about the mentioned woman, the NIHR coordinated and communicated with the concerned officials at the Ministry of Housing to consider her humanitarian situation to ensure that she, and her family, has a decent life.

35. Within the framework of the NIHR's mandate in the protection of human rights, the Institution played an active role insofar as receiving and examining complaints related to human rights of various types, and referring them, as it deems necessary, to the competent authorities. Furthermore, the NIHR follows up effectively on such complaints, or enlightens those concerned with the procedures to be followed and assists them to implement such, or assists in settling the complaints with the concerned bodies. In 2018, the NIHR dealt with (109) complaints whose contents varied in terms of the rights alleged to be violated.
36. The number of complaints related to civil and political rights was (38) complaints, of which (22) complaints were related to the right to physical and moral integrity, (9) complaints were related to the right to personal freedom and security, two complaints were connected to the right to enjoy fair trial guarantees, (3) complaints were related to the right to equality before the law, one complaints related to the right to citizenship, and one complaint associated with the right to freedom of religion or belief.
37. As to the complaints related to economic, social, and cultural rights, the total number received by the NIHR was (71) complaints, of which two complaints were related to the right to education, (62) complaints were connected to the right to health, and (7) complaints were related to the right to work.

**Chart showing the number of complaints received by the NIHR on civil and political rights**

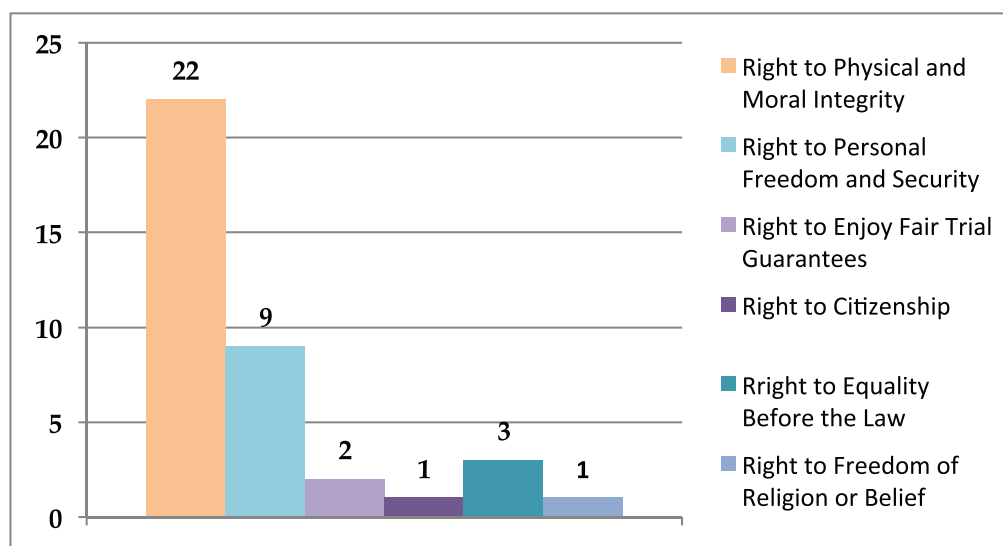


Chart showing the number of complaints received by the NIHR related to economic, social, and cultural rights

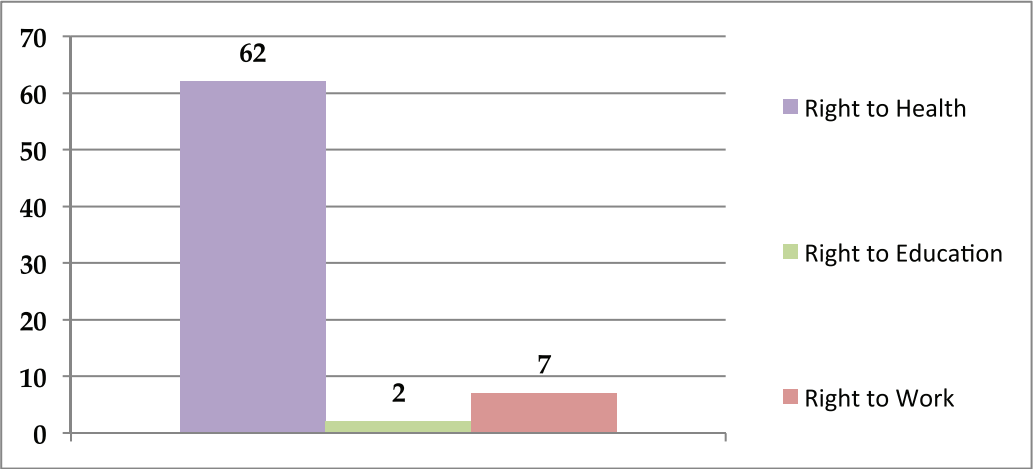


Chart showing the number of complaints received by the NIHR on civil, political, economic, social, and cultural rights in 2018

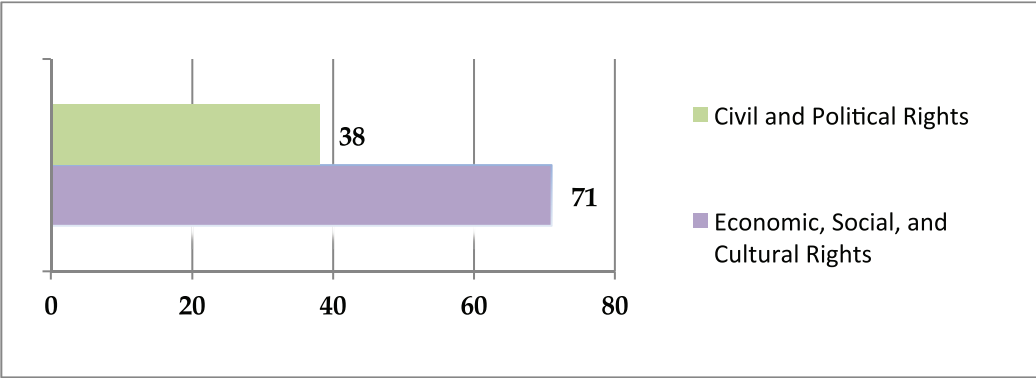
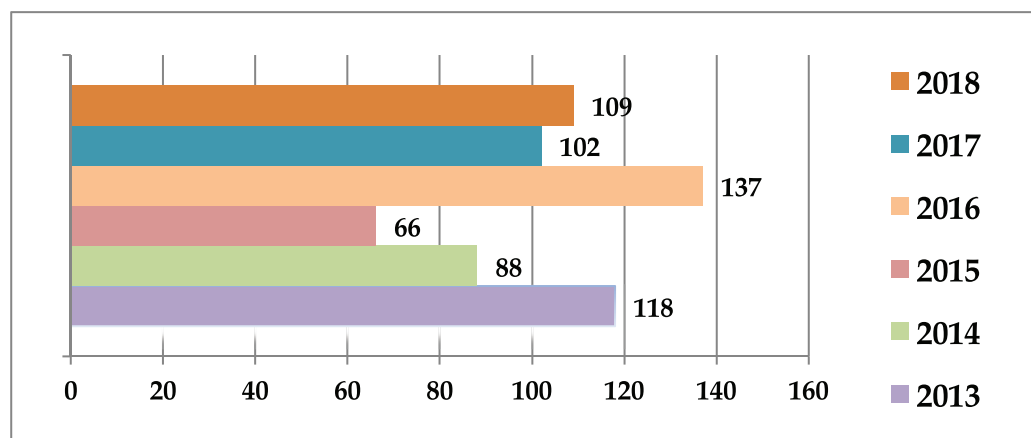




Chart showing the number of complaints received by the NIHR during the years (2013-2018)



38. Referring to the provisions of Law No. (26) of 2014 on the Establishment of the National Institution of Human Rights, as amended, the NIHR plays a role in providing legal assistance to individuals or any party, whether upon filing a complaint, which turns out that the NIHR is not competent to consider, or upon initially requesting such legal assistance, by clarifying the procedures to be followed and assisting in implementing such procedures prior to resorting to the NIHR. It is necessary to exhaust all means of remedies and grievance, administrative or legal as the case may be, to file a report to the competent authorities, or to refer to another body with an inherent competence to consider the request.
39. In this regard, the NIHR provided legal assistance for (353) requests. Some of the requests were related to personal issues or disputes between individuals, or matters considered before a judicial or administrative investigation body, or demanding the release of convicted or detained persons or to consider the validity of the indictment. There were issues that the NIHR has no competence to consider given that they occurred outside the territories of the Kingdom. Nevertheless, the NIHR communicated with the concerned bodies regarding some of such requests for humanitarian reasons.



## Chapter III

### Observing the Parliamentary and Municipal Elections of 2018

#### **Preface: The legal basis and the organizational procedures undertaken by the National Institution for Human Rights to observe the electoral process**

1. The right to stand for election and to vote is one of the most important civil and political rights and one of the pillars of democratic governance, which is based on the principle that people are the source of all authority. A transparent and fair electoral process is one of the most important guarantees for a country governed by the rule of law. The absence of this right or the interference with its exercise diminishes the legal elements of the State.
2. The Constitution of the Kingdom of Bahrain guarantees the right of citizens to nominate themselves (stand for election) and to vote by explicitly stating in Paragraph (e) of Article (1) thereof that, "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 election in accordance with this Constitution and the conditions and situations set out in the law. No citizen may be deprived of the right to vote or to nominate oneself except in accordance with the law."
3. In addition, the legislator established a number of laws that laid out the detailed rules regulating, and protecting, the exercise of the right to stand for election and to vote, including Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, and Decree-Law No. (15) of 2002 on the Shura Council and the Parliament (House of Representatives), as amended. The above mentioned legislation sets forth the rules that explain how the Shura Council is formed, the term of its mandate, the conditions observed for appointing its members, and the conditions prescribed for the termination of membership, whether through forfeiture or upon request of the member. In addition, it sets forth the composition of the House of Representatives, the mechanism for electing its members through general, secret, and direct election according to single member electoral system, the prescribed term of office, the conditions and procedures to be taken into account in the nomination for membership of the House of Representatives, the provisions related to electoral propaganda, the prescribed conditions for termination of membership, whether through removal or resignation, in addition to the penalties for violating its provisions.
4. This is in addition to the legislation that regulates matters relating to the right to participate in public affairs, especially the Municipalities Law promulgated by Decree-Law No. (35) of 2001, as amended, which divides the Kingdom of Bahrain into a number of municipalities and the Capital Secretariat. It sets forth the composition mechanism of the members of the municipal councils and the Capital Secretariat Council, the conditions that must be met by those who are members thereof, specifying the powers vested in the municipal councils and the system of work, the provisions related to its executive body, and their allocated financial resources. Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, sets forth the conditions for

electing members of municipal councils, the situations in which this right is denied, the provisions related to the voters lists, electoral domiciles, and election mechanism. Furthermore, the Decree-Law determines the penalties for violating its provisions and specifies the voting age to be 20 years.

5. To complement such legislative system to exercise the right to vote and the right to stand for elections, supplementary legislation to regulate the exercise of this right have been issued. For instance, Decree No. (71) of 2014 on the identification of electoral regions, constituencies, boundaries, and sub-committees for the election of the House of Representatives; Resolution No. (35) of 2014 on the determination of municipal electoral regions, constituencies and their boundaries, and the number of sub-committees for the election of municipal councils; Decree-Law No. (14) of 1973 on organizing propaganda; and Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and municipal councils, which addresses the issues and procedures relevant to electoral propaganda and penalties for violating such.
6. From the international perspective, the right to vote and to stand for elections is established in international human rights instruments, specifically the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006. Article No. (25), thereof, stated that every citizen, without any discrimination, has the right to participate in the management of public affairs either directly or through elected representatives, or to elect and be elected in fair elections held periodically by universal suffrage and secret ballot, guaranteeing the free expression of the will of the electors.
7. The international instruments related to the right to stand for election and to vote affirm that the exercise of this right shall not be based on any discrimination among citizens, whether because of gender, race, language, religion, political or other opinions, national or social origin, wealth, descent, or other reasons. The right of citizens to exercise their political rights, whether through voting or standing for elections, shall be conducted fairly and freely on a periodic basis, over reasonable time periods, within a framework of laws guaranteeing the effective exercise of these rights. Voters shall have the freedom to cast their votes for their chosen candidates, and the freedom to express their opinions independently, without being subjected to violence, threat of using violence, coercion, enticement, or any attempts to interfere with or manipulate such independence in any way.
8. Those international instruments have permitted the inclusion of reasonable restrictions in the legislation regulating the electoral process, which are intended to regulate or determine the right to stand for election and the right to vote without compromising its essence. Among such regulating restrictions of this right is setting a minimum legal age to exercise the right to vote.
9. In order to achieve the actual exercise of the right to stand for election and the right to vote, the State must take effective measures to ensure that this right can be exercised. The electoral rolls should include a record of names and data of those entitled to vote, as voter registration is an integral part of the electoral process. If such lists do not include accurate and updated names and information, a number of citizens may be deprived of exercising their right in this regard.

10. To ensure the full enjoyment of the right to stand for election and the right to vote, these international instruments have affirmed the need to facilitate the exchange of information and opinions relevant to the electoral process freely for all, through free press and other media capable of commenting and informing the public on the course of this process in a transparent manner. Such right requires States to take all necessary measures to ensure the enjoyment of other relevant human rights, such as the right to peaceful assembly and holding peaceful public meetings and the right to form associations, being the fundamental foundation for the effective exercise of the right to vote and the right to stand for elections.
11. In addition, the State should establish an independent electoral commission to oversee the electoral process and ensure its integrity and proper conduct in accordance with the provisions of the law. This commission shall, in particular, ensure secrecy of the ballot during the electoral process and protect voters from all forms of incitement or coercion that may lead them to reveal their electoral orientations. The commission shall also ensure the security of the ballot boxes and that the votes shall be counted in the presence of the candidates or their agents. The decisions taken by that commission in respect of the electoral process shall be subject to judicial oversight, to ensure the confidence of voters and the public in the outcome of that process.
12. In terms of exercising the right to stand for election and to vote, and to complement the reformist approach led by His Majesty the King through the endorsement of the National Action Charter in 2001 and the restoration of parliamentary life, parliamentary and municipal elections were held for the first time in 2002. Subsequent elections were held every four years, in 2006, 2010, run-off elections in 2011, 2012 and 2014, and most recently in 2018. The parliamentary and municipal elections took place on 24 November 2018, followed by re-elections on 1 December 2018, and resulted in the formation of the House of Representatives and the three municipal councils distributed over the governorates of the Kingdom.
13. In accordance with the powers granted to the NIHR pursuant to Paragraph (e) of Article (12) of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016, the NIHR is competent to, "Monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations, and where appropriate, express its opinion on their positions and reactions."
14. Paragraph (g) of the same Article of the Law establishing the NIHR as amended, followed by granting it the right to, "Perform announced and unannounced field visits to monitor human rights situation in correctional institutions, detention centers, labor calls gathering, health and education centers, or any other public place in which it is suspected that human rights violations are taking place."
15. In fulfillment of its role in the promotion and protection of human rights and fundamental freedoms on the ground, and in response to the need to ensure the enjoyment of those rights and freedoms

by all, the NIHR, for the first time since its establishment, and with its broad mandate -pursuant to its establishment Law- as an independent body, monitored the parliamentary and municipal elections of 2018 in the Kingdom of Bahrain, from the moment of calling for the elections and the commencement of its proceedings, to the final announcement of its membership, until appealing the final results.

16. The monitoring of the electoral process included the distribution of a number of members of the Council of Commissioners and of the General Secretariat of the NIHR among several public and provincial ballot and counting committees, totaling (14) general committees and (40) subcommittees, to observe the electoral process to ensure the integrity and impartiality of the elections and their proper implementation, verify the smooth running of the electoral procedures, identify the obstacles that may impede the course of the electoral process, and draw a number of observations and recommendations that would contribute to the improvement of the electoral process and ensure the greatest possible participation of voters and candidates and enable them to exercise their political rights during the coming elections.
17. The established international norms and principles in this regard considers that permitting the monitoring of the electoral process is an indication of safeguarding one of the most important political human rights. Responding to the stipulations of Paragraph (b) of Article (25) of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006, which requires that every citizen should be given the opportunity to participate in public affairs, to vote and to be elected, at democratic periodic elections which should be by universal and equal suffrage and should be held by secret ballot, and without unreasonable restrictions in order to guarantee the free expression of the will of the electors. In addition, responding to the provision of Paragraph (e) of Article (1) of the Constitution of the Kingdom of Bahrain.
18. The role of the NIHR in this regard stems from its firm belief that participation in managing public affairs is one aspect of democracy and one of the ways to enhance the values of good citizenship. Participation in the electoral process, to be elected and to vote for membership of the House of Representatives and the municipal councils, is one of the most important pillars of the reform project of his Majesty the King, who is keen to establish an advanced democratic system based on the integration and participation of individuals in the political decision-making process, and the exercise by the people of their role in urging decision-makers to assume policies serving the public interest.
19. The NIHR believes that observing the electoral process will achieve a number of objectives, which aim at strengthening and advancing the democratic approach of the reform project of His Majesty the King, by providing an objective and independent assessment of the overall administration of the electoral process by the official side, represented by the Supreme Committee for the General Supervision of the Soundness of Elections and its executive committee. In addition, the monitoring process would make the parties involved in the electoral process more receptive to the results, since monitoring by an institution inherently concerned with the promotion and protection of human

rights and freedoms is convincing to the public, and increase the voter turnout to participate in the electoral process, and dispel all fears. Besides, monitoring will enhance civic education among the public by expanding the circle of civil society and developing confidence among all the sectors of the society. It also affirms the integrity and transparency of the elections and promotes the positive image of the State in the international community. Such monitoring allows the legislator to reconsider the legislation in force in light of the observations made by the monitoring process. Finally, the monitoring process would verify that all procedures during the various stages of the electoral process have complied with the legal principles based on integrity and transparency, while ensuring that all the candidates and their agents complied with the rules governing electoral propaganda and the checks on its exercise, including respect for the election silence period.

20. The NIHR has implemented a series of measures prior to announcing its intention to participate in observing the parliamentary and municipal elections of 2018. The first measure is to develop and advance the skills of the employees of the Secretariat of the NIHR in the field of monitoring and observing the electoral process through participating in a workshop on “Elections and the role of national institutions in monitoring elections” in Khartoum, Republic of Sudan. In addition, the NIHR participated in a training workshop on “Monitoring the role of the media during elections” in the Sultanate of Oman. It also participated in a three-day course on “Follow up and monitoring of the electoral process” as part of the National Program on Elections of 2018 “Darreb” (Train), organized by the Bahrain Institute for Political Development. This course included five lectures: the first was on the legislation governing the electoral process; the second on electoral irregularities and crimes; the third on the electoral monitoring skills; the fourth on the election campaigns; and the fifth lecture was on the preparation of the final report on the electoral process.
21. In order to ensure that observing the parliamentary and municipal elections is based on clear and specific legal and practical rules that enable monitors to be familiar with the observation and monitoring aspects in a manner consistent with the provisions of the law governing the electoral process, the NIHR developed a form for monitoring the electoral process on polling day. The form included eighty-eight (88) indicators that cover the course of this process from its very beginning, which precedes the opening of polling stations for voters to cast their ballots, to commencement of poll until its completion, without overlooking the sorting, counting, and announcing the final results stage. The monitor (observer) responds to these indicators in the light of observations that he/she personally monitored at the electoral center, and includes in the form any observations he deems appropriate and worth mentioning in this regard.
22. Subsequently, the NIHR addressed the Minister of Justice, Islamic Affairs, and Endowments (Awqaf) in his capacity as Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections, expressing its desire to participate in observing the parliamentary and municipal elections of 2018 and to obtain the cards authorizing them to enter all ballot and counting stations, after completing the election monitoring forms and the rules and ethics of monitoring and signing them by the NIHR monitoring team.

23. Accordingly, the Chairperson of the NIHR issued Resolution No. (44) of 2018 establishing the NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018 under the chairmanship of Dr. Bader Mohammed Adel (Chairman of the Committee on Civil and Political Rights) and the membership of Dr. Khalifa bin Ali al Fadhel (Secretary General).
24. Giving effect to Resolution No. (44) of 2018 establishing the NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018, the General Secretariat Resolution No. (22) of 2018 was issued assigning a number of employees of the General Secretariat to participate in observing the parliamentary and municipal elections of 2018 and establishing an internal committee to prepare a draft report on observing the electoral process. The Committee shall submit its report to the Secretary General, who then forwards it to the Chairperson of the NIHR.
25. In order to build and raise the capacity of the NIHR's task team, which is charged with observation and monitoring, the Chairman of the Committee for Observing the Parliamentary and Municipal Elections of the NIHR presented a training program for the participating team. The Committee held several preparatory meetings for those participating in the national monitoring of the electoral process. During the meetings, the work mechanism of the observers while at the ballot and counting committees was reviewed to verify that the voters' procedures are smooth and easy according to the form for monitoring the parliamentary and municipal elections of 2018 prepared by the NIHR for this purpose. In addition, all information related to the monitoring process and the role of each observer was explained; and the forms for the monitoring of the parliamentary elections and the municipal elections were distributed for each observer in the ballot and counting committees.
26. The Supreme Committee for the General Supervision of the Soundness of Elections held a workshop on 13 November 2018 at Isa Cultural Center for all the participants in the monitoring process of the electoral process. In addition to the NIHR, four civil society associations, namely, Bahrain Transparency Society, Bahraini Human Rights Society, Bahrain Human Rights Watch Society, and Bahrain Public Relations Association requested to participate in observing the elections.
27. During the workshop, the vital role played by the participating organizations in monitoring the electoral process by promoting the principles of transparency, integrity, and sound democratic practice was emphasized. In addition, it was announced that a hotline was dedicated for the direct communication between the Supreme Committee for the General Supervision of the Soundness of Elections and the organizations involved in the monitoring process, in order to submit any comments or irregularities monitored by the observers on polling day to the Supreme Committee to verify such immediately.
28. In addition, the workshop reviewed the Resolution of the Supreme Committee on national monitoring of the elections. This monitoring includes the entire stages of the electoral process, as well as monitoring the conduct of candidates, voters, political associations, civil organizations, and all individuals and citizens, and ensuring that they respect and observe the relevant statutory rules. Moreover, the need to monitor that places of worship and religious discourse are not used to endorse



a candidate or to influence the will of voters, was emphasized. Considering that, the ultimate goal of monitoring is to ensure that the voters can exercise their political rights according to their free will and to ensure the fairness, transparency, and smooth running of the electoral process.

29. The Supreme Committee for the General Supervision of the Soundness of Elections also explained the scope of the work of the observers and monitors on polling day, clarifying that the observers are prohibited from carrying out any action that would obstruct the electoral process or influence the ballot and counting processes. In addition, they are prohibited from interfering to provide voters with advice or counsel, as well as influencing the freedom of voters on polling day. For example, holding any electoral propaganda, placing, carrying, or displaying any tokens belonging to any of the candidates, asking voters about their selected candidate before or after the ballot, or wearing anything that is a sign of his/her political affiliation.
30. The observer should carry his/her identity papers, his/her card or permit issued for him/her in his/her capacity as an observer at all times. The observer should also identify himself/herself to the concerned authorities if requested to do so, and should disclose his constituency and whether any of his/her relatives is a candidate or is directly involved in the electoral process. In addition, the observer may not make any statements or instructions involving invalidation or undermining, whether explicit or implicit, of the decisions of the competent bodies involved in the elections.
31. The NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018 selected a random sample of the public and provincial polling stations to monitor and ensure the proper conduct of the electoral process. The following public polling stations were visited: Public Center No. (1) Seef Mall, Public Center No. (3) Sitra Mall, Public Center No. (4) Al Hidd Intermediate Girls School, Public Center No. (5) Bahrain International Airport, Public Center No. (8) Ministry of Education Hall, Public Center No. (9) Wadi Alsail Primary Intermediate Boys School, Public Center No. (10) Awali Club, Public Center No. (11) Bahrain International Circuit (Sakhir), Public Center No. (12) Askar Primary Intermediate Boys School, Public Center No. (13) University of Bahrain, and Public Center No. (14) Muharraq Sport Club.
32. About sixteen (16) Provincial Centers in the four governorates of the Kingdom were visited, namely: Muharraq Secondary Girls School, Hassan Bin Thabit Primary Boys School, Hidd Secondary Girls School, Ruqaya Primary Girls School, Isa Town Primary Boys School, East Riffa Secondary Boys School, Uqba Bin Nafea Primary Boys School, West Riffa Secondary Girls School, East Riffa Primary Girls School, Zallaq Primary Intermediate Girls School, Al Dora Center, Jidhafs Intermediate Boys School, Hamad Town Primary Boys School, Ghazi Al Qusaibi Secondary Girls School, Al A'ahd Al Zaher Secondary Girls School, and Ibn Tufail Primary Boys School.
33. Accordingly, this chapter is based on all the stages of the electoral process, which commenced from the stage of calling for election and nomination, registration in voters' lists and objections on such, followed by receiving candidacy applications, objections and appeals lodged on such, reaching electoral propaganda and electoral silence.

