

المؤسسة الوطنية لحقوق الإنسان  
National Institution *for* Human Rights



**Fifth Annual Report  
of the National Institution for Human Rights  
on the Progress Achieved in the Human Rights Situation  
in the Kingdom of Bahrain  
2017**



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“The family is the corner-stone of society, deriving its strength from religion, morality and patriotism. The law preserves its lawful entity, strengthens its bonds and values, under its aegis extends protection to mothers and children, tends the young and protects them from exploitation and safeguards them against moral, bodily and spiritual neglect. The State cares in particular for the physical, moral and intellectual development of the young”

**Paragraph (a) of Article (5) of the Constitution  
of the Kingdom of Bahrain**



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## Introduction

In line with the pioneering reform process witnessed by the Kingdom of Bahrain in various public sectors during the lustrous rule of His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain, may God protect him, to promote democracy and sustain the foundations of the rule of law, and building an integrated legislative and legal system alongside actual and practical practices, and also build public institutions that endeavour to promote human rights, and present substantive transformations that aim to promote human rights and public freedoms while ensuring that individuals enjoy them.

The Fifth Annual Report of the National Institution for Human Rights focuses on progress achieved in the human rights situation in the Kingdom of Bahrain in 2017. This is in compliance with the stipulation of Article Number (21) of Law Number (26) of 2014 establishing it, amended by Law-Decree Number (20) of 2016, which makes it incumbent on the Council of Commissioners to prepare an annual report on the efforts and activities of the Institution, which includes a section on the progress of the human rights condition in the Kingdom, and any proposals and recommendations it deems suitable within the scope of its mandate, while also identifying the obstacles to performance and the solutions devised to surmount and avoid them. 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 in parallel its report to the public opinion. This report outlines the condition of human rights in the Kingdom, with a review of the NIHR efforts in the promotion and protection of human rights, taking into account the provisions of the Constitution and the relevant international instruments and standards of human rights.

The report consists of three chapters preceded by an introduction and preface. Chapter I tackles the advisory opinions which the National Institution for Human Rights submitted to the public constitutional powers, and Chapter II the progress achieved and the efforts exerted and activities in the fields of promoting and protecting human rights, while Chapter III overviews a number of major issues which are of direct impact on the condition of human rights during the time span of the report, represented in the role of human rights advocates in the field of promoting and protecting human rights, women's rights, the rights of expatriate workers, the right to health, and finally the right to education.

Finally, NIHR hopes that this report, as well as the preceding reports, will serve as a tool for promoting the human rights reality in the Kingdom, in line with Bahrain's obligations arising from its ratification of or accession to human rights international or regional instruments, or those that relate to the comprehensive regular review through the team working in the Human Rights Council. The ultimate objective of this report is to achieve the best practices in terms of enjoying the various rights and public freedoms, and to render human rights a way of life.



## Preface: Developments Regarding the Activities of the National Institution for Human Rights

1. As an extension of the reformist ventures of His Majesty the King, may God protect him, related to the promotion and protection of human rights in the Kingdom of Bahrain, and in response to the recommendations reached by the Sub-Committee on Accreditation (SCA) in tandem with the Global Alliance of National Human Rights Institutions (GANHRI), which emphasized the importance for processes of consultation and appointment in the National Institution to be transparent and expansive, and to include clear and unified standards for evaluating the credentials of all the qualified candidates, where the Sub-Committee deemed it important to confer an official stamp on the process of selecting and appointing the decision making body at the National Institution, and it also deemed it important for the Establishing Law of the Institution to provide that among the members of the decision making body, there should be full-time members, given that this would foster the independence of the national institutions without there being perceived or actual conflict of interests, while achieving stability in the tenure of its members, and providing regular and proper guidance to its officers, and ensuring continuous and effective implementation of NIHR tasks.
2. Accordingly, the Decree-Law Number (20) of 2016 was enacted, and it amended a number of clauses provided in Law Number (26) of 2014 related to the establishment of the National Institution for Human Rights, for purposes of creating a genuine legal guarantee ensuring the independence of the Institution, while granting it increased jurisdictions and powers in a manner consistent with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) related to the standing of the national institutions for promoting and protecting human rights, while augmenting their international classification thereby embodying the commitment of the Kingdom to protecting and respecting human rights.<sup>1</sup>
3. Among the most prominent amendments provided in the Decree-Law Number (20) of 2016 by amending some of the provisions of Law Number (26) of 2014 establishing the National Institution for Human Rights, is the presence of full-time members of the Council of Commissioners. In this regard, Article 1 defines the full-time member as one who is free to perform the responsibilities of his job in the Institution and is not committed to performing work or holding another occupation during his tenure, and what is provided in Article Number (4) concerning the rules of the membership insofar as the permissibility of selecting the members of the Council of Commissioners from among members of the legislative branch of government, provided that they do not constitute a majority of the Council of Commissioner, and that their participation is in discussion without having voting power. The same Article provided that the mechanism, procedures and parameters of selecting the members of the Council of Commissioners are issued by virtue of a Royal decree in order to promote the transparency of the consultations and appointment.