34. Observing and monitoring the proceedings of voting day followed, starting with the pre-voting stage, voting stage itself, counting and announcing results stage, and finally the stage of receiving and settling elections appeals. The report of the NIHR ends with a set of concluding observations and recommendations, which aim at ensuring the full enjoyment of the right to stand for election and to vote, and the free, impartial, and transparent conduct of the electoral process.

## Section I

### Observing the parliamentary and municipal elections prior to polling day

#### First: Calling for election and nomination stage

1. Paragraph (e) of Article No. (1) of the Constitution of the Kingdom of Bahrain stipulates that, **“Citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election except in accordance with the law”**. Paragraph (a) of Article No. (42), thereof, stipulates that: **“The King shall issue orders to hold elections for the House of Representatives in accordance with the provisions of the law.”**
2. Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, sets the provisions governing this stage. Article (15) thereof stipulates that, **“The date for the general elections of the House of Representatives shall be determined by a Royal Order. The Order shall be issued at least 45 days before the date specified for the elections. The date for run-off elections shall be determined by a decision of the Minister of Justice, Islamic Affairs, and Endowments. The decision shall be issued at least (30) days before the date specified for the re-run. The Order or the Decision shall include the opening and closing dates for nomination.”** Article (16) of the same law stipulates that, **“The Royal Order or the Ministerial Decision calling on voters to the referendum or the elections shall be announced in the Official Gazette.”**
3. Pursuant to the constitutional and legal procedures, Royal Order No. (36) of 2018 of His Majesty the King of Bahrain concerning determining the date of elections and candidacy for membership of the House of Representatives was issued. Article (1) thereof stipulates that, **“Voters registered in the voters’ lists, in implementation of the provisions of Law No. (14) of 2002 on of Political Rights, are invited to attend the ballot and counting stations for the election of the members of the House of Representatives on Saturday, 24/11/2018 from 8:00 am to 8:00 pm. Elections are held at Bahraini embassies, consulates, and diplomatic missions abroad on Tuesday, 20/11/2018. In cases where run-off is required, the re-election will take place on Tuesday, 27/11/2018.”**
4. It is worth mentioning that the above-mentioned Royal Order was issued on 10 September 2018 and published in the Official Gazette on 13 September 2018, pursuant to Article (16) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended.

5. Concerning the municipal affairs, Article No. (13) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, stipulates that, **“The date of election of the members of municipal councils shall be determined by a decision of the Prime Minister, including the date of opening and closing nominations. This Decision shall be published in the Official Gazette at least thirty days before the date set for holding the elections.”**
6. Pursuant to the provisions of the above mentioned Article, the Prime Minister’s Decree No. (31) of 2018 of was issued, specifying the date of election and nomination for the membership of the municipal councils. Article (1) thereof, states that, **“Voters whose names are registered in the voters’ lists in accordance with the provisions of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, are invited to attend the ballot and counting stations to elect the members of the municipal councils on Saturday 24/11/2018 from 8:00 am to 8:00 pm. In cases that require run-off election, the run-off will take place on Saturday, 1/12/2018 from 8:00 am to 8:00 pm.”**
7. It is worth mentioning that the above-mentioned Resolution of the Prime Minister was issued on 24 September 2018 and published in the Official Gazette on 26 September 2018 pursuant to the provisions of Article No. (13) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments.
8. Extrapolating from the above mentioned constitutional and legal provisions and stipulations, the NIHR believes that the Royal Order determining the date for election and candidacy for the membership of the House of Representatives, and the Resolution of the Prime Minister determining the date for election and candidacy for the membership of the municipal councils were issued within the specified constitutional and legal periods. This reaffirms the genuine and sincere intention of the highest-ranking political leadership to further promote democratic life since the onset of the reform project of His Majesty the King - may God preserve him - in respect for the constitutional decisions as the highest document in the legal system of the Kingdom of Bahrain.
9. Pursuant to the provisions of Article No. (17) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, which states that, **“The Kingdom of Bahrain shall, in the application of the provisions of this Law, be divided into a number of constituencies, each consisting of a number of electoral districts. Each electoral district shall elect one member. A decree shall be issued defining the constituencies, electoral districts, and their boundaries, and the number of subcommittees required to conduct the ballot and counting processes. The subcommittees shall comprise a chair chosen from among the judicial body or legislators working for the State ministries, government corporations, and general organizations, and two members, one of them will be the secretary general of the committee. The Minister of Justice, Islamic Affairs, and Endowments shall issue a decision appointing the chairs and members of the committees, as well as their headquarters. The decision shall also specify the eligible person acting in lieu of the chair in his/her absence or inability to carry out the job. The Executive Director of the elections shall appoint a number of employees to help such committees in carrying out its duties according to the needs of each committee ....”**

10. Article (18) of the same Law mentioned above, stipulates that, **“The Minister of Justice, Islamic Affairs, and Endowments shall preside over a supreme committee to supervise the validity of the referendum and the election of the members of the House of Representatives throughout the Kingdom, and to decide on all matters presented to it by the committees mentioned in Article (7) of this Law. The Supreme Committee shall comprise a sufficient number of judges and legal advisers appointed by the Minister of Justice, Islamic Affairs, and Endowments. The Central Statistics Organization shall assist the Supreme Committee in carrying out the preparations for the referendum, election, and nomination, and the supervision of all necessary technical works.”**
11. Hence, Decree No. (71) of 2014 on the identification of electoral districts, constituencies, boundaries, and sub-committees for the election of the House of Representatives, whereby the Kingdom of Bahrain is divided into a number of electoral districts, namely, the Capital district, which is divided into ten (10) electoral constituencies; Muharraq district, which is divided into eight (8) electoral constituencies; the Northern district, which is divided into twelve (12) electoral constituencies; and the Southern district, which is divided into ten (10) electoral constituencies. The delimitation of each electoral district is the boundaries of the governorate in which it is located, with a total of forty (40) provincial electoral constituencies.
12. Under the provisions of Decree No. (71) of 2014 on the identification of electoral districts, constituencies, boundaries, and sub-committees for the election of the House of Representatives, and Decree No. (80) of 2014 and Decree No. (44) of 2018, there are (14) public voting and counting centers distributed among the various governorates of the Kingdom. These centers are for the voters who are registered in one of the electoral lists in the Kingdom and wish to cast their votes before such centers, to elect one of the candidates registered in their constituencies, provided that the Minister of Justice, Islamic Affairs, and Endowments issues a decision forming the committees and determining their headquarters.
13. Pursuant to the provisions of Article (18) of Decree-Law No. (14) of 2014 on the Exercise of Political Rights and its amendments, Decision No. (77) of 2018 of the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections of Members of the House of Representatives regarding the nomination of the members of the Committee was issued. The Committee comprises seven (7) judges and consultants. The Supreme Committee is also entrusted with the general supervision of the soundness and integrity of the election of the members of the House of Representatives in all electoral districts and constituencies in the Kingdom, the final announcement of the general election result, and notifying the winning candidates to the House of Representatives.
14. Regarding the municipal elections, Article (5) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, stipulates that, **“... the Kingdom of Bahrain shall be divided, in the application of the provisions of this Law, to a number of municipal electoral districts, where each governorate shall be a municipal electoral district, each of which shall be formed of a number of constituencies. One member shall be elected from each constituency....”**

15. Article (18) of the same Law stipulates that, **“Each constituency shall have one or more committees called (the ballot and counting committee), which shall be responsible for administering the ballot in the constituency and counting the votes. These committees shall be formed by a decision of the Minister of Justice, Islamic Affairs, and Endowments, comprising a chair and a number of members, one of whom shall serve as secretary of the committee. The decision shall also determine the headquarters of these committees and shall specify the person acting in lieu of the chair in his/her absence or inability to carry out the job.”**
16. Hence, Resolution No. (35) of 2014 on the determination of municipal electoral districts, constituencies and their boundaries, and the subcommittees for the election of members of the municipal councils, whereby the Kingdom of Bahrain is divided into a number of municipal electoral districts, namely, Muharraq Governorate, which is divided into (8) electoral constituencies; the Northern Governorate, which is divided into (12) electoral constituencies; the Southern Governorate, which is divided into (10) electoral constituencies. The delimitation of each electoral constituency is determined by the boundaries of the governorate in which it is located. The total number of the provincial constituencies is (30) constituencies, which are the same provincial centers designated for the election of members of the House of Representatives in the mentioned governorates.
17. The total number of the public voting centers for the municipal ballot and counting electoral process is (14) public centers, distributed across the various governorates of the Kingdom, which are the same public centers designated for the election of members of the House of Representatives.
18. Decision No. (96) of 2018 of the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections of the Members of the House of Representatives was issued forming the ballot and counting committees for the election of members of the House of Representatives. Decision No. (97) of 2018 of the Minister of Justice, Islamic Affairs, and Endowments was issued to form ballot and counting committees for the election of the members of the municipal councils. Pursuant to both decisions, the chairs, secretaries, and members of ballot and counting committees distributed across the governorates of the Kingdom were named, as well as the alternate chairs, secretaries, and members of those committees. The total number of ballot and counting committees, both general and subcommittees, is (54) committees.
19. The NIHR considers that the judicial organizing of the electoral process, whether parliamentary or municipal, is unequivocally clear and sound for the various procedures, measures, and circumstances prior to polling day, whether at the legislative level or at the executive administrative decisions level. In addition, such administrative decisions are issued in sufficient time before the start of polling day, which enhances the transparency of the entire electoral process from the legal and organizational aspects.

## Second: Registration in voters' lists and objections stage

1. In view of the importance of the registration in the voters' lists, and objections thereto, stage, which enables both voters and candidates alike to exercise their right to vote and to stand for election, the provisions of the law and the regulatory decisions have specific and clear texts that show the mechanism of preparation these lists and objections on them.
2. Article (2) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, stipulates the conditions that the citizen must have to meet to be entitled to exercise political rights, namely, **"... 1. The citizen shall be 20 year of age on the day of referendum or election. 2. Shall enjoy full legal capacity. 3. Shall be a regular resident of the constituency according to his/her ID card. In case of his/her residence abroad, his/her last place of residence in the Kingdom of Bahrain shall be his/her constituency. If he/she has no residence in the Kingdom, then his/her family's place of residence shall be considered his/her constituency."**
3. The law has excluded some categories from the right to vote and denied them such right. Article (3) of the same Law provides that, **"A person shall be denied exercising the right to vote, if: 1. Convicted of a felony or an offense against honor or integrity, until rehabilitated. 2. Sentenced to imprisonment for one of the electoral crimes stipulated in this Law, unless the sentence is suspended or the convicted person has been rehabilitated. A person shall be denied nomination to run for the House of Representatives elections, if: 1. Sentenced to a criminal felony even if a special amnesty has been granted to him/her or he/she has been rehabilitated. 2. Sentenced to imprisonment for intentional offenses for more than six months, even if an individual pardon has been issued for the punishment, for a period of ten years starting from the day following the date of execution of or extinguishing the sentence, or as of the date the execution of final sentence has been stayed."**
4. Article (4) of this Law entrusted the Public Prosecution with the responsibility to notify the Ministry of Justice, Islamic Affairs, and Endowments of the final sentences, which entail the deprivation of exercising political rights, within fifteen days from the date on which the judgment becomes final. Article (6) of the same Law added that every citizen entitled to exercise political rights shall be registered in the voters' lists.
5. Article (7) of the Law vests the task of preparing the voters' lists, receiving candidacy applications and examining them, and considering objections and requests with the Supervisory Committee on the Soundness of the Referendum and Election. The same Article also specifies the number of its members, the conditions of its membership, and the appointment system. The Article stipulates that, **"In each electoral district a committee called the "Supervisory Committee on the Soundness of the Referendum and Election" shall be formed by a decision of the Minister of Justice, Islamic Affairs, and Endowments. Each committee shall consist of a chair from the judiciary or legal apparatus in the Kingdom and two members, one of them shall serve as the secretary. This committee shall undertake to prepare the voters' lists, receive, and examine the candidacy**

**applications, prepare candidates' lists, and look into requests and objections relating to any action or decision issued by it. In general, this committee is responsible for supervising the integrity of the referendum or the election of members of the House of Representatives within the scope of its competence."**

6. Pursuant to the provisions of the above-mentioned Article (7), Decision No. (81) of 2018 of the Minister of Justice, Islamic Affairs, and Endowments was issued to form the committees supervising the soundness and integrity of the election of the members of the House of Representatives, as well as the competencies assigned to them, in particular, preparing the voters' lists, receiving and examining candidacy applications, preparing the candidates' lists, and considering the requests and objections relating to any action taken or decision made by them.
7. It is worth mentioning that the Supervisory Committees on the Soundness of the Election of the Members of the House of Representatives have been distributed among the four governorates in the Kingdom, as follows: Capital Governorate Committee, headquarters at Khawla Secondary Girls School; Muharraq Governorate Committee, headquarters at Al Hidayah Al Khalifia Secondary Boys School; Northern Governorate Committee, headquarters at Hamad Town Primary Girls School; and the Southern Governorate Committee, headquarters at Al- Mostaqbal Primary Girls School.
8. The Law provided for the conditions and checks that the supervisory committees must comply with when preparing voters' lists in the constituencies under their jurisdiction. Article (8) of the above-mentioned Law stipulates that, **"1. The lists shall be in alphabetical order based on the official records and documents, in coordination with the Population Registry Directorate of the Central Statistics Organization. 2. The lists shall include the names of eligible voters who meet the conditions stipulated in Article (2) of this Law, taking into consideration the previous participation in the elections based on official records, provided that the voter is not deprived or exempt from exercising political rights at the time of preparing the lists or during the period specified for correct such. The registry shall include the name of the voter, his/her ID number, and his/her normal residency address. 3. The preparation of the lists for each constituency shall be in two copies signed by the chair of the committee, stipulated in the previous Article and the secretary. The committee shall keep a copy and the second copy shall be delivered to the Ministry of Justice, Islamic Affairs, and Endowments. 4. The names of the electors (voters' lists) shall be displayed for seven days in each electoral district at the headquarters and public places determined by the Minister of Justice, Islamic Affairs, and Endowments, at least forty five days prior to the date set for the election."**
9. In addition, Article (11) of the same Law stipulates that, **"No amendment to the voters' lists shall be made after the call for a referendum or election, except for corrections in the lists in implementation of the decisions and judgments issued on the appeals regarding registration therein, or on the basis of notifications of the issuance of final judgments or decisions leading to deprivation of political rights."**

10. As to the mechanism of objection for the voters whose names are not registered in the lists designated to them, Article (12) of the above-mentioned Law sets out the procedural method regulating this objection, stating that, **“Any person whose name is not registered in the voters’ list, or if there is an error in his/her registered data therein, is entitled to request the Supervisory Committee on the Soundness of the Referendum and Election, stipulated in Article (7) of this Law, to include his/her name or to correct the details relating to his/her registration. Any person, who is no longer subject to a ban after drawing up the lists, may request including his/her name or to correct the details concerning his/her registration. Any voter whose name is registered in one of the voters’ lists, may request the inclusion of the name of a person whose name is neglected unjustly, or the omission of the name of a person who is listed wrongfully, or the correction of the registration data, with regard to the voters’ list of the electoral constituency in which the name of such person is registered. The appeal for registration or correction shall be submitted during the display period of the voters’ lists. The Committee shall issue its decision on the appeal within three days as of the date of filing the appeal. Failure to issue a decision during this period is an implicit decision of rejection. In case of issuing a decision rejecting the appeal, the concerned party shall have the right to appeal such decision before the Supreme Civil Court of Appeal no later than three days from the rejection. The Court shall decide on the appeals within seven days from the date of commencing the proceedings; its judgment is final with no possibility of appeal.”**
11. Regarding the municipal affairs, the provisions of Articles (2), (3), (7), (8), (10) and (11) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.
12. In practice, the NIHR has monitored and followed up the efforts of the Supreme Committee for the General Supervision of the Soundness of Elections, through various forms of media and social media, which facilitate and ease the electoral process in both its parliamentary and municipal branches with regard to the stage of registration in voters’ lists and objection, the time limits to be observed to receive appeals for change and correction of addresses, as well as provision of several means to verify the presence of voters’ names, the possibility of correcting the addresses electronically through the website. This guarantees that citizens exercise their right effectively and in line with the relevant international standards and obligations.
13. The NIHR also monitored the official announcement issued by the Supreme Committee for the General Supervision of the Soundness of Elections, which indicated that the number of voters who verified their data in the voters’ lists through the supervisory committees distributed among the four governorates of the Kingdom, in addition to the website dedicated to that purpose is (134637) voters.
14. The NIHR believes that these figures assert the advanced level of political awareness and human rights’ knowledge of the citizens, the desire to participate in politics and management of public affairs in the Kingdom, the further advancement of democratic life, and the support of the political development process in the Kingdom.



15. According to the official statements of the Supreme Committee for the Supervision of the Soundness of Elections, the electoral bloc that has the right to exercise the right to vote, has reached (365467) voters. The electoral bloc in the Capital Governorate, which includes ten constituencies, has reached (81892) voters. The electoral bloc in Muharraq Governorate, which includes eight constituencies, has reached (79213) voters, while the electoral bloc in the Northern Governorate, which includes twelve constituencies, has reached (125870) voters, and the electoral bloc in the Southern Governorate, which includes ten constituencies, has reached (78492) voters.
16. The electoral bloc was announced after the Supreme Civil Court of Appeal, which is the legally competent court, adjudicated on all appeals lodged by voters against the resolutions issued by the four supervisory committees distributed among the governorates of the Kingdom. The number of appeals considered by the Court is (21) appeals, where the Court upheld the decision of the supervisory committees in (12) decisions, and opposed and canceled (9) decisions.

### **Third: The stage of receiving candidacy applications, objections thereon, and judicial appeals lodged**

1. Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, regulated the matters relating to receiving the applications for candidacy. Article (15) of this Law stipulates that, **"The date for the general elections of the House of Representatives shall be determined by a Royal Order. The Order shall be issued at least 45 days before the date specified for the elections. The date for run-off elections shall be determined by a decision of the Minister of Justice, Islamic Affairs, and Endowments. The decision shall be issued at least (30) days before the date specified for the re-run. The Order or the Decision shall include the opening and closing dates for nomination."**
2. The second paragraph of Article (3) of the same Law, has excluded certain individuals from running for office in the House of Representatives, stipulating that, **"A person shall be denied nomination to run for the House of Representatives election, if such person is: 1. Sentenced to a criminal felony even if a special amnesty has been granted to him/her or he/she has been rehabilitated. 2. Sentenced to imprisonment for intentional offenses for more than six months, even if an individual pardon has been issued. 3. Leaders and members of dissolved political organizations by a final sentence for committing a serious violation of the provisions of the Constitution of the Kingdom or any of its laws. 4. Anyone who intentionally destroys or disrupts the conduct of constitutional or parliamentary life by terminating or leaving the parliamentary work in the House of Representatives, or had his membership revoked for the same reasons."**
3. In completion of the provisions related to the above-mentioned candidacy, Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, sets forth the conditions that must be met by the candidate for membership of the House of Representatives. Article (11) stipulates that, "Without prejudice to the provisions stipulated in the Law on the Exercise of Political Rights, the candidate running for membership of the House of Representatives must:

(a) be a Bahraini national, that has acquired the Bahraini nationality for a period of not less than ten years, and is not a holder of any other nationality, with the exception of the nationality of any of the Gulf Cooperation Council countries, provided that his original nationality shall be the Bahraini nationality, and that he/she enjoys full civil and political rights. (b) The candidate's name must be on the voters' list for the constituency he/she represents. (c) Must not be less than 30 years of age on the day of elections. (d) Must be fluent in reading and writing the Arabic language. (e) The membership of the candidate of the Shura Council or the House of Representatives must not have been dropped by a decision of the council to which he/she is member, due to loss of trust or credibility or due to negligence of his/her duties as a member. However, such person may nominate himself/herself if the legislative term during which the decision to drop his/her membership ends, or if a decision is issued by the Council, in which he/she was a member, cancelling the cause preventing his/her nomination that resulted from dropping his/her membership after the termination of the Council's session during which the decision to drop his/her membership was issued. (f) The membership of the candidate in the House of Representatives has not been suspended due to resignation during the legislative term in which he/she has submitted his/her resignation."

4. On the municipal elections, Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, regulated the provisions of nomination for membership. Article (14) of the Law stipulates that, **"Any person who wishes to run as a candidate for membership of the Municipal Council shall submit the candidacy application, in writing, to the committee provided for in Article (7) of this Law, with recommendations from ten voters from the electoral district. The candidacy application shall specify the constituency in which he/she shall stand for elections. The voter may recommend one candidate only ..."**
5. In order to ensure the enjoyment of the right to stand for elections, whether for membership in the House of Representatives or the Municipal Council, the Law guarantees that any candidate, whose name is not registered in the relevant list, may request from the Supervisory Committee on Election Soundness to include his/her name among the candidates, or object on including the name of any candidate during the display of lists period. In all cases, the Law allows the stakeholder to appeal the decision of the committee before the Supreme Civil Court of Appeal. This matter is regulated in Article (13) of Decree-Law No. (15) on the Shura Council and the House of Representatives, as amended, and Article (15) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended.
6. Therefore, the law specifies the procedures to be taken by the candidate to exercise his/her right to candidacy, whether for the membership of the House of Representatives or for the membership of the municipal council. Among the most important of these procedures is to apply, in writing, to the Supervisory Committees on Election Soundness, which are distributed among the four governorates of the Kingdom, after meeting the conditions set out in the earlier mentioned Law.
7. The law entitles any person whose name is not included in the candidates' lists to request the

inclusion of his/her name in these lists. In addition, the Law grants the candidate the right to object to the inclusion of the name of any candidate. The committee must issue its decision within three days from the date of submitting the request. The Law considers that failure to issue a decision of the committee during that period is an implicit decision of rejection. The applicant must appeal the decision before the Supreme Civil Court of Appeal within three days from the date of issuing the decision. The Court shall decide on the appeal within seven days from the date of commencing the proceedings; its judgment is final with no possibility of appeal.

8. On the other hand, the law grants the candidate the right to withdraw his/her candidacy in accordance with Article (15) of Decree-Law No. (15) of 2002 on the House of Representatives and the Shura Council and its amendments. This measure ensures the right of individuals to exercise freely the right of political participation, as well as the right to run for municipal councils, as stipulated in Article (17) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended. The law also grants the candidate the right to receive the electoral lists of the candidate's constituency, as well as the right to choose an agent, on condition that such agent is registered in the electoral list of the candidate's constituency.
9. In implementation of the law, and to ensure that citizens enjoy their right to candidacy, the NIHR has monitored and followed up the efforts of the Supreme Committee for the General Supervision of the Soundness of Elections, through various media and social media, which facilitate and ease the electoral process in both branches, parliamentary and municipal. Regarding receiving the candidacy applications in such a way that guarantees citizens to exercise their rights effectively and in conformity with the relevant international standards and obligations, starting with reviewing the regulatory legislation and the guidance and outreach instructions, determining the procedures and requirements to be followed, determining the dates, times, and places to proceed with these procedures, receiving requests for correction and objections to the lists, following up periodically all the requirements of this stage, informing the public in due course, as well as issuing a guide that aims at sensitizing the candidates to all their rights, and briefing them, their agents, and their campaign leaders of the legal rules and controls of the electoral process.
10. In practice, during nomination stage, the NIHR has observed the announcement of the Executive Director of the 2018 elections, on opening the nomination of candidates, which began on 17 October 2018 and ended on the 21 October 2018; identifying places of submitting applications, which are distributed among the four governorates of the Kingdom. The total number of applications for candidacy in the parliamentary and municipal elections reached (506) applications, of which (346) applications were submitted for the membership of the House of Representatives and (160) applications were submitted for the membership of the municipal councils. Subsequently, the candidates' lists were displayed and correction and objection requests were received at the supervisory committees, for three days from 22 to 24 October 2018. During this period, objections are registered and appeals are filed, provided that 7 November 2018 is the day of the final announcement of the candidates' lists.

11. Upon the closure of withdrawal from candidacy, according to the statement of the Executive Director of the 2018 elections, it was observed that only three (3) candidates of the parliamentary elections withdraw, pursuant to Article (15) of Decree-Law No. (15) of 2002 on the Shura Council and House of Representatives as amended, while there were no withdrawals from candidacy for membership of municipal councils.
12. The NIHR has also observed the rejection of a number of candidacy applications for various reasons, such as the candidate's affiliation to a legally dissolved political organization; the criminal record of the candidate; failure of the candidate to complete the required procedures in this regard; or failure to meet the conditions and requirements of candidacy; while granting the rejected candidates the right to appeal to the Supervisory Committees, and then before the competent courts. The NIHR believes that this approach constitutes a tool for protecting and monitoring the exercise of the right to stand for elections.
13. The NIHR followed up on the appeals filed with the Supreme Civil Court of Appeal. It observed, through the official website of the Supreme Committee for the Supervision of the Soundness of Elections, that the Court considered sixty six (66) appeals against the decisions of the supervisory committees, of which the Court approved fifty-two (52) appeals and revoked five (5) appeals, and ordered to re-list the appellants in the candidates' lists. Five (5) appeals lapsed, and four (4) appeals rejected, in form, to be submitted after the scheduled date. Therefore, the number of final candidates for membership of the House of Representatives reached (293) candidates, while the number of candidates for membership of municipal councils reached (137) candidates.
14. The NIHR, through the various media, has also observed an announcement of one of the candidates that he was threatened to withdraw his candidacy decision. This made him lodge a complaint with the Public Prosecution, which initiated the investigation of the incident. The latter procedure aims at protecting such right and ensuring it is exercised freely, without any pressure or fear. In addition, the NIHR observed a report made to the Public Prosecution on persons receiving money from external bodies to harm the interests of the Kingdom by supporting such persons in the parliamentary elections. The NIHR believes that such practices would prejudice and affect the right of individuals to exercise their political rights. In addition, these practices contradict the democratic systems, which are based on participation in the management of public affairs as well as building of the state and civilization. Noting that the latter case has been referred to the competent court and its judicial proceedings are still pending.
15. In a step to enable the candidates to use their right to exercise election propaganda, the NIHR has observed the announcement of the Executive Director of the elections, in which the final lists of the parliamentary and municipal elections were presented on 4 November 2018; ahead of the scheduled date on 7 November 2018, and after the closing date of the legal period for considering the appeals by the Court of Appeal. Advancing the date of the announcement is based on the completion of considering all the appeals before the court prior to the specified date.

#### Fourth: the stage of electoral propaganda and election silence

1. Electoral propaganda is one of the most important aspects of democratic practice in the electoral process, as it plays a significant role in the electoral campaigns of candidates with various affiliations and orientations, in order to influence the mind-set of public opinion and build specific positions on issues related to the general situation and the concerns of voters. This is achieved by various modern media and means: audio, visual, and printed, especially social media.
2. Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives and its amendments, regulated electoral propaganda and campaign in Chapter Three, thereof. Article (22), and the subsequent articles, set forth the provisions and controls of electoral campaigns. The most important of which is that the election campaign must be free, with the candidate's compliance with a set of controls in the exercise of electoral propaganda; foremost among which is adherence to the provisions of the Constitution, respect for the rule of law, and respect the freedom of opinion and thought of others.
3. Article (23) of the same law followed to lay down the controls on the candidates' advertisements, including posters and electoral statements, the places allotted to them and the equal advertisement spaces for the candidates. In order to ensure a neutral stance of the State in relation to election campaigns, the same Law in Article (24) prohibits government employees, public bodies and institutions, and the heads of municipal councils and their members from carrying out electoral propaganda in favor of any candidate in their place of work, either directly or indirectly.
4. Article (25) of the same Law also prohibits the candidate from receiving any funds for election propaganda from any party, both from within and outside the Kingdom. Article (26) of the same Law also requires that all the media: video, audio, printed, and other, treat all candidates on equal basis to ensure their impartiality and to be free from any bias to any of the candidates.
5. Finally, under Article (27) of the Law, all election propaganda activities in all parts of the Kingdom must cease 24 hours before the date of the ballot. This period is known as the "electoral silence". No candidate is allowed to appear in the media to speak about any matter related to the elections, or to engage in any activity, or to take any action that falls within the context of electoral promotion and propaganda to win the voters, especially meeting in tents and electoral centers.
6. In order to complete the provisions regulating the electoral campaign, Ministerial Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and municipal councils asserts the obligation of each candidate to the membership of the House of Representatives and the municipal councils to follow the civilized rules of conduct in his/her election campaign without detriment to the character of any candidate, or offending him/her, or raising doubt about his/her competence, directly or indirectly, as well as other organizational matters. In addition, Decree-Law No. (14) of 1973 on Organization of Advertisements regulated the advertising process, beginning with the requirement of obtaining the necessary license (permit).

Advertisements should not contravene public security, public decency, or religious beliefs, must not obstruct traffic, and must be in harmony with the aesthetics of the area.

7. In practice, at this stage, and in implementation of the law and the decisions related to electoral propaganda, the Supreme Committee for the General Supervision of the Soundness of Elections has been observed while displaying through the various mass media, social media, and its online account, the legal controls and regulations governing the election campaign. In doing so, it called on the candidates to comply with the rules governing election propaganda, including adherence to the Constitution, respect the rule of law and freedom of opinion and thought of others, preserve national unity, security, and stability of the Country, and refrain from stirring up discord or sectarianism among the citizens, as well as not to violate the electoral silence.
8. In addition, the efforts made by the competent authorities represented by the Ministry of Works, Municipal Affairs, and Urban Planning in organizing the electoral propaganda in the various governorates of the Kingdom, in accordance with the provisions of the law, have been observed. In the same context, it was observed that a number of candidates did not comply with the controls regulating electoral advertising by placing their advertisements in a manner that threatens the safety of individuals, impedes traffic, or damages the green area on the sides of public roads, or the advertisements were displayed on streets prohibited by law.
9. On the other hand, the NIHR monitored the intentional destruction of some of the candidates' advertisements; the NIHR sees this matter as an infringement upon the candidates' right to promote, propagate, and express their opinion, which is guaranteed by the Constitution and regulated by the law. Such conduct also constitutes unfair competition as well as obstruction of the electoral process.
10. The NIHR monitored the initiation of investigation by the Investigation Committee of the Public Prosecution for electoral crimes, into an incident where a number of persons were arrested when they destroyed an electoral advertisement of one of the candidates. After the investigation, the Committee decided to place one of them in temporary detention pending referral to the court. The NIHR also followed up on the ruling issued by the Lower Criminal Court, which sentenced four defendants to two-month imprisonment for ripping the electoral advertisements of some candidates in the Northern Governorate and a fine of 200 dinars each, and ordered a suspension of sentence.
11. In addition, the NIHR monitored through social media the frustration and annoyance of a number of citizens with some candidates who, as propaganda and publicity, have acted in a way to influence their opinion and choice by conducting house visits and collecting information regarding the number of family members and their telephone numbers. On the other hand, The NIHR has monitored complaints from candidates expressing their annoyance from receiving telephone calls and text messages asking them for money in the form of aid under the cover of poverty, debt, and illness.

12. The NIHR monitored a statement on the official social media account of the Public Prosecutor's Office stating that its Investigation Committee for Electoral Crimes received a report from the Supreme Committee for the General Supervision of the Soundness of Elections about a video that circulated on social media sites, showing the campaign manager of one of the candidates paying money to a number of voters in return for their pledge to vote for the candidate. In addition, the candidate and those running his campaign assisted voters in order to cast their votes in his favor. The Public Prosecution initiated the investigation with all the parties.
13. The NIHR believes that, although the law and the regulating decisions related to the electoral process are based on the principle of freedom of such publicity and propaganda, and that it is restricted by a number of controls to ensure proper practice, it was observed that a number of candidates have used electoral propaganda that is not in conformity with the status of the Council to which such candidates might become members therein. In addition to the specified legal controls, it is necessary in all cases that the election propaganda respects public taste and the moral values of the society.
14. The Supreme Committee for the General Supervision of the Soundness of Elections declared, 24 hours from the date of the ballot as determined by law, that 23 November 2018 is the election silence day in the first round, and that 30 November 2018 is the re-run, in which all election propaganda should be ceased all over the Kingdom.
15. In the same context, the NIHR followed up a number of candidates who, directly or indirectly, continued their election campaigns during the electoral silence period - during the first round and the run-off - by publicizing themselves using promotional public social media accounts. In addition, a number of members of the campaign teams were promoting those candidates, as well as moving their electoral advertisement boards to locations close to the polling and counting stations. All of such actions are in violation of the provisions of the law and decisions governing the electoral process.
16. In this regard, the NIHR affirms that the philosophy behind electoral silence and the associated electoral campaigning practices is to allow voters to determine their choices freely, without confusing or influencing their decisions. Voters, during the hours before the ballot, are usually exposed to psychological pressures that might influence their electoral options. This is the reason for upholding the electoral silence period in the provisions of the Law, in addition to the prohibition of certain practices in electoral propaganda. Such provisions ensure that voters are not influenced or pressured, and that they are able to decide their choices and vote for the candidates who they believe are entitled to run for elections, away from the voices instigating voters to cast their votes for a certain candidate.

## Section II

### Observing the parliamentary and municipal elections on polling day

#### First: The stage before the commencement of polling

1. Article (19) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights as amended, stipulates that, **“Law enforcement in the headquarters of the committees provided for in this Law is vested in the chair of the committee, who may seek the assistance of the Public Security Forces. The Public Security Forces may not enter the premises of the mentioned committees unless requested to do so by the chair of the committee. The candidates or their agents may enter the premises of the sub-committees.”** Article (20) of the same Law followed stating that, **“The secretary of the committee shall write down the minutes and record the decisions of the committee. The chair and secretary of the committee shall sign the minutes.”**
2. While Article (21) of the above-mentioned Law stipulates that, **“The referendum or election process shall go on continuously from 8:00 am to 8:00 pm. However, if there are voters at the headquarters of the sub-committee, who have not cast their votes and wish to do so, in that case the ballot shall continue for such sub-committee only. If all voters registered in the list cast their votes before the end of the scheduled time for referendum or election, the chair shall declare the end of the polling process once the last voter casts his/her ballot.”**
3. Article (27) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, stipulates that, **“All election propaganda activities in all parts of the Kingdom must cease 24 hours before the date of the ballot.”** The second paragraph of Article (3) of Ministerial Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and municipal councils, amended by Decision No. (42) of 2010, stipulates that, **“... It is prohibited to hold electoral festivals and gatherings at a distance less than two hundred meters on all sides of the headquarters of the supervisory committees and the polling and counting committees. In all cases, electoral propaganda shall not interfere with security, decency, religious beliefs, or traditions prevailing in the society.”**
4. With regard to the municipal affairs, the provisions of Articles (19), (20), and (21) of Decree-Law No. (3) of 2002 concerning the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions regulating the electoral process of the members of the House of Representatives.
5. The NIHR’s team monitored the polling and counting centers during the first round and the run-off of the election of the members of the House of Representatives and the Municipal Councils. The NIHR observed signboards displayed at sufficient distances from the election centers to facilitate the voters’ access to such centers. Other election centers had the signboards displayed at a few meters away from the centers, thus, the voters were not able to locate the centers easily until they approached the signs.



6. The NIHR's monitoring team also observed that the voting process in all the polling stations that it visited started at 8:00 am without exception. In addition, the observers from the NIHR were allowed to be present at the polling stations before voting began and after checking their cards (permits) authorizing such access. The team also observed that all members of the polling and counting general committees and sub-committees were present before the start of the polling process in sufficient time. The observers were also allowed to monitor the procedures for opening the parliamentary and municipal ballot boxes before the start of the election process, which showed that the boxes were empty.
7. The NIHR's monitoring team also noticed that in some election centers there was an obvious presence of various media, especially correspondents of some of the national and Gulf media institutions. However, in other election centers, the presence of media was limited to few hours only.
8. The NIHR's monitoring team observed that in most election centers, the chair of the committee counted and shuffled the polling papers. In other centers, the NIHR's observer could not verify if such procedure was carried out; nor could the observer notice whether there were paper or electronic lists, through which voters can verify their eligibility to vote before entering the polling hall.
9. In addition, the place assigned for the NIHR's team in most of the polling and counting centers allowed the observers to track the voters upon entry into the election center, when cast their votes, and the moment they depart. However, in a few of these centers, and due to the limited space available, the observers were unable to verify up close whether the voters inserted the ballots (polling papers) in the designated ballot box.
10. The NIHR's monitoring team found that all ballot boxes were transparent and covered with a colored lid. The red color was allocated for the elections of members of the House of Representatives, while the green color was allocated for the election of members of the municipal councils.
11. In all the polling stations visited by the NIHR, the voting booths met the requirements of confidentiality and privacy of voter's choice. However, in one of the polling centers, given it was located in a multi-storey mall with limited area, there was a possibility of knowing the voter's choice on the ballot.
12. However, despite the considerable organizational efforts undertaken by the Supreme Committee for the General Supervision of the Soundness of Elections, electoral propaganda was observed before and during the voting process, particularly in the provincial polling and counting centers. This was represented by displaying advertisements and posters of some candidates, or by people, mostly children, wearing clothes bearing images of those candidates, distributing leaflets or water bottles with pictures of the candidates or other publicity images, or by others calling on the electorate to vote for one candidate or another, or by direct telephone calls asking electors to vote for a particular candidate on the morning of the polling day.

13. The NIHR monitored, in particular, the electoral propaganda near the provincial centers No. (3), (5), and (8) in Muharraq Governorate; No. (4), (8), and (9) in the Northern Governorate, and No. (1), (5), (6), (7), (8), and (9) in the Southern Governorate, as well as the public centers at Awali Club, Wadi Alsail Primary Intermediate Boys School, the Ministry of Education Hall, and Seef Mall.
14. Immediately, the NIHR's team contacted the Supreme Committee for the General Supervision of the Soundness of Elections through the assigned telephone numbers, to report the observation and document such acts, which constitute a violation of the provisions of the law. The NIHR calls on all candidates to respect the provisions of the law governing electoral propaganda, and to refrain from exploiting children by employing them to carry out electoral propaganda for candidates in the streets and public roads, for the best interest of the child. This behavior is not suitable for children; it has negative and dangerous consequences on them and endangers their lives and safety.
15. It should be noted that the NIHR, taking initiative on its own, has already submitted to the Government in 2015 a proposal to amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the Child Law regarding the criminalization of using children in elections, together with recommending appropriate and deterrent penalties for such dangerous criminal acts.
16. Additionally, on the morning of Election Day, in its first round, the NIHR monitored a number of voters receiving SMS messages informing them that their names have been removed from the voters' lists, and consequently cannot cast their ballots, and asked them not to go to the election centers. At first glance, the SMS appeared real, as if the official authorities concerned have issued it.
17. Consequently, the Supreme Committee for the General Supervision of the Soundness of Elections has quickly considered these messages incorrect and fake, and that it would deal with those, who have sent them, according to legal procedures. The Committee sent SMS messages calling for ignoring any suspicious messages on boycotting the elections, and urging all voters to participate in the electoral process. The General Directorate of Anti-Corruption and Economic and Electronic Security in the Ministry of Interior issued a statement that a number of telephone numbers used in broadcasting fabricated messages about deleting the names of citizens from election lists were detected and monitored.
18. The statement pointed out that search and detection has led to the identification of those behind these messages; and that the investigations indicated that there were a number of perpetrators of such crimes within the Kingdom of Bahrain and in Iran. These perpetrators hacked a number of servers in order to carry out this operation. Legal proceedings are underway, and they were referred to the Public Prosecution. The statement added that monitoring and follow-up indicated that Iran is the source of (40000) emails aimed at affecting the electoral process negatively.

## **Second: The voting stage**

1. Article (9) of Decree-Law No. (15) of 2002 concerning the Shura Council and the House of

Representatives, as amended, stipulates that, **“The election of members of the House of Representatives shall be in accordance with the single election system.”** Article (22) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, stipulates that, **“Every voter shall submit to the sub-committee, when casting his vote, a proof of his/her identity by presenting a passport or any official certified document. A check is placed before the voter’s name in the voters’ list, by hand or electronically, to indicate that the voter cast his/her ballot; or any other means to indicate voting, provided it is approved by the Chairman of the Supreme Committee stipulated in Article (18) of this Law.”**

2. Article (23) of the same Law followed by stipulating that, **“The referendum and election shall be conducted by universal direct secret suffrage. The vote shall be made in a referendum or election by marking on the card prepared for that purpose and in the place allocated for the ballot. A voter may not cast his vote more than once in a referendum or a single election. Voters who cannot write or read, or blind, or with special needs who cannot cast their votes by themselves on the ballot card, shall vote verbally, and the chair of the committee shall mark the voter’s choice in the presence of one of the committee members on the ballot card, which shall be inserted in the ballot box.”**
3. Regarding the municipal affairs, the provisions of Articles (22) and (23) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.
4. Accordingly, the NIHR’s team monitored the polling and counting centers during the first round and the run-off of the election of the members of the House of Representatives and the Municipal Councils. It was observed that all those centers, through the organizing body (verification officers), verified the identity of the voters, by checking their passports, identity cards, or any certified official documents such as election cards issued by the Ministry of Interior to holders of lost or damaged passports, or passports procedurally preserved or confided to another party.
5. The NIHR’s monitoring team found that, although the organizers had carried out prior verification of veiled women to match their identity, the matching process in most of the electoral centers was not strictly accurate and organized, and did not take into account the required privacy of veiled women.
6. As soon as a veiled woman enters the center, she is called upon and heads toward a place dedicated for identity matching process; this place is not well prepared for such purpose in terms of its location in the center and the absence of a full-time female identity matcher to perform this process. In addition, once this process is carried out, the woman heads toward the verification officers, who sometimes, especially during peak periods, do not have a formal proof that the woman’s identity has been actually verified. Therefore, the NIHR calls for developing a clearer, more precise and seamless mechanism that secures the smooth entry of veiled women, ensures that their faces match their identity documents, and takes into account their privacy in this regard.

7. The NIHR's monitoring team found that all the ballot papers were the official papers dedicated to this purpose. The ballot papers for the election of members of the House of Representatives had a red background, while those for the election of members of the municipal councils had a green background.
8. The NIHR's monitoring team also noted that the voting process begins with the voter presenting his/her passport or election card issued by the Nationality, Passport, and Residence Affairs Directorate at the Ministry of Interior and the ID card. The verification officer at the polling and counting center then checks the voter's right to vote, gives the voter the ballot paper, and stamps the passport or the election card indicating his/her participation in the voting process. A number of the NIHR's monitoring team found that the stamp on the passport or the election card was being verified for each voter who had completed the ballot, before leaving the electoral center. However, in other centers, this regulatory action was not being followed.
9. In the same context, it was noticed that there were electronic devices at the exit gates of some of the polling stations that detect ballot papers, which the voters might take out from the center, since all the ballot papers contain a sensitive electronic tape that gives a signal once a paper passes through the detector. However, it was not clear to the monitoring team whether the said devices were effective or not.
10. The NIHR also noted that all the ballot papers were inserted in the ballot boxes, under the watch of the polling and counting committee.
11. The NIHR's monitoring team noted that a number of public polling and counting centers ran out of the ballot papers allocated to one of the constituencies. The NIHR stresses the need for the chairs of the committees and their staff to continuously follow-up the ballot papers to ascertain the adequacy of the remaining ones, and ensure they do not run out of them, so as no voter misses his/her right to vote.
12. The NIHR also monitored on one of the social media accounts, a post by one of the candidates that included a video footage of a ballot paper, which indicated that the voter chose this same candidate. This action is considered an electoral irregularity; the video footage was sent to the concerned officials of the Supreme Committee for the General Supervision of the Soundness of Elections to document this violation.
13. During the parliamentary and municipal elections for the first round and the re-run, it was observed that the candidates or their agents were present in the provincial electoral centers, in the space provided for that purpose. However, the public polling and counting centers had very slight presence of the candidates or their agents. In any case, an observer of the NIHR's monitoring team has noticed an attempt within the electoral center boundaries to influence the choice of one voter, in the presence of a candidate.

14. It was observed that there were no incidents in which voters were prevented from casting their votes in the electoral process, except for very few cases where the voters' names were not registered in the voters' lists. The said voters were asked to head to the supervisory centers in their governorates. The NIHR hopes that the Supreme Committee for the General Supervision of the Soundness of Elections pays more attention to increase the awareness of the voters on the need to make sure that their names are registered on the voters' lists during the period prescribed by the Law, to avoid being prevented from voting on polling day. In addition, raise the voters' awareness on resorting to the supervisory centers in their governorate if their names are not registered in the voters' lists on polling day. The non-registered voters did not know about this procedure only until they headed to the public or provincial polling centers, thus, they went through the trouble of reaching those centers and had to wait there for a while.
15. Moreover, the NIHR's monitoring team did not observe any cases where non-voters were allowed to enter the polling and counting halls, except for some children accompanying their parents. In addition, voters sometimes gave their children the ballot paper to insert it in the ballot box under the direct watch of the voter and the polling and counting committee.
16. The NIHR's monitoring team did not observe any incidents where the members of the polling and counting committee were exposed to harassment by the candidates or voters, except for one case where a candidate was engaged in an altercation with the members of the polling and counting committee due to overcrowding.
17. In connection with the polling process, it was noted that there were a number of illiterate voters during the first round and the run-off of the parliamentary and municipal elections. In such cases, the organizers of the center issue the ballot paper to the illiterate voter and directly instruct him/her to go to the head of the polling and counting center. The latter reads the names of the candidates to the illiterate voter, showing them their pictures so that the voter can choose freely and secretly in this regard. This procedure is in agreement with the prescribed legal rules.
18. With regard to the special needs categories of persons with disabilities and the elderly invalids, the NIHR's monitoring team observed that the organizers of the polling and counting centers assisted them and facilitated their procedures as of entering the centers until they exited. However, there was no designated queue (line) for those people in any of the centers that the NIHR has monitored. Nevertheless, this shortcoming did not affect the smooth running of the voting process for them, noting that all the electoral centers were, from a technical standpoint, prepared to accommodate the participation of these groups.
19. In a related context, the organizers of the polling and counting centers did not allow the persons accompanying those with disabilities to enter the polling hall with them during the voting process. The organizers carried out this process themselves, especially in the cases where the accompanying person is a non-eligible voter, such as domestic workers. In the cases where the person with disability cannot choose the candidate because of his/her disability, the head of the center is the authorized person to handles these cases in accordance with the provisions of the law.

20. One of the observers of the NIHR's monitoring team observed two similar cases in one of the public centers, that when the voter applied for the ballot paper for his constituency, he found out that the ballot paper issued to him belonged to another electoral district, different from the one assigned to him in the voters' list, and contrary to what is registered in the official website of the Supreme Committee for the General Supervision of the Soundness of Election.
21. On the other hand, the NIHR's monitoring team did not observe any tampering with the ballot boxes in any way by voter or others, nor voters or others impersonating someone else for the purpose of voting.
22. Through the visits carried out by the NIHR to the provincial and public polling stations, the observers did not notice the polling and counting committees opening additional ballot boxes other than the original ones at the start of the voting process, except in the Awali Club public center. During the first round, the committee opened two additional boxes for the parliamentary and municipal elections of the Southern Governorate independently. In addition, during the re-run, the committee opened an additional box for the parliamentary elections and another box for the municipal elections. In all cases, these additional boxes were displayed to everybody present to confirm that it is empty of any contents or ballot papers before placing such boxes. Moreover, the closed filled boxes were placed in front of all.
23. The polling stations, which the NIHR monitored, closed the polling boxes at exactly 8:00 pm. Some of the heads of the polling and counting committees called on the NIHR's team to verify closing the ballot boxes on time with the designated lock (seal).
24. During the voting process, no objections affecting the process of parliamentary or municipal elections were reported by the voters, candidates, or others. However, it was proved to a member of the NIHR's team that one of the candidates objected before the polling and counting committee at Seef Mall public center to the presence of barriers that prevent him from monitoring the polling boxes. In addition, another candidate objected before the polling and counting committee at the Awali Club public center to the smoking of the chair of the committee in the election center.