<sup>1</sup> Report of the National Institution for Human Rights, by visiting the following website: [www.nihr.org.bh](http://www.nihr.org.bh)

4. In compliance with the provisions of Paragraph (a) of Article Number (5) of the Establishment Law: “The appointment of the members of the Council of Commissioners shall be by virtue of a Royal decree for a period of four years that is renewable for identical periods,” where it determined that those appointments shall materialize “in the wake of consultations with the relevant civil society organizations as well as other various groups,” and Paragraph (b) of the same Article provides that the chairman and his deputy shall be elected from among the full-time members, and what was provided in Paragraph (c) of Article Number (3) of the Law establishing the National Institution: “A Royal decree shall be issued defining the mechanisms, procedures and rules for selecting the members of the Council of Commissioners.” Moreover, the Royal Decree Number (17) of 2017 was issued outlining the rules for appointing the members of the Council of Commissioners of the National Institution for Human Rights, which made it mandatory for the member of the Council of Commissioners of the National Institution for Human Rights- to ensure his independence- in addition to the membership conditions provided in Article (4) of Law Number (26) of 2014 on the establishment of the National Institution for Human Rights, as follows:
  - a. He shall not be a member of any political society, and excepted from this are members of the legislative authority who are endowed with the right to deliberate and discuss without having voting rights.
  - b. He shall have an advanced academic degree and is versed in one of the official languages of the United Nations in addition to the Arabic language for the full-time member.
  - c. He shall have been a member two years at least for those who are appointed from civil society organizations and professional and associations and unions.
  - d. He shall be at a minimum an assistant professor for those recruited from academic institutions.
  - e. He shall have clear and tangible contributions in the field of human rights.
5. Moreover, Article 11 of Royal Edict Number (17) of 2017 emphasized that “due regard should be given to the hereunder upon selecting the members of the Council of Commissioners:  
“Representation of the wide spectrum of society without any discrimination based on gender or origin or religion or belief or physical handicap,... and ensuring that women are suitably represented, minorities represented, along with the necessity of the presence of a suitable number of persons specialized in legal fields as well as other fields which are at the heart of the activities of the National Institution, in addition to preventing direct or indirect conflict of interest. The Royal Decree entrusted the Minister of the Royal Court to undertake the necessary consultations to nominate persons for full and part-time membership of the Council of Commissioners”.
6. Accordingly, Royal Order Number (23) of 2017 was issued appointing the members of the Council of Directors of the National Institution for Human Rights, where the Royal Edict included naming four full-time members, and five part-time members, in addition to two members representing the legislative authority in terms of the Shura Council and the House of Representatives, and the Royal Order also included, from among the fulltime and part-time members, five female members, two of whom are full-time, provided that the tenure of all the members is four years subject to renewal. Actually, in the first meeting of the Council of Commissioners the chairman and his deputy were elected, as well as the chairmen of the three permanent qualitative committees.





## Chapter I: Advisory Opinions Submitted by the National Institution For Human Rights to the Constitutional Authorities

### Introduction

To encourage ratification or acceding to regional and international human rights conventions, and to ensure their effective implementation, is one of the main functions and duties of the national human rights institutions. And beyond that, the necessity arises for performing evaluations of the extent of the compliance of the State with the regional and international obligations arising from ratification or accession, while proposing legislations or regulations or practices or amending what exists from among them in a manner consistent with the relevant regional or international standards.<sup>2</sup>

By referring to the provisions of Law Number (26) of 2014 concerning the establishment of the National Institution for Human Rights, amended by the amended Decree-Law Number (20) of 2016, we find that Article (12) of Paragraph (b) thereof expressly affirms that the National Institution is competent to: "study the legislations and regulations in force in the Kingdom relating to human rights, and to recommend the amendments it deems suitable, particularly insofar as the harmony of those legislations with the international human rights commitments of the Kingdom, and it may also recommend the enactment of new legislations related to human rights."

Paragraph (c) of the same Article provides that it is competent to "explore the harmony of the legislative and regulatory stipulations with regional and international conventions related to human rights issues, and to present proposals and recommendations to the competent authorities insofar as all that may promote and protect human rights, including recommendation to accede to regional and international conventions concerned with human rights,". It may be mentioned that those jurisdictions are a reflection of the contents of the Paris Principles and the general comments of the Sub-Committee on Accreditation (SCA).

To activate this jurisdiction, the National Institution expressed its perspectives on a number of requests received by it concerning the edicts, draft laws and proposals, referred to it by the Shura Council, amounting to two requests, while the number of requests received from the House of Representatives was six.

Moreover, it took the initiative on its own to refer one advisory opinion to the government, concerning amending a national legislation to make it harmonious with international human rights standards, where the Council of Ministers- in accordance with the provisions of the Constitution- refers the draft laws to the legislative authority.