### **Third: The stage of counting and announcing the results**

1. Article (24) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, stipulates that, **"When the designated time for referendum or election ends, the chairman of each subcommittee shall declare the end of the voting process after ensuring that all voters present in the committee's headquarters have cast their ballots at that time. Such shall be recorded in a report signed by the chairman and the secretary of the committee, after which the subcommittee shall begin the process of counting votes. Every candidate or his/her agent shall be allowed to observe the ballot counting process, excluding the deliberations of the committee."**

2. Article (26) of the same Law followed, stipulating that, **“All votes shall be disqualified and void if the vote cast in the ballot paper is conditional, or given to more than the required candidates, or marked on a paper other than the provided ballot paper, or bore any marks that would disclose the identity of the voter.”**
3. Article (27) of the above-mentioned Law stipulates that, **“The subcommittee shall decide on all matters relating to the referendum or election process, and the validity or the invalidity of the ballot vote of any voter. The deliberations of the committee shall be confidential, and shall be only attended by the chairman and members of the committee. The decisions of the committee shall be issued by an absolute majority, and shall be recorded in the minutes of the committee, and shall be reasoned and signed by the chairman and the secretary of the committee.”**
4. Article (28) of the same Law stipulates that, **“The chairman of the committee provided for in Article (7) of this Law shall announce in each electoral district the results of the election of the members of the House of Representatives in all constituencies of his/her region, and the number of votes obtained by each candidate in his/her constituency, after the arrival of all the minutes of polling and counting committees and the ballot papers from the subcommittees in the region. A copy of the results together with all minutes and ballot papers shall be sent to the Supreme Committee provided for in Article (18) of this Law, which shall make the final announcement of the general results of the election of the members of the House of Representatives and shall notify the winners of their membership to the Parliament. The General Secretariat of the House of Representatives, following the announcement of the results of the election, shall hand in to each wining member a certificate of membership of the House of Representatives.”**
5. Article (29) of the above Law stipulates that, **“The Chairman of the Supreme Committee provided for in Article (18) of this Law shall announce the results of the referendum after receiving all the minutes of the subcommittees.”**
6. Article (19) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives and its amendments stipulates that, **“If the number of candidates applying for membership in the House of Representatives in an electoral district is the same as the number of members specified for such district, or if only this number of candidates remains for any reason whatsoever, the Minister of Justice, Islamic Affairs, and Endowments shall announce those candidates as winning members without the need to conduct election in the district.”**
7. Article (20) of the same Law followed, stipulating that, **“The member of the House of Representatives shall be elected by an absolute majority of the number of valid votes cast in the election. If this majority is not achieved by one of the candidates in the electoral constituency, there shall be a re-election (re-run) between the two candidates who have obtained the largest number of votes. If another candidate had equal votes to the second runner up, such candidate shall participate in a second election re-run, in which case the candidate with the highest number of votes shall be considered the winner. If more than one candidate received equal votes, lots**

**shall be drawn among them with the knowledge of the chairman of the sub-committee. In all cases, the chairman of the sub-committee shall establish in the minutes of counting the number of votes received by each candidate in his/her constituency. The chairman of the committee and the secretary shall sign this minutes and the ballot boxes shall be closed. The minutes and ballot papers shall be sent to the Chairman of the Supervisory Committee for the Soundness of Elections, who shall announce the name of the winning candidate.”**

8. Regarding the municipal affairs, the provisions of Articles (23), (24), (25), (26), (27), and (28) of Decree-Law No. (3) of 2002 on the system for the election of members of municipal councils, as amended, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.
9. Through the field observation of the NIHR’s team of the polling and counting centers, which were visited during the first round and the run-off of the elections of the members of the House of Representatives and municipal councils, in which they were present in the polling and counting centers during the stage of closing the ballot boxes, commencing the sorting and counting of ballots, and announcing the results, it was found that all the public and provincial election centers were closed at 8:00 pm, in the presence of candidates or their agents, civil society organizations, and the NIHR’s team. Some of the heads of the polling and counting centers requested the representatives of the NIHR to be present to establish the closing of these boxes with the provided locks. The name of the governorate, type of elections, as well as a number of the box was written on the boxes.
10. In addition, the process of sorting and counting by the organizers of the election center - which was carried out before the observers of the NIHR - varied from one center to another. However, they had, in general, almost the same system, starting with opening the parliamentary or municipal ballot boxes by the head of the committee, emptying them, and making sure they are empty of any ballot papers. Then the polling center organizers sort out the correct and invalid ballots, followed by sorting and counting them more than once under the watch and direct supervision of the chairman of the center. Meanwhile, there is another group of organizers counting the remaining unused ballot papers.
11. The NIHR believes that, despite the quality prior training of the organizers of the electoral centers in the process of counting and sorting, it observed that the organizers of the counting process are the same organizers of the electoral center since 8:00 am until its closure. The NIHR noted that they appeared tired and exhausted during the counting process, which lasted in some public centers during the first round until the early hours of the following morning.
12. Based on the above, the NIHR proposes that a team other than that involved in the organization of the ballot carries out the counting and sorting process. Such proposed team begins its work at the electoral center starting at 6:00 pm, and continues until the polling is closed and the counting process commences until the announcement of the final results. This has a positive impact on the performance of the said team and reduces the likelihood of any potential errors that may arise during this process, as well as accelerates the announcement of the results.



13. In a related context, the NIHR's team noted the absence of surveillance cameras and display screens (monitors) in polling and counting stations, which make it possible to observe the sorting and counting of ballot papers. However, this process took place under the watch of those present and in the area allocated for ballot. However, the presence of media during this stage was very limited in some polling centers, and absent in other centers.
14. In all cases, the polling and counting committee at the electoral center prepared minutes containing the name of the winning candidate, the number of votes received by each candidate in his/her constituency, and announced the result. The chairman and secretary of the committee sign the minutes and close the ballot boxes. The NIHR's monitoring team did not observe, during this stage, and during the announcement of the results, any objections at the time.
15. In this regard, the NIHR commends the good organization and training provided to the organizers of the polling and counting process in the electoral centers. This was reflected positively on the smooth running of the electoral process. However, the said organizers, in any event, must refrain from expressing their opinion, explicitly or implicitly, or promoting one of the candidates, or interfering in the choices of the voter during the ballot. The NIHR has monitored through social media a video footage, which seems to be of one of the organizers in a provincial center, who has clearly demonstrated his joy with the winning of one candidate while the chairman of the center was announcing the results. The impartiality and independence of the organizers of the polling and counting centers reflects the integrity of the entire electoral process.
16. According to the official statistics issued by the Supreme Committee for the General Supervision of the Soundness of Elections, the number of candidates in the parliamentary and municipal elections of 2018 was (430) candidates, of which (293) candidates, including (39) women candidates, were running for the membership of the House of Representatives. Whereas the number of candidates for the membership of municipal councils was (137) candidates, of which (8) candidates were women.
17. According to the relevant official figures, the participation rate in the parliamentary elections was (67%), compared to (53%) in the previous elections. Whereas the participation rate in the municipal elections was approximately (70%). Voting abroad in the first round was the highest percentage participation in the history of elections in the Kingdom, and the number of votes in the elections was the highest compared to the previous municipal elections.
18. With regard to the 2018 parliamentary elections, (9) candidates, of which (2) are female candidates, secured more than (50%) of the votes, which enabled them to obtain seats in the House of Representatives from the first round of elections. Run-off election took place in (31) constituencies; (9) women were able to stand for run-off election, of which (4) women won seats in the elected council, with a total of (6) seats in the House of Representatives; the highest women membership in the history of parliamentary life in the Kingdom.

19. In terms of municipal elections, two candidates were elected for municipal council membership by acclamation; one of them is a woman. Polling was conducted in (28) electoral districts in which (5) candidates won municipal council membership from the first round. Run-off was carried out in (23) electoral districts. Four (4) women candidates took part in the run-off, of which (3) women were elected for municipal council membership, bringing the total number of women members in municipal councils to (4) women.

### Section III

#### Observing the parliamentary and municipal elections following polling day (The stage of receiving and adjudicating electoral appeals)

1. Article (62) of the Constitution of the Kingdom of Bahrain stipulates that, **“The Court of Cassation shall be competent to adjudicate appeals relating to elections of the House of Representatives, in accordance with the governing law.”** Article (21) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, stipulates that, **“Every candidate in the electoral district shall have the right to challenge the outcome of the election held in his/her constituency before the Court of Cassation within fifteen days from the date of the announcement of the general result of the election. If the Court establishes, after examining the papers and hearing the statements of both the appellant and the contested elected candidate (appellee) and any person the Court sees fit to hear his/her testimony, the validity of the appeal, it shall nullify the victory of the contested elected member. In this case, the Court may decide to win the candidate whose election is valid, provided the reasons and circumstances of the appeal do not necessitate election re-run. The submission of the electoral challenge shall not preclude the member challenged (appellee) from the exercise of his/her powers in the House of Representatives during the period prior to the issuance of the Court’s ruling on the appeal. The effect of the ruling of the invalidity of the election of the member shall be limited to the future without rebound on the period before the Court delivered its judgment.”**
2. Regarding municipal affairs, Article (29) of Decree-Law No. (3) of 2002 on the system of electing members of municipal councils, as amended, bears the same substance as the previous provision on challenging the elections of the House of Representatives.
3. In accordance with the terms of reference of the Court of Cassation on elections, the Court has adopted a number of relevant principles in the last years, from 2002 to 2014, to serve as a guide to every new electoral process.
4. The Court of Cassation in a number of its successive rulings on the integrity, soundness, and validity of the electoral process stated, **“Integrity of the electoral process is the origin; meaning that the election cannot be invalidated unless it is firmly established that the electoral process is invalid, thus affecting its results.”**
5. This principle is one of the main doctrines and principles of the Court of Cassation, as it had made

repeated references to it on more than one occasion, starting with its ruling on Appeal No. (2) against municipal elections of 2002, in the session dated 10 June 2002; Appeals No. (13) and (102) against the 2011 parliamentary elections, in the session dated 3 October 2011; Appeal No. (104) against the 2011 parliamentary elections, in the session dated 10 October 2011; and Appeal No. (104) against the municipal elections, in the session dated 21 December 2014.

6. In order to confirm the integrity of the electoral process, the Court of Cassation, in its ruling on Appeal No. (115) against the parliamentary elections of 2014, on 27 November 2014, stated that, **“The Bahraini legislator has set bounds to the electoral process with guarantees that ensure its integrity and transparency. Hence, it subjected the electoral process to full judicial supervision, and entitled any candidate in the constituency to challenge the results of the election held in his/her constituency, and vested the jurisdiction to consider these appeals with the Court of Cassation, the apex of the judicial system in the State.”**
7. Regarding who can file electoral appeals, the Court of Cassation confirmed that only the candidates have the right to challenge the validity of the election, while the voters are excluded from such. The Court held that, **“the electorate (body of voters) shall not contest the election results. This right is limited to the candidates in the constituency where the validity of the election is contested.”** The Court’s rulings based on this principle recurred in Appeal No. (19) and Appeal No. (21) against the parliamentary elections of 2002, in the sessions dated 8 November 2002 and 18 November 2002, respectively.
8. In all cases, the Court of Cassation, in its Appeal No. (16) against the Parliamentary Elections of 2002, on 5 November 2002, stated that, **“The results of the election shall not be contested on grounds of the inclusion of the name of the successful candidate in the voters’ list or in the candidates’ list in the constituency in which the candidate has won the membership of the House of Representatives, as these are procedures prior to the election process, which are resolved by decisions or final judgments that have binding force in this regard.”**
9. With regard to both the candidate and his/her agent, the Court of Cassation established that the agent must be one of the voters in the constituency of the candidate and gave both of them the right to object to all that appear before them during the polling and counting process. This confirmation was evident in Appeal No. (115) against the parliamentary elections of 2014 on 27 November 2014, whereby the principle states that, **“Each candidate may choose a voter from among the voters registered in the voters’ list in the constituency of the candidate as his agent to the sub-committee. The candidate shall submit the name of his/her agent to the Ministry of Justice at least seven days before the election day.”**
10. In the same context, the Court of Cassation in Appeal No. (2) of 2006 on 29 November 2006, affirmed that **“Each candidate may choose an agent for him/her in the sub-committee. The candidate and his/her agent shall be entitled to object to any observations concerning the polling or counting processes to the chairman of the committee.”**

11. Although the law has granted the candidate or his/her agent the right to attend the polling and counting process, yet, their absence does not affect the validity of the electoral process. Since, **“The right of the candidate or his/her agent to enter the polling hall and attend the counting process means that both are not required to be present. His/her absence thereof does not affect the validity of the polling or counting process as long as he/she was not prevented from attending.”** This is evident in Appeal No. (3) against the parliamentary elections of 2006, on 4 December 2006.
12. As for the polling process, the provisions of the Court of Cassation confirmed the secrecy of the voting process, and indicated that the voter is completely free to choose the candidate he deems appropriate without interfering in his/her selection. This was adopted in several principles and rulings. On the session held on 9 November 2002, in the ruling on Appeal No. (15) against the parliamentary elections, the Court affirmed that, **“The voter has the freedom to of decision regarding the candidate of his/her choice, since the election is by universal, direct, and secret ballot, away from any influences that may discourage him/her from selecting the candidate he/she sees fit to represent him/her.”**
13. One of the rules adopted by the Court of Cassation on the announcement of results is the ruling in Appeal No. (104) against the parliamentary elections of 2011, on 10 October 2011, to confirm that, **“The provincial polling and counting committee (sub-committee) is not able to know the winner of the election, and therefore is not in a position to announce it, considering that this matter is connected with to the collection of all the votes in both the provincial (subcommittee) and public committees as well as the committees abroad.”**
14. In Appeal No. (13) against the parliamentary elections of 2002, on 15 November 2002, the Court of Cassation determined that the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections is responsible for the announcement process. The rule states that, **“The Chairman of the Election Safety Supervisory Committee shall announce the results of the election of the members of the House of Representatives in all constituencies of his/her region and the number of votes obtained by each candidate in his/her constituency. A copy of such result shall be sent to the Supreme Committee for the General Supervision of the Soundness of Elections, which undertakes the announcement of the final results.”**
15. In a related context, the Court of Cassation explained that the final announcement process does not require mentioning the number of votes and that it is sufficient to declare the names of the winners of the seats in the councils. In Appeals No. (5) and (7) against the parliamentary elections of 2002, on 29 October 2002, it stated that, **“There is no requirement that the statement of the Minister of Justice contains the number of votes secured by each candidate; it is sufficient that this statement includes the announcement of the final results and notifies the winners of membership.”**
16. The Court of Cassation required that the appeal be based on valid and serious grounds, as well as clear facts and evidence. In Appeal No. (114) against the parliamentary elections of 2014, on 27 November 2014, the Court ruled that, **“Challenging the outcome of the elections is required**

**to be based on serious reasons and evidence suggesting that an error has marred the voting or counting process, which means that the appeal should not be taken as a means to lean on the Court of Cassation to order the re-counting of ballots for the mere suspicion of errors.”**

17. If, however, there are serious and valid reasons and evidence that give rise to believe an error has marred the voting or counting process, then, the Court of Cassation shall have the right to recount the ballots itself. This is explained in the Court’s opinion in Appeals No. (2), (9), and (11) on 28 October 2002, for the first appeal, and on 30 October 2002 for the other two appeals, that, **“The Court of Cassation has the right to access the electoral papers to ensure their soundness and conformity with the results of the elections that have been announced.”**
18. On the practical side, the NIHR monitored, on the official account of the Bahrain News Agency (BNA), news reporting that the Court of Cassation had adjudicated the last electoral appeal filed in the Court, in which candidates for the parliamentary council and municipal councils were challenged. The Court held its sessions on Thursday, 20 December 2018, under the chairmanship of Counselor Abdullah bin Hassan Al Boainain, and the membership of Counselor Abdullah Ya’coub Abdulrahman and Nader Al Sayed Ali Ali Abdulmutallab to consider four electoral appeals filed by three candidates for the membership of the House of Representatives and one appeal filed by a candidate for the membership of the Municipal Council. The Court rejected all the appeals.
19. The NIHR appreciates the important role played by the Court of Cassation as the body mandated by the Constitution to consider electoral appeals. This highlights the importance and seriousness of the attention paid to the credibility, transparency, and impartiality of the electoral process. Thus, the highest courts in the Kingdom were given the task of monitoring the conduct of the election process and adjudicating election appeals, due to competence and long working experience of its members, making them the most capable and efficient to carry out this responsibility, and they were worthy of such.

### **Recommendations:**

In light of the above, the National Institution for Human Rights recommends the following:

1. Classify the referendum and elections crimes mentioned in Article (30) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, as urgent; and establish a competent and temporary court to consider and adjudicate these crimes.
2. Issue a new law on organizing media and electoral propaganda for the elections of the members of the House of Representatives and the municipal councils, to include all the issues related to the organization of such propaganda, allocated funds, means of exercising it, and the related prohibitions. In addition, the new law must include deterrent penalties that prevent the violation of its provisions. The said law must also provide for provisions that regulate the issue of funds and campaign spending, in particular, provisions setting maximum limits to spending and financial expenditures on electoral campaigns.

3. Make available ballot papers in Braille for the blind to enable them to participate actively in the electoral process.
4. Amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the Child Law, to the criminalize the use of children in the elections, and to propose appropriate and deterrent penalties for such dangerous criminal acts, focusing on the best interest of the child.
5. Amend the provisions of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, so as to allow the candidate to choose more than one agent to follow up on the electoral process, provided the number of agents does not exceed the maximum number of the public electoral centers.
6. Pay more attention to increase the awareness of voters on the need to ensure that their names are on the voters' lists during the period prescribed by the law, thus avoiding being prevented from casting their votes on polling day, through all forms of media and social media, well before the due date set by the law.
7. Pay more attention to increasing the awareness of the individuals, whose names are not registered on the voters' lists, on the need to head to the supervisory centers of their governorate on polling day, using all the forms of media and social media. Such individuals were not aware of this procedure until after they went to the provincial or public centers to cast their votes. Thus, they went through the trouble of reaching those centers and had to wait there for a while.
8. Conduct the counting and sorting process by a team other than those involved in the organization of the voting process. Such proposed team begins its work at the electoral center starting at 6:00 pm, and continues until the polling is closed and the counting process commences until the announcement of the final results. This shall have a positive impact on the performance of the said team and reduce the likelihood of any potential errors that may arise during this process, as well as accelerate the announcement of the results.
9. Use modern electronic technologies that ensure more accuracy in the counting and sorting of ballot papers. In addition, provide polling and counting centers with surveillance cameras and display monitors to allow the candidates and their agents as well as the observers of the conduct of the electoral process to follow up the process of sorting and counting ballot papers.
10. Pay more attention to training and qualifying law enforcement personnel on controlling and tracking electoral crimes, especially those committed through modern means of communication, and bringing perpetrators to justice in order to ensure the proper conduct of the electoral process.
11. Pay more attention to the training aspect of the organizers of the polling and counting process in the electoral centers. In addition, issue a code of conduct to regulate their work, which includes that they must refrain from expressing their opinion, explicitly or implicitly, or promoting one

of the candidates, or interfering in the choices of the voter during the ballot. The neutrality and independence of the organizers at the polling and counting centers reflects the integrity of the entire electoral process.

12. Call for the establishing of a clearer, precise, and seamless mechanism that secures the smooth entry of veiled women, ensures that their faces match their identity documents, and takes into account their privacy in this regard.
13. Call for paying greater attention to civil society institutions and human rights defenders concerned with monitoring the electoral process by providing them with dedicated spaces within all polling and counting centers, close to polling and counting committees, enabling them to monitor and observe all stages of the electoral process on polling day, until counting of the ballots and announcing the final results.
14. Pay more attention to the ongoing media coverage of the electoral process by the Supreme Committee for the General Supervision of the Soundness of Elections, through prompt and continued updating of the information, data, and statistics posted on its website and electronic accounts, including the decisions and judicial rulings related to the electoral objections and appeals. Such will become the source of information and database for professionals, researchers, academics, and the public.
15. On-going follow up by the chairs of the provincial and public electoral centers and their employees, to verify the adequacy of the remaining ballot papers to ensure that they do not run out, which influences the flow of the electoral process, so as no voter misses his/her right to vote.
16. Continue the efforts of the Ministry of Information Affairs in raising awareness of the electoral process using infographics to include all stages of the electoral process, as well as the rights and duties of voters and candidates, owing to their clear impact in promoting the concepts of the electoral process and delivering such in a simplified form, easy to understand by all.





## Chapter IV

# Key Issues with a Direct Impact on Human Rights Situation in the Kingdom of Bahrain and their Influence on Sustainable Development Goals 2030

### Preface: Overview of Sustainable Development Goals 2030

1. The Millennium Development Goals (MDGs), adopted by the United Nations General Assembly in Resolution (A/RES/55/2), passed in its 55 session held in 2000, are the building blocks of the Sustainable Development Goals (2030). The development goals are composed of 8 main goals, 21 targets and 60 indicators, which all Member States of the United Nations agreed to pursue by 2015.
2. The eight development goals of the United Nations Millennium Declaration, which were passed in 2000 and adopted at the Millennium Summit in September 2000, oblige the Member States of the United Nations to adopt all possible measures to combat poverty, hunger and diseases and to eliminate discrimination against women.
3. Recognizing the need to further help poor people, the Member States of the United Nations sought to achieve those goals and stimulate development by endeavoring to improve social and economic conditions in the world poorest countries, to channel the outcomes of globalization to the benefit of all people, and not to save any effort to free men, women and children from the abject and dehumanizing conditions of extreme poverty.
4. In 2005, five years after the Millennium Summit, Heads of State and Governments met at a high-level meeting at the United Nations Headquarters in New York, culminating in the World Summit, in which all States affirmed their support for the Millennium Development Goals, as a common, integrated, time-bound and measurable framework for development cooperation.
5. In 2012, at its Conference on Sustainable Development Goals held in Rio de Janeiro, Brazil (Rio + 20), the Member States of the United Nations agreed to set up an open working group of the United Nations General Assembly to develop a set of sustainable development goals according to economic, social and environmental dimensions, in order to improve people lives and protect earth for future generations. Within a few months of Rio + 20, Member States agreed that there should be a single plan to move forward, i.e. a sustainable development plan based on the goals of sustainable development. After more than a year of negotiations, in 2014, the working group made its recommendation on sustainable development goals.
6. In 2015, the United Nations Conference on Sustainable Development was held. More than 150 world leaders took part in the conference to adopt a new ambitious plan for sustainable development. This plan, which serves as a road map for the world as a whole, was entitled “Transforming Our World: 2030 Agenda for Sustainable Development”. It includes 17 goals and 169 targets, aimed at achieving a common global vision on how to achieve these goals at the national, regional and international levels.