Hence, this Chapter tackles the advisory opinions submitted by the National Institution to the constitutional authorities in three basic sections: the first is specified for reviewing the perspectives referred to the Shura Council, while the second section is devoted to exposing the perspectives

<sup>2</sup> The Paris Principles related to the status of the national institutions for promoting and protecting human rights- jurisdictions and responsibilities- Paragraph (3) p.5/General Comment (1-3) Encouragement of ratification or accession to international human rights instruments.

referred to the House of Representatives, while the last section is allocated concerning the suggested perspectives to the government, such as regards to elements which impinge or directly impact human rights and basic freedoms, while taking into consideration the provisions of the Constitution, and the relevant regional and international instruments and standards.

## **Section I: Advisory opinions submitted by the National Institution for Human Rights to the Shura Council**

While valuing the efforts devoted by the Shura Council in all matters related to human rights given that it is the constitutional institution guaranteeing public rights and freedoms, the National Institution received during the period which the report covers a total of two requests to obtain the perspectives, as follows:

### **First: A bill amending Article (2) of Law Number (74) of 2006 concerning the care of, rehabilitation and employment of the physically handicapped:**

1. The National Institution presented its advisory opinion concerning a bill amending Article (2) of Law Number (74) of 2006 concerning care, rehabilitation and employment of the physically handicapped, including in addition to the preamble one article and another executive article, and it aims to lend support insofar as the condition experienced by the Bahraini woman married to a foreigner and residing in the Kingdom of Bahrain with her offspring in a manner consistent with the legislations of the Kingdom supporting the Bahraini woman, given that this category is experiencing health conditions necessitating provision of care and the appropriate services.
2. Article (2) provides as stated in the draft law (bill) that “the provisions of this Law apply to physically handicapped persons from among Bahrainis and to the physically handicapped from among the offspring of a Bahraini woman married to a foreigner who are permanent residents of the Kingdom of Bahrain,” while the same stipulation occurring in the original Law provides that “the provisions of this Law apply to physically handicapped Bahrainis.”
3. The National Institutions explained in its perspectives that given that the Constitution of the Kingdom of Bahrain and particularly Article (18) thereof explicitly provides that “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.” This signifies that the Constitution which is considered the foundation of the legal system of the State emphasizes that the citizens, whether males or females, are equal in all the rights and freedoms and there is no discrimination between them based on gender or origin or religion or language or belief.
4. While Article (37) of the Constitution automatically considers international conventions once ratified to be a part of national legislation given that they are ratified by a constitutional tool (the Law) issued by the legislative authority- House of Representatives and Shura Council- hence the Convention on the Elimination of Discrimination against Women (CEDAW) to which the Kingdom



of Bahrain acceded by virtue of Decree-Law Number (5) of 2002, is considered, based on the foregoing, a part of national legislation in force.

5. Article (1) of the same Convention referred to above stated that “the term (discrimination against women) shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status,”.
6. Article (2) of the same Convention adds that “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;”.
7. Moreover, the Convention on the Rights of Persons with Disabilities ratified by the Kingdom of Bahrain under Law Number (22) of 2011, emphasized that all persons suffering from disabilities of all kinds shall enjoy all the human rights, and the fundamental civil, political, economic, social and cultural rights, while elucidating how the rights of all categories apply to disabled persons to enable them to exercise their rights in reality, which imposes obligations on the state in terms of the rights of this category.
8. The principle of equality and non-discrimination based on physical handicap and enjoyment of all the fundamental rights and freedoms is considered among the basic principles recognized in international instruments and conventions concerned with human rights, while equality equally shall be considered actually materialized through the state undertaking all measures and enacting legislations and adopting national policies grounded in the principle of equality between disabled persons and others, which is clearly manifested in the provisions of the Convention on the Rights of Persons with Disabilities where Article Number (5) thereof emphasizes the principle of equality and non-discrimination, while guaranteeing for this category to avail of equal and efficacious legal protection in all rights and freedoms.
9. Accordingly, it is clear that based on the principle of equality provided in the Constitution, and the clauses of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities the activation of the provisions of the conventions necessitates adopting the suitable legislative measures which prohibit discrimination against woman and disabled persons including granting the offspring of the Bahraini woman the same rights enjoyed by the citizens.
10. Accordingly, the bill emerged to achieve a set of noble objectives anchored in offering support to the Bahraini woman married to a foreigner who resides with her children who are of a special case- disabled- in the Kingdom of Bahrain on the one hand, and to complete the legislative enactments

supporting woman among which is Law Number (35) of 2009 concerning treatment of the foreign wife of the Bahraini man and the children of the Bahraini woman married to a non-Bahraini in the manner that a Bahraini national is treated insofar as some set fees for governmental services in the domains of health and education and residence fees on the other hand.