7. The new agenda encourages the States to take action to eradicate poverty and build a more sustainable world over the next 15 years. The Agenda builds on the achievements of the Millennium Development Goals adopted in 2000 that led development work over the past years.
8. 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly by its resolution (A/RES/70/1) of October 21, 2015, are global goals by nature, fit all countries, universally applicable, take into account the different realities, capacities and levels of national development, consider national policies and priorities, interdependent, and should be implemented in a coherent and integrated manner.
9. Sustainable Development Goals 2030 are the result of a transparent and collaborative process on a “no-one behind” basis, representing an unprecedented agreement on sustainable development priorities among 193 Member States of the United Nations. These goals were fully supported at the government level, civil society institutions, the business community, parliament members and other actors.
10. Sustainable Development Goals 2030 and targets encourage work over the next 15 years across five major dimensions of crucial importance: (People), by ending poverty and hunger, in all their forms and dimensions, and ensuring that all human beings can fulfill their potential in dignity and equality and in a healthy environment; (Planet) by protecting the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations; (Prosperity), by ensuring that all human beings can enjoy prosperous and fulfilling lives and that economic, social and technological progress occurs in harmony with nature; (Peace), by fostering peaceful, just and inclusive societies which are free from fear and violence, as there can be no sustainable development without peace and no peace without sustainable development; (Partnership), by revitalizing Global Partnership for Sustainable Development, based on a spirit of strengthened global solidarity, focused in particular on the needs of the poorest and most vulnerable people and with the participation of all countries, all stakeholders and all people.
11. Given the crucial importance of Sustainable Development Goals 2030, this Chapter of NIHR Sixth Annual Report 2018 highlights certain sustainable development goals that have cast a shadow over reality during the reporting period and indicates the close relation between these goals and human rights. In July 2018, the Government of the Kingdom of Bahrain submitted a voluntary national report to the High-Level Political Forum on Sustainable Development Goals held in (New York City). The report is highly transparent and states the actual achievements, difficulties and challenges that limit the optimal application of these goals.
12. This Chapter of the annual report will be based on goals 8, 10, and 11 on the right to work, decent life and equality; goals 13, 14 and 15 on the right to a healthy environment; and goal 16 on the promotion of justice and the rule of law. It defines the goal’s concept, targets, its relevance to human

rights, and position in national legislation and international human rights law. It also indicates the concrete efforts to implement these goals and the difficulties and challenges that hinder them. It presents recommendations and proposals that NIHR considers as tools for the optimal application of these goals and the associated general rights and freedoms.

## Section I

### Right to Work, Decent Life and Equality

#### Preface:

The global transformation in the concept of the right to development over the past years has changed from a dimension of narrow economic growth to a broader and more comprehensive concept covering human rights in various fields of public life fields and civil, political, economic, social or cultural rights. This has created actual integration between Sustainable Development Goals 2030 and the nine international instruments on human rights, so that most of these goals are based on human rights.

Sustainable Development Goals 2030 that are directly related to economic, social and cultural rights are Goal (8): **“Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”**; Goal (10) **“Reduce inequality within and among countries”**; and Goal (11): **“Make cities and human settlements inclusive, safe, resilient and sustainable”**.

By consideration of the targets of these goals, it is noted that they include three key rights: the right to work, the right to equality, and the right to an adequate standard of living and a dignified life. This section of the report will state these goals, relevant human rights, efforts to implement these goals, challenges and difficulties faced by all in realizing these goals, NIHR role in realizing these goals, and the recommendations and proposals for the optimal realization of these goals.

#### 1. Goal (8): “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”

1.1 Goal (8) of the Sustainable Development Goals (2030) related to decent work and economy is closely linked to the right to decent work. In fact, this right is almost the dominant feature of this development goal, since sustained, inclusive and sustainable economic growth can only be achieved by providing decent work for all on an equal footing without any discrimination.

1.2 The targets of Goal (8), as formulated by the United Nations in its resolution (A/RES/70/1) of 21 October 2015, consist of maintaining individual economic growth in accordance with national circumstances, promotion of development-oriented policies that support production activities, decent work opportunities, entrepreneurship, creativity and innovation, and promoting the formalization and growth of micro, small and medium-sized enterprises, including through access to financial services.

- 1.3 Full and productive employment, decent work for all women and men, including youth and persons with disabilities, equal pay for work of equal value, reduction of the proportion of youth not in employment, education or training, and taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour.
- 1.4 Protect labour rights, promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products, strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all.
- 1.5 In pursuit of Goal (8) on decent work and economy, which is closely linked to the right to work, the Kingdom of Bahrain has attached great importance to this goal and placed it on equal footing with the rights enshrined in its supreme legal rules. Article (13) of the Constitution of the Kingdom of Bahrain provides as follows: **“Work is the duty of every citizen, is required by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency. b. The State guarantees the provision of job opportunities for its citizens and the fairness of work conditions. c. Compulsory work cannot be imposed on any person except in the cases specified by law for national exigency and for a fair consideration, or pursuant to a judicial ruling. d. The law regulates the relationship between employees and employers on an economic basis while observing social justice”**.
- 1.6 In terms of legislation, in order to realize Goal (8) on decent work and economy, the provisions of Law No. (36) of 2012 on Labor law in the Private Sector regulate the relationship between employees and employers and indicate their mutual rights and obligations to ensure rights, privileges and appropriate legal measures to workers.
- 1.7 Prior to enacting this Law, Law No. (1) of 2008 on Combating Trafficking in Persons was promulgated, which prohibits forced labor and terminates contemporary slavery and human trafficking as one of the purposes of this goal related to the right to decent work. These provisions were complemented by Child Law No. (37) of 2012. The provisions of this Law protect this category from falling victims of this crime as a result of any form of exploitation at work or elsewhere.
- 1.8 In the same context, Law No. (57) of 2006 on Establishing “Tamkeen” Labor Fund is consistent with the objectives of Goal (8), in particular with regard to the promotion of sustained, inclusive and sustainable economic growth and decent work. The Law highlights the vision of the Kingdom by seeking to achieve a range of objectives, including the development of the national economy, development of the private sector to be a driver of economic growth, promoting the efficiency of Bahraini workers and their productive capacity and ability to compete in the labor market, creating an appropriate environment to make Bahraini laborers the best option for employment, and creating the appropriate environment to increase the integration of Bahraini women in the labor market, in addition to creating new and suitable employment opportunities for Bahraini laborers.

- 1.9 In terms of International Human Rights Law, the Kingdom of Bahrain has acceded to a number of international human rights instruments related to the right to decent work, namely the International Covenant on Economic, Social and Cultural Rights, to which Bahrain acceded under Law No. (56) of 2006. The Kingdom of Bahrain joined the International Labor Organization (ILO) under Decree No. (9) of 1977, which subsequently led to the accession to a total of 10 conventions related to the right to work. This serves as a commitment by Bahrain to international criteria related to the right to work.
- 1.10 In terms of practice associated with Goal (8) on decent work and economy, the Kingdom of Bahrain has taken serious and concrete steps through an ambitious socio-economic vision launched by His Majesty the King in 2008, entitled “Vision of the Kingdom of Bahrain 2030”. His Majesty referred to this Vision at the time as “Integrated Economic Agenda” in view of its development dimensions and clear frameworks to address the main challenges. Bahrain Vision is based on three basic principles, namely: Sustainability, justice and competitiveness.
- 1.11 In pursuance of this Vision and to realize Goal (8), the Government Agenda (2015-2018) was developed based on the principle of balance between the potentials and resources of the Kingdom, its challenges, the requirements and needs of citizens and residents in order to continue development and construction and ensure sustainable economic development in the Kingdom.
- 1.12 The Agenda includes six themes, including those directly related to the Sustainable Development Goal on decent work and economy. These are the economic and financial themes. The Agenda sets a strategic priority based on building a strong and diversified economy and a sustainable financial and monetary system. It proposes a range of policies, initiatives, and procedures to realize this theme, namely the achievement of real and sustainable economic growth rates, maintaining financial and monetary stability and controlling public debt through initiatives aimed at creating an enabling regulatory environment for industrial and commercial activities, improving the link between the local market and the regional markets, enhancing the participation of the private sector in economic growth, diversifying the local economy through the development of economic activities in various sectors, increasing government revenues and rationalizing expenditures, and other initiatives.
- 1.13 Human development and social services theme sets a strategic priority to enable Bahrainis to increase their contribution to the development process through a number of policies, initiatives and procedures, namely alignment of education outputs with labor market requirements, and providing suitable job opportunities for citizens and regulating the labor market.
- 1.14 NIHR believes that the Government’s Agenda translates the objectives of the goal towards sustainable and inclusive economic growth and providing decent work by setting sustainable economic growth as a strategic priority. This is achieved by providing an infrastructure and establishing the conditions that create decent employment opportunities to the present and future generations that stimulate the economy under conditions that enable it to achieve sustainability.

- 1.15 To give full effect to these policies and national visions, the Kingdom of Bahrain has taken steps to achieve its vision of creating real sustainable development and overcoming the effects of global economic changes that affect the provision of a decent life to people on the basis of justice. On the other hand, it adopted an economic vision that is based on diversifying sources of income as a cornerstone of economic growth and the provision of more jobs for national labor force, by making Bahraini nationals the preferred choice of companies and employers for construction and development. It has achieved remarkable success in this regard through the implementation of a number of projects aimed at reforming the education and vocational training environment by promoting supervision and periodic review of employment mechanisms. It developed requirements to ensure high-quality outputs and their alignment to the needs of the labor market and sustainable development goals.
- 1.16 The Kingdom also undertook several initiatives that would contribute to accelerating economic growth by attracting more investments in the tourism and banking sector to avoid the dominance of the oil sector and oil revenue to the extent possible in order to create more job opportunities for national competencies and improve human resources. This has improved the public finance structure, reduced the repercussions of the sharp drop in oil prices in world markets, addressed the consequences of limited natural resources, the rise in public debt and fiscal deficit in the general budget.
- 1.17 In early 2016, the Kingdom had taken bold steps in reducing government expenditures and removing subsidies on some basic goods and services, without affecting the standard of living of citizens through regular compensation payments. Given the importance of economic diversification in promoting sustainability in the financial system, there was a concern with the diversification of revenue sources by considering VAT taxation as an important tool for further diversifying sources of income<sup>(3)</sup>.
- 1.18 According to the first Voluntary National Report of the Kingdom of Bahrain for Sustainable Development Goals, (Tamkeen) was able to rehabilitate and train 13,000 Bahrainis in various fields. The emerging projects supported by (Tamkeen) amounted to (60%). Services were provided to (5,000) Bahrainis through the Business Development Program. It also supported some (130,000) citizens in the Professional Certification and Training Program, supported about (45,000) companies and institutions and injected more than USD 2 billion into the national economy. (Tamkeen) also paid particular attention to Bahraini women, as it supported more than 131 entrepreneurs.
- 1.19 In a serious step towards providing decent work as a pillar of sustainable development goals, despite the challenges posed by low oil prices and the need for a trained and efficient workforce commensurate with the labor market requirements, according to the Kingdom's Voluntary Report, the Kingdom paid attention to this aspect by increasing the employment of jobseekers, expanding the labor market base by launching the National Employment Project to allow citizens to join this Program and benefit from the training and employment programs through centers across the

---

(3) Bahrain News Agency (BNA), November 29, 2017 and December 31, 2016.

Kingdom, providing various and permanent employment opportunities, pursuing employment programs and private sector wage subsidy projects, and strengthening cooperation with the Labor Fund (Tamkeen) to rehabilitate and train the Bahraini cadres for the labor market.

- 1.20 In addition to these steps, the Ministry of Labor and Social Development organized specialized employment fairs to eliminate unemployment or, at the very least, to maintain its safe rate. These fairs seek to integrate citizens into attractive high-quality jobs and professions with appropriate wages in the various production sectors in the labor market.
- 1.21 The Ministry of Labor and Social Development, in response to NIHR, stated that it has organized several career fairs in the governorates of the Kingdom of Bahrain during the past three years (2016-2018), which include motor agencies, supervision, administration and the educational sectors. In addition, it organized general career fairs for all sectors and disciplines. The number of those employed through these fairs in (2016-2017) amounted to (457) and (3019) Bahrainis, respectively.
- 1.22 The Ministry of Labor and Social Development reported that it organized five career fairs between (January and August 2018), during which 2325 vacancies were offered for the female engineering sector, the education sector and the health sector, in addition to the other sectors. It also provided other vacancies through the “Vacancy Bank” of the Ministry of Labor and Social Development, in conjunction with the fairs organized by the Ministry.
- 1.23 In pursuit of NIHR role in tracking all issues relevant to human rights, through the efforts of the government, represented by the Ministry of Labor and Social Development, it is noted that unemployment rates stood at (4%) in the labor market as a result of the involvement of the private sector as a strategic partner in development. The private sector provided equal and high-paying employment opportunities, as stated in the First Voluntary Report of the Kingdom of Bahrain for Sustainable Development Goals. It also provided qualitative training to national cadres and took future steps to support women in the labor market through increasing their wages, providing them with vocational training in partnership with the Supreme Council for Women, the Ministry of Education and the Employment Fund (Tamkeen), and developing a work plan that provides new job opportunities for graduate doctors in the public and private sectors through qualification and training.

**Number of training programs offered by the Ministry of Labor and Social Development**

**In cooperation with its partners during the years (2016-2018)\***

Year	Training Programs Targeting Male and Female Job Seekers	Training Programs with Ensured Employment	Number of Trainees	
			Male	Female
2016	53	1	28	0
2017	115	5	158	171
2018	93	13	137	164

\* Source: Ministry of Labor and Social Development upon request of NIHR

- 1.24 In this regard, the Voluntary National Report referred to above states that (Tamkeen), since its inception, provided SMEs with the skills necessary for success, injected more than USD (2.5) billion to more than 47,000 institutions, and assisted in the training of (120,000) women, young persons, and persons with disabilities.
- 1.25 As citizens are a national priority and the first objective and goal of development, in the United Nations Human Development Report, Bahrain was rated within the group of states with high human development on the Human Development Index, which measures the achievement across the basic dimensions of human development, namely decent standard of living, knowledge and healthy life.
- 1.26 The Report highlights the significant social, economic and environmental developments in the Kingdom. According to the indicators, the average GNI per capita has increased, poverty rates have fallen to the lowest levels, youth unemployment rate has fallen to the lowest rates in the world, while literacy rates for male and female adults have increased.
- 1.27 The Human Capital Report of World Economic Forum 2016 placed the Kingdom first in the Gulf region, in terms of leveraging the economic potentials of its citizens, and as the highest performing Arab countries for its exploitation of (85%) of its total human resource talents. At the world level, Bahrain was placed (46), after Finland, Norway and Switzerland.
- 1.28 Despite these efforts to achieve the Sustainable Development Goal related to decent work, there are some challenges to the implementation of this objective, including the regional situation, increasing threat of terrorism, the Kingdom's influence by this situation, limited natural resources,



increased public debt and deficiency of the public budget, and actuarial deficit in the social insurance system. In addition, the main challenge is how to keep pace with the future needs of the labor market in the creation of non-traditional employment opportunities by providing advanced education and enabling schools to motivate students to think creatively and analytically to accommodate all the developments.

1.29 The Ministry of Labor and Social Development reported that the number of unemployed persons during the years (2016-2018) amounted to (7942), (8252) and (8100), totaling (4%), (4.1%) and (4.1%) respectively.

**Table showing number of unemployed persons by age group and gender in 2016\***

Age	Female	Male	Total	%
15-19	167	341	507	6.4%
20-24	1702	563	2265	28.5%
25-29	2439	289	2728	34.4%
30-34	1323	106	1429	18.0%
35-39	508	47	555	7.0%
40-44	219	15	234	2.9%
45-49	118	13	131	1.6%
50-54	59	11	70	0.9%
55-59	15	7	22	0.3%
Total	6550	1392	7942	100%

\* Source: Ministry of Labor and Social Development upon request of NIHR

**Table showing number of unemployed persons by age group and gender in 2017\***

Age	Female	Male	Total	%
15-19	171	302	473	5.7%
20-24	1567	561	2128	25.7%
25-29	2556	302	2858	34.7%
30-34	1454	125	1579	19.1%
35-39	627	69	696	8.4%
40-44	231	29	260	3.1%
45-49	125	17	142	1.7%
50-54	70	13	83	1.0%
55-59	21	12	33	0.3%
Total	1430	6822	8252	100%

\* Source: Ministry of Labor and Social Development upon request of NIHR

**Table showing number of unemployed persons by age group and gender in (January-June 2018)\***

Age	Female	Male	Total	%
15-19	92	183	275	3.3%
20-24	1130	576	1706	21.0%
25-29	2673	390	3063	37.8%
30-34	1555	158	1713	21.1%
35-39	707	78	785	9.6%
40-44	261	31	292	3.6%
45-49	131	19	150	1.8%
50-54	67	10	77	0.9%
55-59	33	6	39	0.4%
Total	6649	1451	8100	100%

\* Source: Ministry of Labor and Social Development upon request of NIHR

- 1.30 In this regard, NIHR, through a local newspaper, observed that a public hospital advertised medical jobs (nursing) on a foreign website. The announcement came at a time when NIHR observed that there are unemployed Bahrainis in these specialties. In order to find out the reasons for attracting foreign workers in the medical specialties by the Ministry, NIHR inquired the Ministry about its position on this announcement.
- 1.31 The Ministry of Health explained that despite the challenge to procure medical health qualifications, qualified Bahraini doctors and nurses account for the majority of its workforce. The total number of employees of the Ministry up to December 2017 amounted to (8901) employees, with a Bahrainization rate of (78%). The percentage of Bahraini doctors is (84%) out of the total number of doctors (1126). The percentage of Bahraini dentists is (89%) out of (125) dentists in the Ministry. The percentage of Bahraini nurses increased to (53%) out of (3251) qualified nurses at the Ministry of Health. The percentage of Bahrainis in the other supporting health professions, e.g. laboratory, radiology, physiotherapy and other professions amounted to (83%) out of (3302) qualified Bahraini cadres. Bahrainization rate in administrative jobs amounted to (99%). However, the Ministry did not state its express position as to the said announcement.
- 1.32 In a serious step to reduce the impact of the growing number of unemployed people on the standards of living, the government enforced unemployment insurance scheme under Decree Law No. (78) of 2006, which became one of the successful social solidarity schemes to meet the financial needs of job seekers or unemployed persons through monthly payments.
- 1.33 NIHR commends the unemployment insurance scheme as it achieves social security as enshrined in Article (5), Paragraph (c) of the Constitution, which stipulates that: **“The State guarantees the requisite social security for its citizens in... unemployment...”** to achieve the necessary solidarity and social justice. NIHR considers that addressing this issue is a challenge to achieving the relevant sustainable development goals and requires exerting more efforts to create rewarding employment opportunities to secure a decent life and standards of living.
- 1.34 Among the challenges to realizing the sustainable development goals related to the provision of decent work is the extent to which national employment can replace foreign labor, particularly in the specialties where there are abundant national resources. In this regard, the Ministry of Health underscored its efforts to train and develop its staff and refine their skills to keep abreast of scientific and practical developments, by enrolling medicine and dentistry graduates in training programs in an effort to meet the needs in various medical specialties. However, the Ministry did not set a specific period for replacement.
- 1.35 The response of the Ministry of Education to NIHR queries on the replacement of foreign labor force in the field of education is that it is exerting great efforts to attract qualified national cadres to fill the positions in the education sector, in coordination with the Civil Service Bureau, and that it resorts to outsourcing only in urgent cases until qualified Bahraini personnel are available.

- 1.36 The Ministry of Education also reported that it adopts additional measures annually to provide the best opportunities for Bahrainis before hiring foreign teachers. In particular, it stated that it coordinates with Bahrain Teachers College to increase the number of programs and specializations required for the Ministry schools. The Ministry further coordinates with the Civil Service Bureau to identify the number of those who wish to be employed as teachers and the names of Bahrainis expected to graduate in scientific specialties from the University of Bahrain or foreign universities. The Ministry also directs annual scholarships to outstanding students to meet the Ministry's requirements for teachers.
- 1.37 With regard to NIHR role in advancing the Sustainable Development Goals 2030, specifically Goal 8 related to decent work, and within its broad mandate to promote human rights, several programs have been implemented that support the right to decent work. It organized Legal Career Day that targeted the students of the Faculty of Law of the University of Bahrain. In addition, an international forum entitled "Business Administration and Human Rights" was organized for investors, bankers, private sector companies, NGOs and academics. The Forum discussed the work environment and aspirations under the contemporary challenges.
- 1.38 In terms of human rights protection, NIHR received (17) complaints in (2016, 2017 and 2018), which included various issues related to the right to adequate work. It provided legal aid to (88) cases, and observed (8) cases related to the same right. These cases were considered independently. NIHR contacted the competent authorities to discuss the cases in order to be resolved.

## 2. Goal (10). Reduce inequality within and among countries

- 2.1 Goal (10) of the Sustainable Development Goals (2030) on reducing inequality is closely related to the enjoyment of all civil, political, economic, social or cultural, human rights on the grounds that this goal is the cornerstone of the various human rights.
- 2.2 The most important purposes of Goal (10), as formulated by the United Nations in its Resolution (A/RES/70/1) passed on October 21, 2015, is to progressively achieve and sustain income growth, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status, ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard, and adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.
- 2.3 The Kingdom of Bahrain has attached great importance to this goal and the associated right to equality and non-discrimination. This is evident in establishing this right in the Constitution. Article 18 of the Constitution states: **"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"**.

- 2.4 In pursuit of the Kingdom efforts to achieve Goal 10 and its targets related to the right to equality and non-discrimination, clear legislative steps have been taken, namely, the enactment of Civil Service Directives (4) of 2014 for Establishing the Committee on Equal Opportunities in Government Bodies, which aims to reduce the differences between women and men in the workplace.
- 2.5 Law No. (34) of 2005, as amended by Law No. (33) of 2009, on Establishing the Alimony Fund was enacted to reduce economical differences by regulating the issues related to alimony and its disbursement controls. In addition, Law No. (35) of 2009 was enacted on the treatment of Bahraini women married to foreigners as Bahraini citizens in terms of health and education and some government fees and residence fees to reduce inequality with others in terms of certain rights.
- 2.6 On the other hand, the Kingdom has paid attention to improving the standards of living of women by granting female employees a social allowance similar to male employees by virtue of the Resolution of the Council of Ministers No. (77) of 2013 approving the regulation of determining salaries and employment benefits and the controls for eligible employees, subject to the Civil Service Law.
- 2.7 In terms of social equality, Resolution No. (12) of 2004 was issued on the right of Bahraini women to benefit from housing services similar to men.
- 2.8 In order to reduce inequality between certain groups of society that require special care, Law No. (74) of 2006 on the Care, Rehabilitation and Employment of Persons with Disabilities has been enacted to pay attention to this most favored group that requires measures to ensure their enjoyment of all rights on an equal and non-discriminatory basis.
- 2.9 Social Security Law No. (18) of 2006 was enacted to guarantee the right of the elderly to enjoy an economic standard equal to other people through social assistance provided by the State to citizens to secure the minimum basic life requirements. In addition, Law No. (58) of 2009 on the Rights of the Elderly was enacted.
- 2.10 In terms of the Kingdom's strategic plans, the Government's Agenda (2015-2018) focused on the right to equality and non-discrimination in order to achieve the relevant Sustainable Development Goal. Human development and social services theme was a strategic priority aimed at reducing inequality by developing policies, initiatives and measures to improve the quality and efficiency of services provided to certain groups of society, e.g. people with disabilities and the elderly, and to improve social and rehabilitation services provided to them, in addition to economic and social empowerment of low-income individuals and families through the implementation of a package of training and development programs.
- 2.11 The theme also focuses on Bahraini women to increase their contribution to development by devising plans to address women-related issues and integrate their needs into development programs to ensure their stability and intensifying programs to enable them to have equal

opportunities in all spheres of life and foster their status and contribution to development on an equal footing with men, while maintaining their dignity.

- 2.12 To enforce certain legislation related to the rights of certain most favored groups of society, such as the elderly, and to reduce inequality between them and other groups in terms of economic empowerment, a special card has been issued to allow this group to obtain a (50%) discount on public fees and facilitate access to basic amenities.
- 2.13 With regard to reducing inequality between persons with disabilities and their healthy peers, the Ministry of Education, in response to NIHR inquiries about the measures taken by the Ministry to achieve the integration of people with disabilities who are able to learn in public schools, the Ministry stated that it provides educational services to this category of students by integrating those able to learn of all groups (Down Syndrome, autism, motor, auditory and visual disabilities, and simple mental disability) in the regular classrooms of public schools. The number of schools that implement the integration program in (2018/2019) increased to (81) public schools out of (209) schools.
- 2.14 In order to reduce inequality in the workplace between women and men, “Equal Opportunity Committee” was established in ministries and government agencies to achieve the principle of equal opportunities among all employees, in cooperation and coordination with the Supreme Council for Women. In its response to NIHR inquiries about this issue, the Supreme Council for Women stated the number of equal opportunities committees in the ministries and official institutions until the end of 2017 amounted to (44) public committees.

**Survey on the percentage of Bahraini women empowerment in public and private sectors  
(2016-2018)\***

Indicator	2016	2017	Q1 2018
Percentage of Bahraini women employed in the public sector	48%	49%	50%
Percentage of Bahraini women employed in the private sector	33%	34%	34%
Percentage of women in the legislative authority	15%	15%	15%
Percentage of women in the Municipal Council and the Secretariat of the Capital	20%	20%	20%
Number of female ministers or equivalent positions	4	4	4
Percentage of female deputy ministers out of the total deputy ministers in the government sector	18%	--	--
Percentage of female assistant deputy ministers out of the total assistant deputy ministers in the government sector	22%	--	--
Percentage of female directors of departments out of total directors of departments in the government sectors	30%	--	--
Percentage of female CEOs out of total CEOs in the government sectors	42%	--	--
Percentage of Bahraini female employees in administrative and supervisory professions in the private sector	33%	33%	33%
Percentage of active commercial registers owned by Bahraini women out of total active commercial registers owned by Bahraini nationals	43%	48%	47%

\* Source: Supreme Council for Women upon NIHR request

- 2.15 In view of the seriousness of inequality and the growing disparity in the economic level of individuals, as a threat to social and economic development in the long term, the Government has dedicated great attention to this aspect by taking steps towards the realization of development goal and its targets in order to reduce disparities in income distribution by mitigating differences, disparity and wage inequality among individuals.
- 2.16 In this regard, the Government, represented by the Ministry of Labor and Social Development, in cooperation with (Tamkeen), has improved the salaries of (5,000) Bahrainis. It increased the salaries of university graduates to BHD 450 and non-university graduates to BHD (300) of those recorded in the Ministry lists. It targets increasing the wages of (6000) university graduates recorded in the Ministry's lists. This would improve the standards of living and combat poverty.
- 2.17 In a remarkable step in line with the overall sustainable development goals, and to achieve economic empowerment that reduces inequality, the Family Bank of the Ministry of Labor and Social Development has been established to provide distinct preventive development services to all members of the Bahraini families to activate the family role in confronting contemporary challenges and problems. The Family Bank is concerned, inter alia, with the empowerment of low-income individuals and families through the achievement of a number of objectives, including vocational and technical training for productive families, through training programs and workshops, and providing financial support to productive family projects, and marketing their household products in domestic and foreign exhibitions.
- 2.18 With regard to reducing inequality in living standards, particularly in terms of access to adequate housing, the Government efforts to reduce inequality among individuals of different categories in this aspect have been outlined in the response of the Ministry of Housing. The Ministry stated that there is great concern with women, as they are granted the right to apply for housing services as the head of household, pursuant to Resolution No. (12) of 2014 on the right of women to benefit from housing services. It noted that around (1500) housing services have been allocated to women over the past five years. Bahraini women married to foreigners have been granted the right to apply for housing services, pursuant to Resolution No. (285) of 2010 regarding the acceptance of applications of Bahraini women married to foreigners. Other categories were also introduced in the Housing Law, which is the fifth category, including divorced, abandoned, widowed or single women, in certain conditions. This category has been granted temporary accommodation service.
- 2.19 In order to ensure that the present and future generations enjoy adequate housing, and in order to reduce inequality and ensure social security, the Ministry of Housing has taken a commendable step by exempting widows and their minor children from payment of any outstanding monthly installments of the housing units or housing finance. It also provided several housing units models that are suitable for persons with disabilities, according to the type of disability, considering that this category must enjoy a degree of equality with other categories in the enjoyment of various rights, including the right to adequate housing and decent living.



2.20 In line with Goal (10) on reducing inequality, the Kingdom of Bahrain, in its Voluntary National Report, although it did not address this goal separately, referred to its quest for inclusive development that covers all groups, including individuals who are most in need of development revenue, to ensure justice in order to reduce inequality. This is achieved through supporting the groups in most need of security and solidarity and providing the components of social security through a package of social security systems and measures, including provision of allowances for people with disabilities, unemployment insurance, high-cost allowance, and compensation initiative in return for removing meat subsidy, reducing electricity and water fees, which guarantees low-income people a decent living, and reducing the percentage of low-income people among those categories.

**Table showing the number of social security beneficiary households  
(2016, 2017, 2018)**

Year	Number of Households
2016	14901
2017	15523
H1 2018	14634

\* Source: Ministry of Labor and Social Development upon request of NIHR

**Table showing the number of subsidy beneficiary households  
(2016, 2017, 2018)**

Year	Number of Households
2016	120602
2017	118659
H1 2018	120219

\* Source: Ministry of Labor and Social Development upon request of NIHR

**Table showing the number of beneficiary people with disabilities  
(2016, 2017, 2018)**

Year	Number of Beneficiaries
2016	10803
2017	11144
H1 2018	11268

\* Source: Ministry of Labor and Social Development upon request of NIHR

2.21 With regard to NIHR role in advancing Sustainable Development Goals (2030), particularly Goal No. (10) related to equality and non-discrimination, and within the framework of its broad mandate in the field of human rights protection, in (2016-2018), NIHR received (20) complaints, and provided legal aid to (4) cases, which were considered separately. NIHR contacted the competent authorities to discuss the cases in order to be resolved.

### **3. Goal (11). Make cities and human settlements inclusive, safe, resilient and sustainable**

3.1 Goal (11) of Sustainable Development Goals (2030), related to sustainable cities and communities, is linked to one of the most important economic, social and cultural rights, namely, the right to an adequate standard of living, which is one of the fundamental requirements for achieving human dignity.

3.2 The most important targets of Goal (11) related to sustainable cities and local communities, as formulated by the United Nations, in its resolution (A/RES/70/1) of October 21, 2015, are to ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.

3.3 Enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities, and substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change.

3.4 The Constitution of the Kingdom of Bahrain has guaranteed several rights that constitute the elements of the right to an adequate standard of living. Article 9, Paragraph (f) of the Constitution

stipulates that: **“The State shall provide housing for low-income citizens”**, Paragraph (g) stipulates that: **“The State shall make the necessary arrangements to ensure the exploitation of land suitable for productive farming, and shall strive to raise the standards of farmers”**, Paragraph (h) stipulates that: **“The State shall take the necessary measures for the protection of the environment and the conservation of wildlife”**.

- 3.5 In pursuance of Article (11) and its related targets related to the right to an adequate standard of living, in particular, the right to adequate housing, the Kingdom of Bahrain enacted legislation in this regard through the promulgation of Decree-Law No. (10) of 1976, as amended by Law No. (7) of 2009 on Housing, and Ministerial Resolution No. (909) of 2015 regarding the housing system to regulate all matters related to the housing services provided by the Kingdom to low-income persons.
- 3.6 The Government Agenda (2015-2018) is particularly concerned with Goal (11) related to sustainable cities and communities and its objectives. It focuses on the right to an adequate standard of living by providing adequate housing as one of the most important targets of the sustainable development goal. Human development and social services theme was a strategic priority to enable development through the formulation of policies, initiatives and measures to provide housing services with the highest quality and speed through the development of housing policies, reducing waiting period by accelerating the pace of the provision of housing units, and strengthening the role of the sector in the provision of social housing projects, while facilitating access to appropriate financing for housing ownership.
- 3.7 In order to achieve the sustainable development goal related to sustainable cities and communities, the Government has made considerable efforts by allocating a large part of oil revenue to implement infrastructure projects and to finance social, urban and housing development in fulfillment of its constitutional and legal obligations.
- 3.8 In addition, the Government, represented by the Ministry of Housing, collaborated with the United Nations in 2002 to review national policies and strategies to deal with the future constraints and challenges of the housing system in the Kingdom. It also concluded a cooperation agreement with the United Nations Human Settlements Programme (UN-Habitat) 2017, which aims at developing these policies and strategies and enhancing the role of the private sector in this regard.
- 3.9 Despite the Government’s continuous provision of housing services to low-income people, the number of housing applications has increased to about (60,000), according to the Ministry. The Ministry noted that it seeks to provide immediate access to housing services as of 2020. This is the result of the increase in the growth rates of families, and the associated length of waiting periods, which exceed twenty years. This is one of the most crucial challenges to realizing sustainable development goal and targets, which is confirmed by the Voluntary Report of the Kingdom of Bahrain, due to the little space and limited natural resources .

- 3.10 In response to these challenges, the Ministry of Housing explained that it has continuously updated and developed its housing policy and strategy to become more flexible and responsive to economic and social changes. In line with Bahrain Economic Vision 2030 and the National Development Strategy, the Ministry has developed a strategic plan through diversification of housing services to enable people to have access to appropriate housing and to reduce the waiting period for housing unit applications by stimulating private sector partnership to provide social housing through various programs and initiatives, such as programs for purchase of ready residential units from the private sector and the Social Housing Finance Project (Mazaya), which has already benefited (3000) persons, in addition to the enforcement of the mortgage system and the traditional construction programs and projects. The most recent project is Salman City (Northern City), Khalifa City (Askar, Joe and Dora and suburbs), and East Sitra Project, which is undertaken by the Ministry.
- 3.11 It should be noted that the Social Housing Project (Mazaya), according to the Ministry of Housing, is one of the development projects launched in 2013 in partnership with the private sector to meet these challenges. It is a housing service through which the Ministry of Housing provides the beneficiary with finance by the banking sector (one of the partner banks) to purchase a housing unit, provided that the user pays (25%) of his income as a monthly installment. The Government is committed, through the Ministry, to provide government subsidy that covers the remaining monthly installments due to the bank. This service is immediate and reliable and can be selected by the citizen in accordance with his social and economic conditions.
- 3.12 The project aims at achieving a number of objectives, which are in line with the social and economic targets of Sustainable Development Goals by meeting the needs of citizens by providing housing services and solutions, adopting creative, professional and efficient solutions and sustainable housing approach to provide suitable housing for low-income Bahrainis. This embodies Bahrain Vision to create a stable and secure environment to Bahraini families, in partnership with the private sector, by channeling its capabilities and expertise to support the housing sector, and stimulating economic activity in the Kingdom through the revitalization of the banking and real estate sectors, attracting real estate developers, promoting the role of local banks in financing housing projects, and reducing the cost of housing units by increasing supply, facilitating land division procedures, encouraging development and innovations in planning, design and implementation, and creating serious solutions to constraints related to overlapping and unused land and unclassified sites, and increasing the contribution of the private sector to infrastructure works.
- 3.13 In this regard, NIHR commends the efforts of the Ministry of Housing in providing access to adequate housing by adopting the new and developed version of (Mazaya), one of the Government's achievements in implementing the housing commitment set out in the Government Agenda related to stimulating partnership with the private sector.
- 3.14 The new version increases the threshold of the Program to benefit citizens who are (50) years of age and sets the limits of income from BH (500) to (1500), which would cover (45%) of the waiting lists over the next few years. This version is due to be enforced in early 2019.

- 3.15 In a step aimed at reducing the consequences of the delay in obtaining housing services provided by the state, as one of the challenges, the Government introduced the “housing allowance” at the rate of BHD 100 for each housing service applicant whose application has been filed five years ago. This contributed to improving the living conditions for target groups
- 3.16 It is noted that the Government instructed the consideration of humanitarian and urgent situations that call for immediate decisions regarding old and canceled housing applications. Accordingly, the Ministry set up a committee to look into these cases and to find appropriate solutions, as necessary.
- 3.17 The State was also concerned to provide access to adequate housing for some of the most favored groups, such as women, the elderly, children and persons with disabilities. It has taken steps to ensure that housing subsidies are provided to those who do not have access to affordable housing. Most notably, Resolution No. (12) of 2004 was issued on the right of Bahraini women to use housing services on an equal footing with men, in accordance with the rules and provisions that apply to each case.
- 3.18 With regard to NIHR role in promoting Sustainable Development Goals (2030), specifically Goal (11) related to sustainable cities and communities, and within its broad mandate in the field of human rights protection, NIHR observed, through local newspapers, social media, and the reports by the beneficiaries of the units in Salman City (Northern City), that the housing design does not meet living requirements and does not achieve the privacy of the beneficiaries. As a result, NIHR, in order to identify the situation, has addressed the Ministry of Housing. The Ministry stated that it has engaged with competent and experienced entities in this field to ensure that the designs of these units conform to the basic needs of the Bahraini families and to preserve the dignity of citizens by having access to adequate housing. The needs and circumstances of each family were also taken into consideration by creating the structural and engineering design of the units to allow making some changes and additions to the units by the users, according to the numbers of family members and their conditions.
- 3.19 During the years (2016, 2017, 2018), NIHR received (23) complaints, provided legal aid to (63) cases, and monitored (3) cases, all of which are related to the right to an adequate standard of living. Each case was considered separately. NIHR contacted the competent authorities to discuss the cases in order to be resolved.
- 3.20 One of the most prominent issues brought to NIHR attention is related to the withdrawal or cancellation of housing services for reasons related to the criminal record of the applicant, without considering alternative or practical procedures to guarantee the right of members of the applicant’s family to housing services. In the Ministry of Housing response to this issue, it stated cases in which the housing allowance is canceled, in accordance with Article (10) of Ministerial Resolution No. (909) of 2015 on the Housing System. The Ministry, in accordance with Article (86) of the same Resolution, is authorized to re-allocate the housing service that has been canceled to the beneficiary or a member of his family, if he is eligible under the provisions of this Resolution.

### Recommendations:

In light of the above, NIHR recommends as follows:

1. Develop a plan and a timetable for Bahrainization of jobs in various sectors where there are abundant national cadres.
2. Link the training and qualification programs with the labor market needs for secondary school or university graduates or job seekers.
3. Create alternative and quick measures for employers who are unable to pay wages, so as to ensure maintaining the standard of living of workers and that their right to decent work is not affected and sustained.
4. Exert further efforts to improve wages and job incentives commensurate with a decent standard of living and its sustainability for future generations.
5. Raise public awareness about the right to equality and non-discrimination and the need to reduce lack of awareness across all educational institutions, including schools, universities, private colleges, religious seminars and military colleges, to ensure the enjoyment of all human rights.
6. Develop a timetable for addressing and responding to applications for housing services that have been filed five or more years ago by developing a partnership with the private banking and real estate sector and developing appropriate solutions and alternatives.
7. Involve the beneficiary of the housing service, if it is allocated to him, in developing the housing concept in line with his family condition and living needs
8. Grant facilities to producers and exporters of construction and real estate development materials and supplies, which reduce the cost of real estate projects and make them accessible to all according to the financial resources of individuals.
9. Engage the largest number of beneficiaries of housing applications in (Mazaya) project without taking into consideration the salary or age of the beneficiary, provided that the real criterion is the need for housing service and taking into consideration the change in living standards in the community.

## Section II

### The Right to a Safe and Suitable Environment

1. The human right to a healthy and appropriate environment is a fundamental right, in which the person stands in solidarity with other members of society as a whole, considering that it is a right available to all people. Natural resources surrounding us do not belong to a single generation. In fact, these resources pass sequentially from one generation to another to achieve sustainable development.
2. The human right to a healthy and appropriate environment has a particular significance among the Sustainable Development Goals 2030, including climate change, conservation of oceans, seas and marine resources, combating desertification, and protecting forests and biodiversity.
3. One of the most important goals of Sustainable Development Goals 2030 related to the human right to a healthy and appropriate environment is Goal (13): **“Take urgent action to combat climate change and its impacts”**, Goal (14): **“Conserve and sustainably use the oceans, seas and marine resources for sustainable development”**, and Goal (15): **“Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”**.
4. By extrapolation of these goals, it is noted that it forms the framework for the right to a healthy and appropriate environment. These targets are formulated by the UN as per its Resolution (A/RES/70/1) of October 21, 2015. The targets of Goal (13)<sup>(4)</sup> related to climate include strengthening resilience and adaptive capacity to climate-related hazards and natural disasters in all countries, integrating climate change measures into national policies, strategies and planning.
5. The targets further include improving education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning, implementing the commitment undertaken by developed-country parties to the United Nations Framework Convention on Climate Change to a goal of mobilizing jointly \$100 billion annually by 2020 from all sources to address the needs of developing countries in the context of meaningful mitigation actions and transparency on implementation and fully operationalize the Green Climate Fund through its capitalization as soon as possible, promoting mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.
6. The targets of Goal (14)<sup>(5)</sup> related to underwater life include preventing and significantly reducing marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution, by 2025, sustainably managing and protecting marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and taking action for their restoration in order to achieve healthy and productive oceans, and by 2020, minimizing and

---

(4) The targets of Goal (13) of the Sustainable Development Goals are stated in the UN General Assembly Resolution (A/RES/70/1).

(5) The targets of Goal (14) of the Sustainable Development Goals are stated in the UN General Assembly Resolution (A/RES/70/1).

addressing the impacts of ocean acidification, including through enhanced scientific cooperation at all levels.

7. The targets further include effectively regulating harvesting and ending overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implementing science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics, by 2020, conserving at least (10) per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information, by 2020, prohibiting certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminating subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation, by 2020,
8. Increasing the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism, by 2030, increasing scientific knowledge, developing research capacity and transferring marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries, providing access for small-scale artisanal fishers to marine resources and markets, enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources.
9. The targets of Goal (15)<sup>(6)</sup> related to land life include ensuring the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements, by 2020, promoting the implementation of sustainable management of all types of forests, halt deforestation, restoring degraded forests and substantially increasing afforestation and reforestation globally, by 2020, combating desertification, restoring degraded land and soil, including land affected by desertification, drought and floods, and striving to achieve a land degradation-neutral world, by 2030.
10. In addition, the targets of Goal (15) include ensuring the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development, by 2030, taking urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protecting and preventing the extinction of threatened species, promoting fair and equitable sharing of the benefits arising from the utilization of genetic resources and promoting appropriate access to such resources, as

---

(6) The targets of Goal (15) of the Sustainable Development Goals are stated in the UN General Assembly Resolution (A/RES/70/1).



internationally agreed, taking urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products,

11. Introducing measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species, by 2020, integrating ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts, by 2020, mobilizing and significantly increasing financial resources from all sources to conserve and sustainably use biodiversity and ecosystems, mobilizing significant resources from all sources and at all levels to finance sustainable forest management and provide adequate incentives to developing countries to advance such management, including for conservation and reforestation, and enhancing global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.
12. Although the Constitution of the Kingdom of Bahrain does not directly and explicitly refer to the human right to enjoy a healthy and appropriate environment, the provisions of the Constitution does not lose sight of the components of this right. Article (9), Paragraph (g) stipulates that: **“The State shall make the necessary arrangements to ensure the exploitation of land suitable for productive farming, and shall strive to raise the standards of farmers. The law lays down how small farmers are to be helped and how they can own their land”**, Paragraph (h) stipulates that: **“The State shall take the necessary measures for the protection of the environment and the conservation of wildlife”**. Article (11) of the Constitution states that **“All natural wealth and resources are State property. The State shall safeguard them and exploit them properly, while observing the requirements of the security of the State and of the national economy”**.
13. In terms of national legislation, for the purpose of achieving the sustainable development goals related to the right to a healthy and appropriate environment, Decree Law No. (47) of 2012 was enacted for establishing and organizing the Supreme Council for the Environment. It was mandated with following up the issues related to environment and wildlife and developing future strategies for the environment and sustainable development. The Council comprises a group of ministers and deputies relevant to environmental issues, and representatives of competent civil society institutions.
14. In addition, a number of environmental legislation has been issued, including Decree Law No. (2) of 1995 on the Protection of Wildlife, which is concerned with protecting wildlife in the Kingdom in order to preserve the various types of land and marine wild organisms and protecting the rare or threatened animals, birds, or plants, and Decree Law No. (21) of 1996 on the Environment, which aims to protect the environment from polluting sources and factors, prevent its degradation, and conserve it of the harmful effects of activities that cause damage to human health, crops, marine and land life, other natural resources and the climate.

15. Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Resources regulates matters related to hunting and protection of animal and plant organisms living in fishing waters, on the seabed or in its (subsoil), and objects formed within these organisms, including (pearls), coral reefs or other objects, as well as the seabed and the sand and rocks contained in it. Law No. (37) of 2014 Regulating the Extraction and Sale of Marine Sands regulates issues related to the extraction of these sands and includes rules governing the protection of marine resources.
16. In addition, several resolutions related to the protection of the environment have been issued in terms of climate, underwater life and land life. Most notably, these resolutions include Resolution No. (7) of 2013 amending Resolution No. (3) of 2006 on hazardous waste management, Resolution No. (6) of 2013 amending certain provisions of Resolution No. (4) of 2006 on hazardous chemicals management, Resolution No. (4) of 2006 on hazardous chemicals management, Resolution No. (4) of 2005 on the management of used oils, and Resolution (2) of 2005 on the prevention of fishing and trading in all types of Houbara and white-eared Bulbul.
17. This is in addition to Resolution No. (4) of 2003 on the designation of Dohat Arad as a natural marine reserve, Resolution No. (7) of 2002 on the control of the import and use of prohibited and severely restricted chemicals, Resolution No. (1) of 2002 on the designation of Mashtan Island as a reserve area, Resolution No. (1) of 2001 on hazardous waste management for health care, and Resolution No. (2) of 2001 amending certain provisions of Resolution No. 10 concerning environmental standards (air and water).
18. In terms of International Human Rights Law, although the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006 and Law No. (10) of 2007 respectively, lack any explicit reference to the human right to enjoy a healthy and appropriate environment, Bahrain has ratified or acceded, both at the regional and international levels, to more than (40) conventions, treaties and protocols on the protection of the environment and various environmental aspects, including the climate, sea, land or otherwise.
19. One of the most important international agreements<sup>(7)</sup> related to environmental issues is “**Paris Agreement on Climate Change**”, which was ratified by the Kingdom of Bahrain under Law No. 75 of 2016. This agreement is one of the most serious negotiations among the countries of the world to meet the challenge of climate change, as a collective and common responsibility among all countries, as well as an international responsibility that varies according to the capabilities of each country.
20. The outcomes of the 21st United Nations International Conference on Climate Change, held in (Paris) in (2015), led to the agreement to “**Paris Climate Change Agreement**”, which was signed on the occasion of Earth Day on April 22, 2016, in New York. This global instrument is the first international agreement on climate, primarily aimed at strengthening the global response to the threat posed by climate change.

---

(7) For further information on climate change, visit: United Nations website, <http://www.un.org/en/climatechange>.

21. The Kingdom of Bahrain has already ratified the United Nations Framework Convention on Climate Change (UNFCCC) by Decree No. (7) of 1994 and acceded to the (Kyoto Protocol) to the Convention under Decree No. (45) of 2005. Under this international Convention, all Parties are to periodically prepare a report called “National Communications”, which should contain information on greenhouse emissions in the State Party and describe the steps it has taken and the steps it intends to take to implement the Convention. In the same context, in March 2002, Bahrain submitted the First National Communication, followed by the Second National Communication Report in February 2012 <sup>(8)</sup>.
22. In terms of national environmental protection strategies and plans, the National Strategy for Environmental Protection Document was prepared in cooperation between the Supreme Council for Environment and the United Nations Development Program (UNDP), in partnership with various sectors related to the environment, research centers, universities, civil society associations and international experts. This strategy was endorsed by the Council of Ministers of the Kingdom of Bahrain in 2006.
23. The Government Agenda (2015-2018) also addressed environmental issues by allocating a theme for environmental and urban development, which was formulated as a strategic objective titled: **“Sustainable management of resources and sustainable urban development”**. This objective includes a sub-target entitled **“Providing a safe and appropriate environment for the population”**, which outlines a range of policies, initiatives and actions pursued by the Government by the completion of its agenda in 2018. Accordingly, the Supreme Council for Environment approved an operational plan for the years 2015-2018, that is concurrent with the Government Agenda related to environmental matters.
24. In a related context, the Supreme Council for the Environment completed updating the National Strategy and Action Plan for the Kingdom of Bahrain (2016-2021) related to biodiversity<sup>(9)</sup>. The strategy focuses on legislative and regulatory measures to meet biodiversity in the marine environment challenges, namely landfill, demolition, the emergence of invasive alien species and regulation of marine fishery.
25. In view of population growth, economic development, dry climate challenges, small agricultural areas, decline in the proportion of Bahraini farmers and increase in demand for water, groundwater experienced a significant deterioration in terms of quality and quantity, which affected the agricultural sector in the Kingdom. Hence, the government launched a national initiative to develop the agricultural sector in order to increase agricultural productivity and support small farmers, especially women. A public park in the Kingdom was designated as “Farmers Market” to become a permanent market to facilitate farmers access’ to markets and marketing opportunities <sup>(10)</sup>.