11. This is the case given that the disabled who are the children of a Bahraini woman experience health conditions necessitating the provision of care and the rendering of services to them with a view to fulfilling their special needs and becoming integrated rather than isolated, and enjoyers of rights rather than being the object of care and pity, and being included rather than excluded, so as to become able to contribute to building and advancing society.
12. Accordingly, the National Institution concurs with what is provided in a bill in terms of amending Article (2) of Law Number (74) of 2006 concerning the care, rehabilitation and employment of the disabled, given that it is in line with the provisions of the Constitution and the relevant international human rights conventions.
13. Hence, Law Number (22) of 2017 was enacted amending Article (2) of Law Number (74) of 2006 concerning the care of, rehabilitation and employment of the disabled.

**Second: Draft law amending some of the provisions of the Code of Criminal Procedure (CrPC) issued by Decree-Law Number (64) of 2002 (prepared in light of the draft law presented by the Shura Council)**

1. The National Institution submitted its advisory opinion concerning the draft law amending some of the provisions of the Criminal Code of Procedure enacted by virtue of Decree-Law Number (64) of 2002 (prepared in light of the law proposed by the Shura Council), comprising, in addition to the preamble, of two articles, and it entails the addition of two new articles under numbers (21 bis), (21 bis [1]) to Chapter 11 of Part One of the Book One of the Code of Criminal Procedure (CrPC) enacted by virtue of Decree-Law Number (46) of 2002.
2. The draft law according to the opinions of the competent quarters attached to the request for perspectives aims to give due regard to the interests of the victims in crimes of manslaughter, injury and error who is not interested in the punishment of the accused but is rather interested in receiving compensation as reparation for injury and the damage sustained, and, moreover, those amendments aim to expedite the procedures of adjudication of some cases through reducing the number of cases heard before criminal courts by ending some lawsuits through conciliation.
3. Article (21 bis) as provided in the draft law states that “the victim of a crime or his special proxy, or his heirs or their special proxy, in the offenses provided in the first and second paragraphs of Article (339), and the first and second paragraphs of Article (343), and the victim of the offense referred to in the first paragraph of Article (342) of the Penal Code shall prove conciliation with the accused before public prosecution or the court as the case may be, and in other cases provided in the Law.

And conciliation entails the end of the criminal suit, and it is for the public prosecution to order to cease the implementation of the punishment in case conciliation occurs during implementation. And in case the victims are multiple as a result of one criminal act, then the conciliation shall be of no effect in terms of the end of the criminal suit unless there is concurrence by all the victims. And in case the victims are multiple involving several crimes whether related to each other indivisibly or unrelated the conciliation will be of no effect except regarding the criminal suit concerning which conciliation was in effect.”

4. While Article (21 bis1) provides that it is “permissible for the accused or his special attorney to prove conciliation in violations whose penalty is a fine, and offenses punishable by a fine or imprisonment for a period not in excess of six months. The proof of conciliation shall be with the report clerk or the public prosecution, provided that the accused pays the maximum limit of the fine decided for the punishment. And in case the criminal suit is referred to the competent court, it is permissible for the accused- in whatever condition that the suit is in- to prove conciliation prior to the rendering of a judgment, provided that he pays three-quarters of the maximum limit of the fine decided for the punishment. And the Minister of Justice and Islamic Affairs shall issue a decision specifying the party to be paid, and a consequence of the conciliation is the end of the criminal suit, and the end of the criminal suit has no consequence for the civil suit.”
5. The National Institution explained in its perspectives that it is natural for some of the rules of criminal procedures to impinge on the rights and freedoms of individuals, because to the extent that the object is to protect the freedoms of individuals and assuring fair trial for them, the aim is likewise to combat crime and safeguard public security and the safety of persons and properties, which is a difficult equation requiring due justice to two forms of interests while not sacrificing one at the expense of the other.
6. Moreover, the National Institution emphasized the necessity of adherence, upon laying down procedural rules impinging on the freedoms and rights of individuals, to rules and standards that are internationally agreed upon, which do not go beyond three fundamental principles embodied in the principle of “necessity”, that is, procedural rules restricting freedom should not be formulated unless dictated by necessity, and the principle of “proportionality” through striking a balance between freedom, or the right to be impinged upon and the aim desired from laying down the procedural rule, and the principle of “legitimacy” which necessitates respecting the mandatory rules upon formulating a legal principle, and the importance of the Code of Criminal Procedures does not elude one on the other hand given that it tackles in detail, the basic principle affirmed in the Constitution, and perhaps the principles related to individual freedom or the sanctity of the home, powerfully attests to this.
7. Whereas the freedom of the individual to move and reside in the place he desires constitutes one of the foremost freedoms which the individual is keen on while simultaneously representing an indubitable interest for the individual and his community; this freedom has actually garnered interest on a global level where international conventions related to human rights have contained

stipulations on it, and at the national level national constitutions and specifically the Bahraini Constitution, have underlined personal freedom in all its manifestations (travel, choice of domicile, movement and otherwise) which is what is expressed by the Constitution of the Kingdom of Bahrain 2002 in more than one location by emphasizing freedom in the absolute sense and the legal approach to crimes and punishment, and that it is impermissible to impose any punishment or restriction of the freedom of any person except by a court decision and in accordance with sound legal procedures.

8. Article (19) of the Constitution of the Kingdom of Bahrain provides in Clauses (a) and (b) the following: “a. Personal freedom is guaranteed under the law. b. A person cannot be arrested, detained, imprisoned or searched, or his place of residence specified or his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision.”
9. It is observable that the punishment of imprisonment according to Article (54) of Decree-Law Number (15) of 1976 under the Penal Law as amended, is among the punishments suspending freedom and it is considered a basic penalty and it is defined as placing the convicted person in a correctional facility legally designated for this purpose for a period not in excess of ten days and where the maximum limit is not in excess of three years unless the Law stipulates otherwise. However, the punishment of imprisonment has negative effects diminishing its importance and limiting its role in reforming the convicted person.
10. Additionally Article (50) of the Bahraini Penal Code stipulates that civil forfeiture is among the punishments of misdemeanors, and civil forfeiture according to Article (53) of the same Law is to deprive the convicted person from all or part of the following rights and privileges: the right to hold public positions, the right to be a voter or to be elected to public councils, the right to be a voter or to be elected to professional associations and unions, the right to be a member of the board of directors of a shareholding company or its manager, the right to be a specialist, the right to be a director or publisher of one of the newspapers, the right to be the director of a school or scientific institute, to be awarded national or foreign medals of honor.
11. This entails the suspension of numerous individual civil and political rights, which are rights whose respect and protection were affirmed by the International Covenant on Civil and Political Rights to which the Kingdom of Bahrain acceded under Law Number (56) of 2006, and also entails the suspension of the right of the individual to work and freedom to choose the job which is inconsistent with what is provided in Articles (6) and (7) of the International Covenant on Economic, Social and Cultural Rights which the Kingdom of Bahrain joined under Law Number (10) of 2007.
12. While the experts on criminal policy emphasize that the aim of punishment is deterrence and reform we find that in light of the negative aspects abovementioned this would not be achieved, which requires exploring alternatives to the punishment of imprisonment, and thus there have been those who demand reforming the convicts and the criminals outside of the walls of prisons, in order to mitigate the negative consequences of placing persons in prisons and would eliminate the factors of

deviation towards the world of crime by modern methods that are lost costly than prisons and more considerate of the human rights of the person convicted of a particular crime, while safeguarding his human dignity, who would certainly not sever his ties to his family and community.

13. The alternatives to the punishment of imprisonment could be represented in a set of punishments and precautionary measures ensuring the reform of an individual while concurrently making him remorseful for committing the crime for which he deserved punishment to prevent its commission in future time while also deterring others, or could be represented in criminal conciliation, particularly since some of the convicts enjoy a high social standing or were led to commit the crime by coincidence or under the influence of an urgent need or due to a particular nervous and psychological state which requires treating those persons differently. On the other hand most of the misdemeanours and contraventions are punishable by imprisonment for a short period of time, where scientists argue that the punishment is ineffective but would in fact be a direct cause of the corruption of the individual instead of his reformation.
14. Thus most national legislations have inclined to affording criminal conciliation, whether the countries that have the Anglo-Saxon legal system such as the United States and Britain, or the countries that adopt the Latin system, specifically in minor crimes, where all almost concur on the superficiality of the crime and that it does not strongly affect society and the public interest which must be safeguarded. Hence, there does not exist a state which applies the criminal conciliation system that permits conciliation in serious crimes or crimes that impinge on state security, whereby conciliation exists to be an exit route to end a criminal lawsuit in minor offenses in a manner that guarantees the penalization of the accused and the achievement of justice.
15. Moreover, the benefits arising from criminal conciliation lie in encompassing the will of the government or the public prosecution and the accused, where the former avoids prolonged penal procedures through courts and thence enforcement, and the second is represented in relieving him from standing in court and thence sentencing him with a punishment exceeding the conciliation ruling with the administrative quarter.
16. The criminal conciliation system contributes to lessening the burdens of prisons and detention centers on the persons who conciliated with the competent governmental department, whereby the prisons became a shelter solely for those convicted. The criminal conciliation with the accused entails vitiating all the consequences of the criminal ruling convicting the accused which was the subject of conciliation, and hence it would not be entered in the criminal record of the accused and would not impinge on the legal capacity of the conciliator in any way.
17. Therefore, the National Institution emphasizes the soundness of the orientation of the draft law to give due regard to the interest of the victim of crimes of manslaughter and unintended injury who is more interested in compensation for the damage befalling him than in the punishment of the accused, and moreover those amendments aim to expedite the procedures of judgment in some cases through reducing the number of cases heard in criminal courts by means of conciliation.