---

(8) For the national communication reports submitted by the Kingdom of Bahrain under the United Nations Framework Convention on Climate Change, visit: [//www.sce.gov.bh/index](http://www.sce.gov.bh/index).

(9) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 99.

(10) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 100.

26. In practice associated with the Sustainable Goal (13) related to climate action, Bahrain Second National Communication Report to the United Nations Framework Convention on Climate Change<sup>(11)</sup> states that climate change threatens to cover about (11%) of Bahrain land, due to high sea level, with the potential loss of coast and low land, which will expose coastal cities and their vital facilities to immersion. Climate change will also pose a potential public health threat due to the frequency and severity of dust waves associated with droughts and rainfall shortage. Climate change will further lead to the deterioration of water security and food security.
27. With regard to the Sustainable Goal No. (14) related to underwater life, despite the fact that the Kingdom of Bahrain has taken strong legislative and administrative steps towards the protection and sustainable use of marine resources, these efforts have resulted in an increase of marine protected areas to (1603 sq). Kilometers in 2017, which is more than (21%) of the total area of the territorial waters of the Kingdom of Bahrain. Resolution No. (18) of 2018 was recently issued, which prohibits nets, tools, machines or any means of shrimp fishing on boats in shrimp fishing areas, as well as boat berthing areas, if they are intended for shrimp fishing, during the prohibition period from March to July 31, 2018 in order to maintain this type of marine stock.
28. However, in the face of these efforts, there is limited land area in the Kingdom and population and development activities are concentrated on the coastline. This places pressure on the services of coastal ecosystems, affects fish stock sustainability and food security and has economic and social impacts. These pressures mainly include demolition, backfilling, discharge of sewage water, despite that it is treated, drainage of desalination plants and other industrial facilities, in addition to the threats to the marine areas from the ships roaming the Arabian Gulf that discharge ballast water and waste.
29. In spite of the limited land of the Kingdom due to its small geographical area and its desert nature, it contains many important ecosystems, such as natural springs, palm groves, reeds and deserts. However, for some of the reasons mentioned in the previous paragraph, and the growing urbanization demand as a result of human pressures, the habitat has substantially declined to the extent that it is almost non-existent. This resulted in deterioration in groundwater and the transformation of many agricultural land to cities and residential areas <sup>(12)</sup>.
30. In practice, with regards to Sustainable Goal No. (15) on land life<sup>(13)</sup>, waste is one of the most important problems in urban areas, and is exacerbated in countries whose lands are mostly composed of islands, particularly with rapid population growth and increasing per capita daily production of waste that amounts to (1.5) kg/person/day in Bahrain. This amount is high if compared to the global average of (1.2) kg/person/day.
31. Since 1986, waste has been disposed of in (Askar landfill), which is a quarry in the southeast of the

---

(11) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 103.

(12) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 98.

(13) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 85.

Kingdom. Waste is backfilled without sorting, processing or recycling. It is compressed using heavy equipment and then covered with a layer of sand, and so on.

32. Hazardous waste<sup>(14)</sup> is disposed of in (Al-Hafira landfill), which is designated for this type of waste. The Kingdom of Bahrain has ratified (Basel) Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989, under Decree Law No. (11) of 1992. Pursuant to this Convention, the Council has issued relevant resolutions and set up a statistical system for the management of such hazardous waste, including daily registration of industrial waste quantity, type, source, place of disposal, export, or carrier information. A report on these facts is prepared and presented to the Secretariat of (Basel) Convention.
33. Regarding NIHR role in achieving Sustainable Development Goals 2030, specifically Goals (13), (14) and (15) related to the protection of the environment, and based on its mandates set out in its establishment law related to considering human rights legislation and regulations applicable in the Kingdom, recommending any amendments that it deems appropriate, particularly with regard to the consistency of such legislation with the Kingdom international human rights obligations, and recommending new human rights legislation, NIHR has submitted a proposal to the judicial authority (Supreme Council of the Judiciary) to develop legislative and administrative measures to create a public prosecution for environment to be in charge of commencing criminal proceedings on behalf of the community before the competent courts in order to promote the role of inspectors of the Supreme Council for Environment who are granted the status of law enforcement officers under the law to carry out their required roles.
34. In terms of the judicial context in the field of environmental protection, during the years (2016, 2017, and 2018), the Public Prosecution initiated criminal proceedings relating to environmental crimes No. (6), (14), and (29) respectively. 5, 6 and 27 criminal cases were referred respectively to the competent court for the same period.

**Survey on the number of relevant criminal cases that are referred by the Public Prosecution to the competent court and the outcome of these cases (2016-2018)**

2016			2017			2018		
Referred	Discharged	Convicted	Referred	Discharged	Convicted	Referred	Discharged	Convicted
5	0	5	6	0	5	27	0	9

\* Source: Ministry of Labor and Social Development upon request of NIHR

35. Within NIHR mandate, it implemented or participated in several programs that support the human right to a healthy and appropriate environment, most notably NIHR participation in the workshop entitled “Little Ambassadors of Environmental Rights”, in cooperation with the Royal Academy of Police Environment and Fishermen Association at Alfurdha Muharraq. The aim of the event was to prepare a group of children called “Little Ambassadors of Environmental Rights” in the first stage to be followed by other stages throughout the year to complete their training.

(14) Bahrain First Voluntary National Report on Sustainable Development Goals (2030), submitted to the High Level Political Forum for Sustainable Development Goals in New York, July 2018, p. 86.

36. The event discussed the concept of environmental rights and how to exercise them, and addressed the environmental rights of children, such as the right to a clean and healthy environment that is free from contaminants, the right to an environment that supports the child life and growth, and the extension of the concept of a healthy and appropriate environment to include homes, schools, neighborhoods, mosques, and streets, which all affect children physical, and mental health. The contribution to voluntary work in defending children environmental rights was also highlighted as one of the most important tasks that should be promoted and developed by everyone as a practice of positive citizenship.
37. In the same context, NIHR organized a seminar on “Human Rights and the Environment,” in cooperation with Issa Cultural Center under the auspices of (GPIC), in a step that emphasizes commitment to disseminating the culture of environmental rights among all segments of society, especially private companies.
38. It is worth noting that NIHR, in the framework of ensuring adherence to the principles and concepts of the environmental protection and the importance of maintaining sustainable development, has dedicated and applied the concepts of green policy and adopted measures to put them into practice by rationalizing the expenditure resulting from the implementation of some procedures related to green policy.
39. In terms of NIHR mandate to protect the right to a healthy and appropriate environment, legal aid was provided to two cases during the years (2016, 2017 and 2018), all of which were considered and dealt with as required by their respective nature.

#### **Recommendations:**

In light of the above, NIHR recommends as follows:

1. Enacting a comprehensive and integral new law on the environment to provide protection for environmental issues of all kinds, whether related to land, sea or climate change.
2. Updating and disseminating the national environment strategy, conducting national consultations with the constitutional authorities, civil society institutions, specialized academics and environment advocates at all stages of the formulation. of this strategy.
3. Establishing a public prosecution unit specialized in environment, whose task is to initiate criminal proceedings in the name of society before the competent courts, with the aim of enhancing the role of inspectors of the Supreme Council for the Environment who are granted the status of law enforcement officers under the law to carry out their required roles.
4. The competent authorities need to expediently sort, process or recycle the waste filled in (Askar landfill).
5. The need to expediently transfer (Askar Landfill) to another area, due to increased urbanization and the construction of new cities close to the (landfill) location.

6. Developing more awareness and education programs by the public authorities and civil society organizations for individuals and the public on the importance of waste reduction, particularly non-recyclable or non-degradable solids and plastics, and the use of alternative environmentally friendly materials, considering that the volume of waste exceeds the world allowed rates.

### Section III

#### Promoting justice and the rule of law

1. Goal No. (16) of the Sustainable Development Goals (2030) on promoting justice, equality, and strong institutions, is one of the main development goals. The importance of the targets of this goal is in establishing peaceful, just, and inclusive societies, where people are free from all forms of violence and fear; promoting the rule of law, ensuring access to justice for all, combating corruption, ensuring inclusive participation for all at all times, and feeling secure regardless of ethnic origin or religious background.
2. Goal No. (16), on the promotion of justice and the rule of law, is based on (12) targets<sup>(15)</sup> aimed primarily to significantly reduce all forms of violence and related death rates everywhere, end abuse, exploitation, trafficking in persons and all forms of violence and torture against children, promote the rule of law at the national and international levels, ensure equal access to justice for all, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets, and combat all forms of organized crime by 2030.
3. In addition, the above-mentioned targets aim to substantially reduce corruption and bribery in all their forms, develop effective, accountable, and transparent institutions at all levels, ensure responsive, inclusive, participatory, and representative decision-making at all levels, broaden and strengthen the participation of developing countries in the institutions of global governance, expanding and strengthening the participation of developing countries in global governance institutions, provide legal identity for all, including birth registration, ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, including the registration of births, public access to information and the protection of fundamental freedoms in accordance with national legislation and international conventions, as well as strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime, promote and enforce non-discriminatory laws and policies for sustainable development.
4. The Government Program of Action (2015-2018), in partnership with the private sector, civil society, and academia, sought to achieve the targets of Goal No. (16) on promoting justice, equality, and strong institutions through dedicating two out of six themes to cover the area of peace, justice, and good governance; namely, Sovereignty Theme and the Government Performance Theme. The first is concerned with “promoting security and stability, the democratic system and foreign relations”, whereas the second is founded on the procedural aspects and the provision of services to citizens. Its strategic priority is to “enhance the effectiveness and efficiency of government performance.”

---

(15) The targets of Goal No. (16) of the Sustainable Development Goals are written in this document as set forth in UN General Assembly Resolution (A / RES / 70/1)

5. In view of the specificity of this Goal, it will be articulated through a review of some of the targets of the Goal by highlighting the practical reality associated with it, whether legislative, administrative, or otherwise, without neglecting the challenges and difficulties encountered in the optimal implementation of these targets.

6. Target (16.1): Significantly reduce all forms of violence and related death rates everywhere

6.1. The provisions of Law No. (17) of 2015 promulgating the Protection Against Domestic Violence Law constitute a legislative framework to protect the society from all forms of violence, whether physical, psychological, sexual, or economic. The Law aims to protect family members from violence or abuse in all its forms. It defines the types of acts of domestic violence, determines the penalties for acts of domestic violence, as well as identifies preventive and protective measures against domestic violence, and the competent authorities concerned.

6.2. In addition, the Child Law was promulgated pursuant to Law No. (37) of 2012, which, in Section (7) thereof, included the protection of children against abuse, where the State undertakes to protect the child in cases of abuse or neglect, pursuant to the provisions of Article (24) of the Law.

6.3. The Kingdom of Bahrain, under the auspices of the Ministry of Labor and Social Development, hosted in October 2017 the Eleventh Gulf Forum of Social Societies and Associations in the GCC under the title “Addressing the phenomenon of domestic violence in the GCC countries”. Specialists, researchers, and social workers in the GCC, from the public and private sectors, GCC and Arab colleges and universities, and representatives of Arab and international professional organizations and unions working in the fields of family care participated in the Forum. The phenomenon of domestic violence was highlighted, as well as the family, as it plays an important role in the socialization process, and it is the most influencing and influenced entity by the changes and transformations in the society.

6.4. It should be noted that the Bahraini society does not suffer from the phenomenon of violence leading to deaths, and accordingly, increase in the mortality rate. Conversely, there is an increase in domestic violence cases, which has taken on an upward trend as a result of the changes and transformations in the society, as well as facing many challenges and responsibilities, which resulted in serious negative social, psychological, and economic consequences.



**Table showing the number of children exposed to violence and beneficiaries of the Child Protection Center, by type of abuse, age group, and gender for 2016**

Type of Abuse	Age Group								Total
	0-5		6-10		11-15		16-18		
	Male	Female	Male	Female	Male	Female	Male	Female	
Severe neglect	16	15	18	13	5	6	0	0	73
Psychological violence	2	7	24	11	32	17	3	2	98
Physical violence	24	15	118	42	144	28	1	4	376
Sexual violence	9	6	31	17	31	19	2	5	120
Total	51	43	191	83	212	70	6	11	667
Grand Total	94		274		282		17		667

\* Source: Ministry of Labor and Social Development at the request of the NIHR

**Table showing the number of children exposed to violence and beneficiaries of the Child Protection Center, by type of abuse, age group, and gender for 2017**

Type of Abuse	Age Group								Total
	0-5		6-10		11-15		16-18		
	Male	Female	Male	Female	Male	Female	Male	Female	
Severe neglect	23	18	14	15	9	5	2	0	86
Psychological violence	6	6	23	14	24	17	2	5	97
Physical violence	28	18	101	45	158	46	4	4	404
Sexual violence	3	7	29	19	32	25	1	0	116
Total	60	49	167	93	223	93	9	9	703
Grand Total	109		260		316		18		703

\* Source: Ministry of Labor and Social Development at the request of the NIHR

**Table showing the number of children exposed to violence and beneficiaries of the Child Protection Center, by type of abuse, age group, and gender for first half of 2018**

Type of Abuse	Age Group								Total
	0-5		6-10		11-15		16-18		
	Male	Female	Male	Female	Male	Female	Male	Female	
Severe neglect	17	9	12	4	11	9	3	1	66
Psychological violence	4	3	23	6	11	21	1	2	71
Physical violence	12	5	75	29	132	34	1	8	296
Sexual violence	3	6	9	13	28	18	2	4	83
Total	36	23	119	52	182	82	7	15	516
Grand Total	59		171		264		22		516

\* Source: Ministry of Labor and Social Development at the request of the NIHR

6.5. Related to the judicial context, the Public Prosecution initiated (5269), (5360) and (4088) criminal proceedings on crimes of beating, abuse, and violence in the years (2016, 2017, and 2018), respectively. While the number of criminal cases referred to the competent court for the same period was (686), (671), and (329), respectively.

**Statistics on the number of criminal cases on beating, abuse, and violence referred by the Public Prosecution to the competent court and the outcome of those cases for the years (2016, 2017, and 2018)**

2016			2017			2018		
Referred	Innocence	Conviction	Referred	Innocence	Conviction	Referred	Innocence	Conviction
686	0	589	671	0	503	329	0	97

\* Source: Ministry of Labor and Social Development at the request of the NIHR

## 7. Target (16.2): End abuse, exploitation, trafficking, and all forms of violence against and torture of children

- 7.1. Ill-treatment, exploitation, violence, and trafficking in persons are crimes that have high-risk dimensions; haunting the conscience of the world being regarded as one of the forms of modern day, contemporary slavery. The international community has firmly endeavored to address these crimes due to the dangerous dimensions that distinguish them from other crimes as they involve methods of compulsion, deception, coercion, the use, or threat of using, force, kidnapping, abuse of power, and victimization of those who are vulnerable in the sway of organized transnational crimes.
- 7.2. The Constitution of the Kingdom of Bahrain did not specifically prohibit in its provisions slavery, servitude, and trafficking in persons in all its forms, except for the provision of Paragraph (c) of Article (13), which states that, **“Compulsory work cannot be imposed on any person except in circumstances specified by law for national interest and in return for a fair compensation, or in accordance with a court order.”**
- 7.3. On the national legislation level in force in the Kingdom, Law No. (1) of 2008 on Anti-Trafficking in Persons includes ten articles in addition to its preamble, in which it sets forth the legal elements of the crime of trafficking in persons, the imposed penalties for committing such crime, and the due procedures in the investigation or trial stages as one of the legal guarantees enjoyed by the victim in this crime, in addition to clarifying the national mechanisms to prevent, combat, and protect victims of trafficking in persons.
- 7.4. The Anti-Trafficking Law is not the only law dealing with this crime, as it was preceded by other legislation, namely, the provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976 and its amendments. Articles (198) and (302 bis) criminalize some forms of this crime for every civil servant, officer entrusted with a public service, or other individuals, who employs by forced labor, workers to work for the State, Government or public authority, or any other body, or unjustifiably withholds all or some of their wages.
- 7.5. In addition, the provisions contained in Law No. (19) of 2006 on Regulating the Labor Market and its amendments, regulates the relationship between the foreign worker and the employer in a manner that ensures the recognition of the rights of the foreign worker former and that he/she is not exploited. Law No. (5) of 2007 on Combating Begging and Homelessness, defines both terms, the circumstances, and the due procedures in this regard, as begging, in certain circumstances, is considered a form of trafficking in persons. Some of the provisions of Law No. (37) of 2012 issuing the Child Law, safeguard children from being victims of trafficking in persons as a result of any form exploitation.
- 7.6. On the international human rights instruments level, the Slavery Convention signed in September 1926, as amended by the 1953 Protocol, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, to which the

Kingdom of Bahrain had acceded under Decree No. (7) of 1999, in addition to the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain had acceded under Law No. (56) of 2006 banning slavery, servitude, and human trafficking in all its forms, and the United Nations Convention against Transnational Organized Crime, and the two supplementary protocols, to which the Kingdom of Bahrain had acceded under Law No. (4) of 2004, form a comprehensive international framework in combating this crime.

- 7.7. With regard to the institutional efforts made by the Government of the Kingdom of Bahrain to combat and prevent the crime of trafficking in persons; and on the basis of the provision of Article (8) of Law No. (1) of 2008 on Anti-Trafficking, the “National Committee to Combat Trafficking in Persons” was established. This Committee is responsible for devising programs to prevent and combat trafficking in persons, protect the victims of this crime, and to encourage and support research, information, campaigns, and social and economic initiatives to prevent and combat trafficking in persons. In addition, the Committee is responsible for coordinating with the various State organs with regard to information on this crime, and participating with the competent bodies in the preparation of the reports submitted to the relevant international organizations on the measures that have been taken in this regard. Moreover, the Committee follows up the concerned government agencies on the implementation of the recommendations and guidance contained in the relevant conventions and protocols to which the Kingdom is a party therein.
- 7.8. Article (7) of the above-mentioned Law also provides for the establishment of a committee called the “Committee for the Assessment of the Status of Foreigners who are Victims of Trafficking in Persons”. This Committee is entrusted with removing any impediments that may prevent the foreign victim from obtaining employment if he/she needs to work. In addition, the Committee coordinates with the Ministry of the Interior to return the victim to his/her country of origin, or to his/her place of residence in any other country upon his/her request. The Committee may recommend that the victim remains in the Kingdom, if needed, and to adjust his/her legal status to enable him/her to work. The Committee may also review all reports relating to the victim as well as hear his/her statements, or his/her legal representative.
- 7.9. Within the framework of providing the necessary protection for the victims of trafficking in persons through the provision of special shelters, the Accommodation and Services Center for Expatriate Workers of the National Committee to Combat Trafficking in Persons and the Labor Market Regulatory Authority, has been established to provide shelter to victims of trafficking, or persons liable to be subjected to trafficking. The said Center affords the victims security, protection, and medical services, such as periodic examination in cooperation with volunteers from a number of private hospitals, and mental health services in cooperation with social researchers. The Center also provides legal advice to the victim and informs him/her of his/her rights and mechanism of obtaining such rights, and helps him/her reach a settlement or file a lawsuit in the courts. The Center is also specialized in protecting foreign workers from the dangers of trafficking in persons.

- 7.10. Building upon the efforts made in institutional building, a special division in the Ministry of Interior was established to combat trafficking in persons under the General Directorate of Criminal Investigation and Forensic Evidence. This Division plays an active role in the area of search, investigation, and arrest, of perpetrators of this crime, and referral to the investigation body. A hotline is available to receive reports and complaints related to the crime of trafficking in persons. In addition, this Division plays a role in raising the awareness of the society on this crime by providing relevant and sufficient information through the various media.
- 7.11. As part of the efforts of the NIHR in providing the necessary protection for human rights, especially in the area of the rights of expatriate workers, the NIHR, in cooperation with the National Committee to Combat Trafficking in Persons, has opened a special office of the NIHR to liaise with the residents to reach the maximum levels of protection and promotion of human rights. The Office began its work on 1 June 2017 through a representative who works in the Center on a daily basis.
- 7.12. In addition, the prominent human rights achievements of the Kingdom of Bahrain in the field of combating trafficking in persons should be noted here. The Kingdom was placed among the first category (Tier 1) in the Trafficking of Persons Report of the US Department of State, in which countries are classified based on the extent of their governments' efforts in this area. This advanced achievement serves as explicit confirmation of the full commitment of the Kingdom of Bahrain to the obligations contained in international laws and instruments relating to combating this transnational crime.
- 7.13. As regards the judicial context, the Public Prosecution has initiated (9), (10), and (1) criminal proceedings relating to trafficking in persons, during the years 2016, 2017, and 2018, respectively. While the number of criminal cases referred to the competent court for the same period is (2), (5), and (1), respectively.

**Statistics on the number of criminal cases on human trafficking crimes referred by the Public Prosecution to the competent court and the outcome of those cases for the years (2016, 2017, and 2018)**

2016			2017			2018		
Referred	Innocence	Conviction	Referred	Innocence	Conviction	Referred	Innocence	Conviction
2	0	2	5	0	3	1	0	0

\* Source: Ministry of Justice, Islamic Affairs, and Endowments, at the request of the NIHR

## 8. Target (16.3): Promote the rule of law at the national and international levels and ensure equal access to justice for all

- 8.1. The right to a fair trial is one of the standards of the International Human Rights Law, which aims at protecting persons from the violation of their legal rights before the judiciary from the moment of their arrest and until they are brought to trial, during the trial, and until the court judgment is delivered. The trial cannot be considered fair unless it meets at least two conditions: First, that the trial proceedings are conducted, from beginning to end, in accordance with the Constitution, local legislation governing the court's work, and the international instruments. Second, an independent and impartial judiciary applies these proceedings regulating the trial.
- 8.2. The Constitution of the Kingdom of Bahrain guarantees this right in Article (20), which referred to a set of fair trial guarantees, such as the principle of no crime no punishment except by virtue of the law; no punishment for acts committed prior to the effective date of the law criminalizing such act. It also asserted that penalty is personal and that an accused person is innocent until proved guilty in a legal trial in which all the necessary guarantees to exercise the right of defense at all stages are secure. Besides, it prohibited torture, both physical and mental.
- 8.3. The Code of Criminal Procedure promulgated by Decree-Law No. (46) of 2002 and its amendments, contains a set of procedures and controls that have constituted an integrated legal framework for the protection of the right to enjoy fair trial guarantees, as of the arrest stage, through preliminary investigation stage, and finally the trial stage.
- 8.4. At the international instruments level, Article (14) of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain acceded pursuant to Law No. (56) of 2006, has created a protection framework for the right to enjoy fair trial guarantees, as it provided for a set of almost universal guarantees for all stages of a trial.
- 8.5. In addition to the above mentioned Covenant, there are other Conventions ratified or acceded to by the Kingdom of Bahrain, which dealt with such guarantees, such as the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was acceded to pursuant to Decree-Law No. (4) of 1998; the Convention on the Rights of the Child, which was acceded to pursuant to Decree-Law No. (16) of 1991; the Convention on the Elimination of All Forms of Racial Discrimination, to which the Kingdom acceded under Decree No. (8) of 1990; and the Convention on the Elimination of All Forms of Discrimination against Women, which was acceded to pursuant to Law No. (15) of 2010.
- 8.6. The legal system in the Kingdom of Bahrain has ensured judicial, quasi-judicial, and administrative mechanisms and remedies, which collectively constitute national mechanisms for the promotion and protection of human rights. The most prominent of these are the Special Investigation Unit, the General Secretariat of Complaints, the Inspector General Office of the National Security Agency, the Prisoners and Detainees Rights Commission, as well as the National Institution for Human Rights.