Actually, relying solely on previous stipulations without presenting the possibility of conciliation could lead to a violation of human rights and dignity and diminish the value of the individual. Hence, it is necessary for both the Code of Criminal Procedures and the Penal Code to be abreast of the latest developments uncovered by studies and research in the fields of sociology and psychology, and the method of tackling the criminal impulses, where the specialists indubitably aver that there are pitfalls associated with excessive reliance on the punishment of imprisonment or jails, and the state should incline to alternative punishments or the methods of criminal conciliation because they are more effective in achieving reform and are more cost-effective.

18. Accordingly, the National Institution is in agreement in principle with the aims of the abovementioned articles as occurring in the draft law, and emphasizes the necessity of amending the Code of Criminal Procedure (CrPC) whereby it would contain stipulations assisting the accused to end the case, and would assist the victim to receive reparation for injury and the damage inflicted upon him, whether materially or morally, but they do not converge with the texts of the articles of the original draft law, given that it is necessary to utilize the term “conciliation” “Al-Sulh” rather than “Al-Tasaluh”. This is due to the presence of a difference between the abovementioned terms.
19. The difference between “conciliation” Al-Sulh and Al-Tasaluh, lies in that Al-Sulh is between the parties to an incident, and is due to the will of the victim, without the intervention of the judicial quarter, whereby it includes the crimes punishable by imprisonment or fine or both, and it is permissible for the Sulh to be by a financial compensation to which the parties agree or by a moral return such as by the accused apologizing to the victim, and Al-Sulh is permissible after the final judgment. Thus it is necessary for there to be an agreement between the victim and the accused, distant from the courts.
20. As to Al-Tasaluh (Composition) it is between the two litigant parties, namely the administrative party (represented in public prosecution) as a representative of society, whereby the judicial police officer offers reconciliation to the accused, and the Tasaluh (Composition) is confined to the misdemeanors and violations punishable solely by a fine.
21. Based on the foregoing, the National Institution agrees in principle with the aims of the clauses of the articles above as stated in the draft law, and emphasizes the necessity of amending the Code of Criminal Procedure (CrPC) whereby it would include stipulations that would help the accused to end the case, and would help the victim to receive reparation for injury and the damage befalling him, whether material or moral. Actually, it views positively the formulation of the stipulations of the articles above as occurring in the original draft law, given that it is necessary to use the term Sulh “conciliation” instead of the term Tasluh (Composition), such owing to the fact that there exists a difference between the two mentioned terms.
22. Whereby the text of the Article (21 bis) after amendment: “the victim of a crime or his special proxy, or his heirs or their special proxy, in the offenses provided in the first and second paragraphs of Article (339), and the first and second paragraphs of Article (343), and the victim of the offense referred to in the first paragraph of Article (342) of the Penal Code shall prove conciliation with the

accused before public prosecution or the court as the case may be, and in other cases provided in the Law. And conciliation entails the end of the criminal suit, and it is for the public prosecution to order to cease the implementation of the punishment in case conciliation occurs during implementation. And in case the victims are multiple as a result of one criminal act, then the conciliation shall be of no effect in terms of the end of the criminal suit unless there is concurrence by all the victims. And in case the victims are multiple involving several crimes whether related to each other indivisibly or unrelated the conciliation will be of no effect except regarding the criminal suit concerning which conciliation was in effect.”

23. Moreover, the text of Article (21 bis [1]) after amendment: ““permissible for the accused or his special attorney to prove conciliation in violations whose penalty is a fine, and offenses punishable by a fine or imprisonment for a period not in excess of six months. The proof of conciliation shall be with the report clerk or the public prosecution, provided that the accused pays the maximum limit of the fine decided for the punishment. And in case the criminal suit is referred to the competent court, it is permissible for the accused- in whatever condition that the suit is in- to prove conciliation prior to the rendering of a judgment, provided that he pays three-quarters of the maximum limit of the fine decided for the punishment. And the Minister of Justice and Islamic Affairs shall issue a decision specifying the party to be paid, and a consequence of the conciliation is the end of the criminal suit, and the end of the criminal suit has no consequence for the civil suit.”

**Section II:**  
**Advisory Opinions Submitted by the National Institution for Human Rights  
to the House of Representatives**

While valuing the efforts of the House of Representatives in all that relates to human rights given that it is the constitutional body guaranteeing public rights and freedoms, the National Institutions has received within the time scope of the report a total of six requests to obtain perspectives, as follows:

**First: The draft law amending Article (47) of the Traffic Law enacted by virtue of Law Number (23) of 2014.**

1. The National Institution submitted its advisory opinion concerning the draft law amending Article (47) of the Traffic Law issued by virtue of Law Number (23) of 2014, and comprises, in addition to the Preamble, of one article and another executive Article, and it aims to circumscribe the phenomenon of gathering at the locations of traffic accidents with a view to photographing them, and posting them on social media sites, without giving due regard to the privacy of others, not to mention that crowding at the locations of traffic accidents for purposes of photographing causes a hindrance of the work of the security personnel and traffic, all of which without disallowing the right of the press and the media to report the news item.
2. The stipulation as occurring in the draft law adds a first paragraph of Article (47) of the Traffic Law issued by virtue of Law Number (23) of 2014 with a new clause under number (18), which states: "Photographing a traffic accident and publishing it by any electronic means or others, and excepted from this is the driver of the vehicle causing the accident and the passengers and the media authorized to report the accident."
3. It is the view of the National Institution, that given that Clause (18) of the draft law aims to circumscribe the phenomenon of crowding at the locations of traffic accidents for purposes of photographing them and posting them in social media sites, without due regard to the privacy of others, in addition to what crowding at traffic locations causes in terms of hindering the work of security personnel and the flow of traffic, all of which is without confiscating the right of the press and the media to report the news item.
4. However, by referring to the stipulation of Article (370) of the Penal Code enacted by virtue of Decree Law Number (15) of 1976 as amended, which provides that: "A prison sentence for a period not exceeding 6 months and a fine not exceeding BD 50, or either penalty, shall be inflicted upon any person who publishes by any method of publication news, photographs or comments relating to individuals' private or family lives, even though they are true, should the publication thereof be offensive thereto."; moreover, Article (4) of the Information Technology Crimes Law Number (60) of 2014, which provides that "While not contravening any punishment which is more severe in any other law, punishable by imprisonment and a fine not in excess of one hundred thousand BD or by one of these two punishments, is anyone who listens in or captures or intercepts without legal justification using technical methods, a transmission not directed to the public of an information



technology system or to it or within it, and this transmission includes an electromagnetic waves of an information technology system that carries such data. In case the listening in or interception leads to a spreading of the transmission or a part thereof without legal justification then this shall constitute and accentuating circumstance”.

5. Clause Number (7) of the first Paragraph of Article (47) of the Traffic Law, enacted by virtue of Law Number (23) of 2014, provides that “whilst not contravening the measures determined in accordance with the provisions of this Law or any more stringent punishment provided in any other law, punishable by imprisonment for a period not in excess of six months and by a fine not less than fifty Dinars and not in excess of five hundred BD or by one of these two punishments is anyone who commits any of the following actions: 7-Intentionally hampers or hinders traffic on public roads.”
6. It becomes manifestly clear from the foregoing that the legal system of the Kingdom of Bahrain, notwithstanding the diversity of the relevant legislations and regulation whether those decided in the Penal Code or the Information Technology Crimes Law and even the Traffic Law, has provided an integrated legislative cover concerning the protection of the rights and freedoms of individuals and guaranteeing respect of the rights of a person and his right to privacy, specifically insofar as circumscribing the phenomenon of crowding at the locations of traffic accidents for purposes of photographing them, and transmitting them in the social media sites, in addition to what is caused by crowding at the locations of traffic accidents for purposes of filming them in terms of hindering the work of the security personnel and obstruction of the flow of traffic, which is harmonious on the other hand with the general comments which were made by the committee concerned with human rights which is entrusted to interpret the provisions of the International Covenant on Civil and Political Rights to which the Kingdom of Bahrain acceded pursuant to Law Number (56) of 2006, which provides that: “Article (17)- of the International Covenant on Civil and Political Rights- guarantees personal honor and reputation, and the states shall provide the adequate legislation to achieve this purposes, and measures shall be taken to enable any person to protect himself effectively from any illegal infringement which actually occur and to provide him with the means to exact justice concerning those responsible...”<sup>4</sup>
7. Accordingly, it is the view of the National Institution that the aims and objectives of the bill are practically materialized in accordance with Article (37) of the Penal Code enacted by virtue of Decree Law Number (15) of 1976 as amended, and Article (4) of the Information Technology Law Number (60) of 2014, in addition to the provisions of the Traffic Law enacted by virtue of Law Number (23) of 2014 in the relevant subject.

## **Second: A bill concerning punishments and alternative measures, accompanying Royal Decree Number (32) of 2017.**

1. The National Institution submitted its advisory opinion concerning the law pertaining to alternative punishments and measures, accompanying Royal Decree Number (32) of 2017, which includes

<sup>4</sup> Paragraph (11) of the General Comment Number (16) Article (17) Inviolate private life, the Human Rights Committee, Thirty Second Session (1988).

in addition to the Preamble (24) articles, which in general included the regulation of alternative punishments and measures, where its perspectives on the provisions of the draft law were confined to the areas which it deems directly impinge on human rights and basic freedoms, such in articles (8), (10), (11), (12), (13), (16), (20), while taking into consideration the provisions of the Constitution and the relevant international human rights instruments and conventions.