- 8.7. The Special Investigation Unit is a judicial mechanism established by the Attorney General's Decision No. (8) of 2012 establishing the Special Investigation Unit. It has the competence to investigate and process allegations of torture and other forms of ill-treatment. The Unit performs its functions - pursuant to its establishment decision - independently, under the supervision of the Attorney General, headed by a Chief Prosecutor, who is assisted by a number of experienced investigators; the Unit is supported with all the necessary resources to fulfill its mandate.
- 8.8. In order to complement institutional building for protection of the right to physical and moral integrity, Decree No. (27) of 2012, amended by Decree No. (35) of 2013 on the establishment of an independent office of the Secretary General for Grievances in the Ministry of Interior, was issued. The said Office is responsible for receiving and examining the complaints submitted by any party against all employees of the Ministry of Interior, whether civilian or military, regardless of their position. In addition, the Office has absolute authority to visit prisons, juvenile welfare facilities, places of pre-trial detention and detention, to ascertain the legality of incarceration and that the inmates, prisoners, and detainees are not being subjected to torture, inhuman or degrading treatment.
- 8.9. Pursuant to Decree No. (28) of 2012 on establishing an independent office of the Inspector General and the Professional Standards Bureau of the National Security Agency (NSA), an independent office of the Inspector General was established in the National Security Agency. The Office receives and examines complaints regarding the mistreatment of persons by the employees of the Agency and their other violations of laws and international conventions, which have been ratified or acceded to by the Kingdom of Bahrain. In addition, the Office conducts inquiries into such complaints, when such violations are committed on, or because of, or in the course of discharging their official functions, or in which the (NSA) has a role.
- 8.10. Despite the fact that the Kingdom of Bahrain has not acceded to the Optional Protocol to the Convention to date, it has, in the area of institutional building, established and defined the terms of reference of the Prisoners and Detainees Rights Commission (PDRC) under Decree No. (61) of 2013. This is in implementation of the government's commitment to the recommendations of the Bahrain Independent Commission of Inquiry, and in line with its voluntary pledges to the Human Rights Council during the Universal Periodic Review process. The establishment of the Commission entitles it to monitor correctional institutions, rehabilitation and detention centers, juvenile care centers, and other places where individuals could be detained, such as hospitals and psychiatric facilities, to verify the conditions of detention of the inmates and the treatment they receive and ensure that they are not subjected to torture or inhuman or degrading treatment.
- 8.11. Also obvious is the prominent role played by the NIHR in this regard as a national mechanism for the promotion and protection of human rights. This role is embodied in the broad mandate given to it by its establishment Law in this regard, particularly in the field of receiving human rights complaints, studying and referring them to the competent bodies, advising those concerned with the procedures, monitoring of cases of human rights violations, and conducting announced and

unannounced field visits to monitor human rights situation in correctional institutions, places of detention, or any other place suspected of committing human rights violations.

- 8.12. In a related context, the NIHR attends court hearings to observe and verify the validity of the judicial proceedings, securing of justice in the trial of the accused, and the extent to which the basic principles of human rights and the established legal regulations have been taken into consideration, as well as activating fair trial guarantees, in particular the principle of presumption of innocence, and that the accused is innocent until proved guilty in a legal trial in which all the necessary guarantees to exercise the right of defense at all stages of the investigation and trial are secured in accordance with the law.
- 8.13. With regard to ensuring equal access to justice for all, the NIHR observed, in addition to the complaints received from a number of foreign detainees, alleging their continued detention despite their fulfillment of criminal penalties and the failure of the competent authority to execute the punishment of deportation from the Kingdom issued against them. The NIHR conducted an announced visit to the accommodation and deportation center of the General Directorate of Nationality, Passports, and Residence Affairs (Alba region). The NIHR found that the reason for not executing the deportation punishment was due to judicial orders issued by the civil courts containing financial claims that led to preventing them from traveling, thus, deportation could not be executed.
- 8.14. Therefore, the NIHR considers that the continued detention of foreigners, even though the criminal penalties have been served, and the failure to execute the deportation from the Kingdom penalty imposed on them, are contrary to the provisions of Article (11) of the International Covenant on Civil and Political Rights, stating that, “No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation,” as the travel ban is the result of a failure to meet this financial obligation.
- 8.15. In all cases, the NIHR appreciates the efforts of the Supreme Judicial Council and the Ministry of Interior towards the resolution of this issue, and stresses the need to address this matter from the legislative and humanitarian standpoints to achieve one of the most important Goals of Sustainable Development, namely, ensure equal access to justice for all, without prejudice to the rights of residents and the interests of local stakeholders, and in a manner consistent with the obligations of the Kingdom under the relevant international covenants, conventions, and instruments.

**9. Target (16.4): By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime; and Target (16.A): Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.**



- 9.1. In compliance with these two targets, Decree-Law No. (4) of 2001 on the Prohibition and Combating of Money Laundering and Terrorism Finance, and its amendments, whose contents were concerned with the definition of the concept of money laundering crime and the partners in such crime, as well as the legal sanctions of violation.
- 9.2. Decree-Law No. (57) of 2018 amended some of the provisions of Decree-Law No. (4) of 2001 on the Prohibition and Combating of Money Laundering and Terrorism Finance, regarding the definition of the crime of terrorism, in which Article (1) defines terrorism as: **“Any act of violence or threat of using violence, whatever its motive or purpose is, committed for the execution of an individual or collective criminal plan, with the aim of terrorizing the public, or intimidating them by harming them or endangering their lives, honor, freedom, security, or rights; or causing damage to the environment or public or private utilities or properties, or seizing or occupying them, or endangering national resources or international facilities, or threatening stability, regional integrity, political unity, or the sovereignty of the independent state.”**
- 9.3. The same Article of the Decree-Law defines the term **“cross-border illicit fund transfer”** as, **“A criminal act committed by any natural or juridical person by any means, directly or indirectly, through the transfer of funds across international borders without declaration, in violation of the Regulations of Disclosure, or transfer for the purpose of money-laundering or the financing of terrorism.”**
- 9.4. In addition, the Decree-Law in Article (2) prohibited, **“...laundering of money obtained from the following crimes, whether or not such crimes occurred inside or outside the Kingdom: a. offences involving narcotic drugs and psychotropic substances; b. kidnapping and piracy crimes; c. crimes of terrorism and the financing of terrorism; d. crimes related to the protection of environment and hazardous waste; e. crimes related to explosives, weapons, and ammunition; f. crimes of bribery, embezzlement, damage to public finance, abuse of function or power, and illicit gains; g. crimes of theft and the like, fraud, and breach of trust and associated matters. h. crimes of debauchery and prostitution; i. crimes of infringement of intellectual property rights; j. tax evasion offenses (customs duties); k. crimes of providing financial services in violation of the rules established by law, insider trading crimes, and market information manipulation crimes; l. trafficking in persons offenses; m. crimes of trafficking in antiquities; n. any other crime contained in the Bahraini Penal Code or any other laws and crimes set forth in the international conventions and protocols thereto, to which the Kingdom of Bahrain is a party, if such is penalized under the Bahraini law.”**
- 9.5. With regard to international human rights instruments, the Kingdom of Bahrain acceded to the United Nations Convention against Transnational Organized Crime and two of its supplementary Protocols under Law No. (4) of 2004. It has also ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 under Decree-Law No. (17) of 1989, and the Arab Convention for the Suppression of Illicit Traffic in Narcotic Drugs and Psychotropic Substances pursuant to Decree No. (9) of 1995.

- 9.6. Concerning the terrorism crime, Law No. (58) of 2006 on Protection of Society from Terrorist Acts and its amendments was issued, in which Article (1) defines this crime as, “... **the use of force or threatening to use it or any other unlawful means constituting a crime punishable by law, resorted to by a perpetrator for the execution of an individual or collective criminal plan with the aim of disrupting public order, or threatening the Kingdom’s safety and security, or damaging national unity or security of the international community, if this would result in harming persons, terrorizing and intimidating them and endangering their lives, freedoms, or security, or causing damage to the environment, public health, national economy ,or public utilities, facilities, or properties, or seizing them and obstructing the performance of their business activities, or preventing or obstructing government authorities, places of workshop, or academic institutions from carrying out their activities.**”
- 9.7. Pursuant to the law, an anti-terror crime prosecution has been established, which members are appointed by a Royal Order based on a proposal by the Public Prosecutor. This prosecution is competent to investigate the crimes stipulated in the Law on the Protection of Society from Terrorist Acts. In addition, it may issue an order of detention from the Attorney General, or whoever acts on his behalf, for these crimes for a period, or for successive periods, not exceeding six months.
- 9.8. The Kingdom of Bahrain has also ratified or acceded to a number of international and regional conventions on combating terrorism and all the related activities. The most prominent is the ratification of the Arab Convention for the Suppression of Terrorism by Decree-Law No. (15) of 1998; and its accession to the Convention of the Organization of the Islamic Conference on Combating International Terrorism pursuant to Decree-Law No. (26) of 2002. Law No. (9) of 2004 was issued approving the Kingdom’s accession to the International Convention for the Suppression of Terrorist Bombings, as well as the ratification of the Gulf Cooperation Council (GCC) Counter-Terrorism Agreement under Law No. (43) of 2005.

Year	2016	2017
Number of cases	16	8

\* Source: Ministry of Interior, at the request of the NIHR

- 9.9. In connection with the judicial context, the Public Prosecution initiated (247), (259), and (90) criminal proceedings relating to terrorism in (2016, 2017, and 2018), respectively. While the number of criminal cases that have been referred to the competent court was (58), (68), and (17) cases, respectively, for the same period.

**Statistics on the number of criminal cases on terrorism referred by the Public Prosecution to the competent court and the outcome of those cases for the years (2016, 2017, and 2018)**

2016			2017			2018		
Referred	Innocence	Conviction	Referred	Innocence	Conviction	Referred	Innocence	Conviction
58	1	57	68	4	68	17	0	1

\* Source: Ministry of Justice, Islamic Affairs, and Endowments, at the request of the NIHR

**10. Target (16.5): Substantially reduce corruption and bribery in all their forms; Target (16.6): Develop effective, accountable and transparent institutions at all levels.**

- 10.1. Corruption is one of the most important obstacles to achieving the goals of sustainable development and the primary impediment of every growth process in its various political, economic, social, and cultural dimensions. These dimensions are the focus of Sustainable Development, as no development process can be carried out if corruption is not fought and eliminated in all its forms.
- 10.2. The Kingdom of Bahrain attaches great importance to addressing the scourge of corruption and organized crime by issuing national legislation and laws that contribute to the fight against corruption and all forms of organized crime. The Financial Disclosure Law No. (32) of 2010 was issued, which aims at disclosure of financial status and financial disclosure by public officials on sources of income and their commercial and real estate activities, which must be periodically declared. Financial disclosure is used to detect and reduce corruption in public service. The Law targets high-level public officials in the Kingdom who can exploit their public functions to achieve illicit gains.
- 10.3. The Penal Code, promulgated by Decree-Law No. (15) of 1976 and its amendments, does not overlook the inclusion of provisions that categorically criminalize the crime of bribery and the penalty of committing the offense. The first paragraph of Article (186) thereof, states that, **“Imprisonment for a term of not less than five years shall be the punishment for every civil servant or officer entrusted with a public service who, directly or indirectly, asks for or accepts for himself or for others a gift or a privilege of any kind, or a promise to be given any of the above, in consideration of carrying out or abstaining from an act when performing the duties of his/her office.”** The first paragraph of Article (188) states that, **“Imprisonment shall be the punishment for every civil servant or officer entrusted with a public service who, directly or indirectly, asks for or accepts for himself or for others a gift or a privilege of any kind, after having completed carrying out or abstaining from an act in the performance of his/her functions. If the carrying out of or abstaining from the act is a right, the punishment shall be imprisonment for a period of not less than a year.”**

- 10.4. Article (189) of the Penal Code stipulates that, **“Imprisonment shall be the punishment for every civil servant or officer entrusted with a public service who, directly or indirectly, asks for or accepts for himself or for others a gift or a privilege of any kind or a promise to be given any of that, for carrying out or abstaining from an act not constituting a part of his/her duties, but has alleged or wrongly believed it.”**
- 10.5. Article (190) of the Penal Code stipulates that, **“A punishment of imprisonment for a period of not less than one year shall be inflicted upon any person who offers to give a civil servant or an officer entrusted with a public service - without accepting his/her offer - a gift or a privilege of any kind whatsoever or a promise to give such for carrying out or abstaining from an act in breach of the duties of his office. Should the carrying out or abstaining from an act be a right, the punishment shall be imprisonment for a period not exceeding one year.”**
- 10.6. Article (190 bis) states that, **“A punishment of imprisonment for a period of not less than one year shall be inflicted upon any person who offers a civil servant or an officer entrusted with a public service in a foreign country or gives him/her, directly or indirectly, a gift or a privilege of any kind for him/her or for another person or a promise of such, to acquire or retain a business or any other advantage in the scope of assuming international work in return for carrying out or abstaining from an act by the civil servant or the officer entrusted with a public service in the performance of the duties of his/her position.”**
- 10.7. In order to include the workers of the private sector in the provisions of the law, the provisions of the Penal Code included ten Articles in this regard. Article (417) provided a definition of the worker and the natural and juridical person, whereas Articles (418) to (427) established penalties and sanctions imposed on the worker in the private sector for violating the provisions of this chapter on bribery and embezzlement. Article (419) of Chapter Seven states that, **“Any worker, member of the board of directors, or the board of trustees of a private legal entity who asks for or accepts for himself or for others, directly or indirectly, a gift or a privilege of any kind, after the completion of or abstaining from the work assigned to him/her, in violation of the duties of his/her work or position, or to the detriment of the interests of the employer or the private legal person, shall be punished by imprisonment for a period not exceeding ten years.”**
- 10.8. At the international level, the Kingdom of Bahrain has acceded to the United Nations Convention against Corruption under Law No. (7) of 2010. In addition, Bahrain has ratified the Arab Anti-Corruption Convention under Law No. (6) of 2017, and has acceded to the Arab Anti-Corruption and Integrity Network in 2014.
- 10.9. Concerning institutional building, the Office of Financial and Administrative Control (Bureau) was established pursuant to Decree-Law No. (16) of 2002 and its amendments, as a financially and administratively independent organ. Its independence from the legislative and executive branches is required and necessary to enable it perform its oversight functions impartially, transparently, and independently, leading to establishing the credibility of the outcome of its work.

- 10.10. Article (4) of the Law, specifically Chapter Two thereof, identifies the entities subject to the control of the Office, as follows, **“The Financial Control Office shall exercise its control over the following entities: a. Ministries, departments, and public institutions which comprise the administrative apparatus of the State and the entities attached thereto. The Ministry of Defense, the Ministry of Interior, and the National Guard shall be exempted from such entities in respect of the secret expenditure related to national security. b. The Shura Council, the House of Representatives, and the Municipal Councils. c. Governorates, organization of municipal administration, and other local bodies having general legal personality. d. General corporations, institutions, and establishments attached to the State or to the governorates, or municipalities, or other local organizations possessing general legal personality, unless such controls conflicts with the laws regulating their works. e. Companies in which the State or any person or persons possessing general legal personality have a share in its capital exceeding 50%; similarly, the Office’s control shall apply to companies for which the State guarantees a minimum limit of profit or to which it offers financial assistance. f. Institutions whose laws provide that they be subject to the Office’s control. g. Any other institution over which the King entrusts the Bureau to control.”**
- 10.11. The Financial and Administrative Control Office, pursuant to Article (5) of its establishment Law, is competent to perform the following, **“The Office shall exercise ex-post control over the entities subject to its control, and shall, for this purpose, undertake the following functions: First: verify that the administrative bodies have collected the revenues due to the State, supplied, and added such to its accounts. Second: verify that the expenditures have been properly disbursed within the limits of the budgeted appropriations and in accordance with the objectives for which such appropriations were allocated, and that the expenditure process in all its stages was carried out in accordance with the laws, regulations, directives, and financial and accounting instructions. Third: control the implementation of the construction projects contained in the plan. Fourth: control all reconciliation accounts of deposits (funds-in-trust), advances, and current accounts and verify the validity of their transactions, and that their numbers are registered in the accounts, and that they are correct and supported by the documents prescribed by law. Fifth: control the accounts of loans granted by the State or one of the entities subject to the control of the Office or concluded in its interest. Sixth: examine and review the decisions issued with regard to employment affairs in the institutions specified in items (a, b, c and d) of Article (4) of this Law, concerning appointments, promotions, bonuses, allowances, additional salaries, settlements, and the like, as well as travel and transportation allowances, to ensure the validity of these decisions and their conformity with the budget rules and other financial provisions and laws, regulations, and decisions governing the subject matter. Seventh: examine and review the accounts of pensions, bonuses, and insurance, social security, and subsidies disbursements, and verify their compliance with the laws, regulations, and decisions regulating them. Eighth: examine the areas in which funds are invested in the State budget and other entities subject to the control of the office, unless this is contrary to the laws regulating their work; and review the accounts of these investments and the appropriateness of the return thereof, and making any comments thereon. Ninth:**

inspect all warehouses, stores, and inventories of the entities subject to the control of the Office. Tenth: detect incidents of embezzlement, negligence, and financial irregularities that occur in the entities subject to the Office's control; and investigate their motives, and identify the gaps in the work systems that were the cause of their occurrence, or helped to commit them, or facilitated their occurrence; and propose the means of addressing such. Eleventh: Stocktake money, stamps, and valuable papers to verify their compliance with the registers. Twelfth: inspect and review the end-of-year financial statement of the State and other entities with general legal personality subject to the control of the Office with a view to providing an independent technical opinion on the validity of these accounts and financial statements related thereto and verifying that they have been prepared in compliance with the applicable accounting rules and principles. Thirteenth - review the reports of the auditors of the companies subject to the control of the Office and the audited financial statements and the reports of their boards of directors. The Office shall have access to any records, books, documents, or papers related to the work of these companies."

- 10.12. The above competencies of the Office shall be assumed by means of auditing, inspection, and review. The Office may carry out these processes on its own or at the request of the entities subject to its control. Surprise inspection may take place; and the control exercised by the Office shall be comprehensive or selective, in accordance with the rules determined by the action plan established by the Chief of the Office.
- 10.13. The General Directorate of Anti-Corruption and Economic and Electronic Security of the Ministry of Interior was established to combat corruption and economic and electronic security, to include, in addition to its responsibilities, the elimination of corruption, developing safeguard provisions, taking necessary measures to detect and reduce corruption crimes.
- 10.14. The Ministry of the Interior has launched the National Anti-Corruption Hotline (Integrity 992) in 2009, taking into account all necessary measures that would ensure the confidentiality of information and protection of the informer, his/her information and personal data. The hotline is an important channel that connects civil society and the Ministry; such expresses the importance of supporting the role of civil society to contribute and take responsibility alongside the authorities concerned in reducing, detecting, and combating corruption crimes to strengthen community partnership. The establishment of a national hotline is also an effective means that contribute to deterring corruption and exposing illegal practices.

**Number of reports and complaints initiated by the Ministry of Interior relating to corruption cases in the public and private sectors during the years (2016-2018)**

Year	Private Sector	Public Sector
2016	16	20
2017	17	58
until 5 August 2018	14	26

\* Source: Ministry of Interior, at the request of the NIHR

**Number of cases apprehended by the Ministry of Interior relating to anti-corruption, money laundering, and terrorism finance in the public and private sectors during the years (2016, 2017, and 2018)**

Year	Total Cases
2016	36 Cases
2017	75 Cases
From 1st January to 6 August 2018	40 Cases

\* Source: Ministry of Interior, at the request of the NIHR

**Number and nature of reports and complaints received or initiated by the Ministry of Interior in relation to anti-corruption, money laundering and terrorism crimes during the years (2016, 2017, and 2018)**

2016		
No.	Accusation	Total
1	Abuse of function (position) or power	3
2	Embezzlement of public funds	2
3	Embezzlement of the money or bonds of others in the possession of an employee or a member of board by reason of his/her employment	8
4	Interference of a public servant in tenders for his benefit or the benefit of others	1
5	Bribery by a public servant	3
6	Bribing a worker or member of board to carry out or abstain from an act	2
7	Bribing a doctor to give a falsified statement	1
8	Breach of duty by a public servant in response to an order or mediation	1
9	Administrative irregularities	2
10	Forging of official documents	3
11	Misappropriation of public funds	1
12	Damage the country's interest, entrusted to a public servant, for gaining personal profit	1
13	Accidentally bane funds entrusted to a public servant	1
14	Breach of trust	7
<b>Total Accusations</b>		<b>36</b>



2017		
No.	Accusation	Total
1	Embezzlement of public funds	8
2	Embezzlement of the money or bonds of others in the possession of an employee or a member of board by reason of his/her employment	3
3	Embezzlement or seizure of public funds without the intention of possession	1
4	Embezzlement in the private sector	6
5	Offering a public servant bribe without accepting such	2
6	Breach of duty by a public servant in response to an order or mediation	41
7	Breach of trust	10
8	Interference of a public servant in tenders for his benefit or the benefit of others	1
9	Damage the country's interest, entrusted to a public servant, for gaining personal profit	1
10	Bribery by a public servant	1
11	Administrative irregularities	1
	<b>Total Accusations</b>	<b>75</b>

2018 (January- August)		
No.	Accusation	Total
1	Embezzlement of public funds	2
2	Embezzlement in the private sector	3
3	Offering a public servant bribe without accepting such	3
4	Breach of duty by a public servant in response to an order or mediation	14
5	Breach of trust	7
6	Punishment by an employee in violation of the law	2
7	Administrative irregularities	1
8	Disclosure of secrets	1
9	Abuse function (position) or power	1
10	Refrain from carrying out an order or a sentence	1
11	Appropriation of public money	1
12	Public employee exploiting his/her authority to obtain real or movable property	1
13	Exploitation of the job to take something away from its owner without his/her consent	1
14	Bribery by a public servant	2
Total Accusations		40

\* Source: Ministry of Interior, at the request of the NIHR

10.15. In addition, the Public Prosecution has initiated (33), (56) and (44) criminal proceedings related to corruption in (2016, 2017, and 2018), respectively, while the number of criminal cases referred to the competent court was (16), (9), and (6), respectively, for the same period.

**Statistics on the number of criminal cases on corruption referred by the Public Prosecution to the competent court and the outcome of those cases for the years (2016, 2017, and 2018)**

2016			2017			2018		
Referred	Innocence	Conviction	Referred	Innocence	Conviction	Referred	Innocence	Conviction
16	2	7	9	0	4	6	0	1

\* Source: Ministry of Justice, Islamic Affairs, and Endowments, at the request of the NIHR

## Recommendations:

In light of the above, the National Institution for Human Rights recommends to:

1. Call for legislative amendments to the Law of the Office of Financial and Administrative Control (Bureau) established by Decree-Law No. (16) of 2002, as amended, to grant the Office the right to refer irregularity and anomalies in the annual reports of the Office to the Public Prosecution for the purpose of initiating criminal proceedings against the perpetrators.
2. Call for issuing a new comprehensive law that regulates issues related to electoral propaganda, the role of the various media and social media in the entire electoral process.
3. Work towards the issuance of a law on insolvency in line with international standards and operational practices, to deal with insolvency of individuals, enable them to get out of default, and develop effective mechanisms to assist with the insolvent debtor.
4. Call for issuing a comprehensive and integrated national strategy for the promotion and protection of human rights through the involvement of constitutional authorities, public and private institutions, civil society institutions, the National Institution for Human Rights, and human rights defenders.
5. Develop a comprehensive national strategy aimed at combating and preventing the crime of trafficking in persons by the National Committee to Combat Trafficking in Persons. Such strategy should include, in particular, measures to prevent such crime, protect its victims, and seek the punishment of the perpetrators, and to respond to the evolving practices in the patterns of such crime.
6. Take the necessary measure to ensure that the NIHR, which has a broad mandate for the promotion and protection of human rights, is represented in the National Committee to Combat Trafficking in Persons.
7. Call on the social centers distributed throughout the Kingdom's governorates, and the family reconciliation offices, to pay more attention and care in the education and awareness of individuals who are going to get married and victims of domestic violence on issues related to violence and the procedures to be followed in the event of the occurrence of such crimes.
8. Include subjects on protecting the family from violence, in terms of its types and forms, and the due procedures in the event of occurrence, in the curricula of public and private schools.

“ Sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective, and accountable institutions, ... ”

Paragraph (35)  
of the United Nations General Assembly Resolution (70/1):  
Transforming our World: the 2030 Agenda for Sustainable Development  
Document No. (A/RES/70/1)