2. Article (8) of the draft law states “The attendance of rehabilitation and training programs shall be by obliging the convicted to attend one or more of the rehabilitation and training programs in the medical or psychological or social or educational or professional or industrial fields to rectify his conduct. And a decision shall be issued by the minister concerned with the affairs of justice in coordination with the Ministry of Interior to specify the programs of rehabilitation and training and the procedures for implementation.”
3. Accordingly, it is the view of the National Institution that Article (8) of the draft law has explained what is intended by the alternative punishment in Article (2) Paragraph (f) of the same draft law, and entwined the elaboration of rehabilitation and training programs and the procedures for implementing them with the issuance of a decision from the minister concerned with affairs of justice in coordination with the Ministry of Interior. However, before this takes place it is necessary to emphasize the imperative of underlining in the stipulation that the rehabilitation or training does not entail performing medical or mental experiments on the convicted person or exposing him to gross physical or mental risks.
4. Hence, it concurs in principle on the text of Article (8) stated in the draft law, and favors adding a provision to the same article indicating the necessity for rehabilitation or training of the convicted person not to involve conducting medical or mental experiments on the convicted person or exposing him to physical or mental risks.
5. Article (10) of the same draft law provides that “the judge upon sentencing for a period not in excess of one year may replace it with an alternative punishment or more than what is provided in Article (2) of this Law,” and Article (11) thereof provides that “the judge may upon sentencing the accused to imprisonment for a period not more than one year and not in excess of five years or to imprisonment for a period not in excess of five years in case it is evident that the personal or health conditions of the accused are not suitable for implementing the prison sentence in accordance with the reports requested by him, or which are submitted to him, and to replace it after setting the prison term or house arrest at a specific place solely or accompanied by any other alternative punishment other than what is provided in Article (2) of this Law.”
6. Article (12) of the draft law provides that “every person sentenced to imprisonment for a period not in excess of one year or physical coercion shall request the judge of enforcement of punishment instead of enforcing the imprisonment or physical coercion to replace it with an alternative punishment or more than what is provided in Article (2) of this Law, and the punishment enforcement judge shall adjudicate after hearing the statements of the public prosecution,” and Article (13) states that “it is

permissible for the correctional facility to request the punishment enforcement judge to replace the original punishment with an alternative punishment or more than what is provided in Article (2) of this Law for a period equal to the remaining punishment or the totality of the punishments decided, such in case the convict meets the following conditions: 1- He served half of his sentence or the other punishments 2- He is of good conduct. 3- His release does not endanger public order. 4- That he fulfilled his financial obligations subject of a criminal court ruling, unless it is impossible for him to meet this requirement. The punishment enforcement judge shall adjudicate on the request after hearing the statements of public prosecution. Applicable to implementing alternative punishments are the provisions of the Fifth Chapter of the Fifth Book of the Code of Criminal Procedure issued by virtue of Decree-Law Number (46) of 2002.”

7. While the National Institution is of the view that Articles (10), (11), (12), (13), have granted that judge discretionary power or based on the request of the convicted person or the reform and rehabilitation institution there may be a modification of the decided punishment to an alternative punishment that is decided according to what is provided in Article (2) of the draft law, without such discretionary power being restricted by legal guarantees in case the punishment is altered, and perhaps among the most prominent of those guarantees is what is decided in Paragraph (3-2) of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>5</sup> it must be taken into consideration- in case of altering the punishment- the nature of the crime and the extent of the risk of the criminal, the danger he represents and his background, and the requisites of protecting society and safeguarding the rights of the victim, and respecting the private life of the criminal and members of his family, in addition to the importance for the alternative punishments to be attuned to the gender of the convicted person, particularly pregnant women and breastfeeding mothers, such in accordance with the principles and rules set forth by the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>6</sup>
8. Hence, the National Institution concurs in principle with the provisions of the articles abovementioned in granting the judge based on the facts of the suit presented before him, whether at his own initiative or based on the request of the convicted person or the reform and rehabilitation institution the right to alter the decided punishment with one alternative punishment or more according to what is provided in Article (2) of the draft law. However, it views as important for those articles to include guarantees expressly stated in the same law in case the decided punishment is replaced with an alternative punishment, in conformity with what was decided under the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).
9. Concerning Article (16) of the draft law which provides that “the punishment enforcement judge is competent to adjudicate all disputes related to implementing or rescinding alternative punishments, and to issue all the decisions and orders related thereto, after hearing the statements of public prosecution, and he shall in particular: a) Order the execution of the original punishment or what remains thereof or to order another alternative punishment in case of refrainment from implementing any of the alternative punishments or dereliction in implementing them during the

<sup>5</sup> United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), adopted in accordance with the UN General Assembly Resolution Number (45/110) dated 14 December 1990.

<sup>6</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by virtue of UN Resolution Number (65/229) dated 21 December 2010.

period of execution. b) Order the extension of the period during which the alternative punishment is to be implemented referred to in Clause (g) of Article (2) of this Law. c) Look into the reports related to the implementation of alternative punishments. d) All the other competences provided in this Law. The decisions and orders issued by the punishment enforcement judge are immediately in effect with the possibility of appeal before the Higher Criminal Court of Appeal.”

10. The National Institution has explained in its perspective that Article (16) of the draft law has entrusted the judge concerned with application of the punishment the jurisdiction to adjudicate in all the disputes related to implementing or cancelling the alternative punishment, or render all the decisions or orders related thereto, such after hearing the statements of the public prosecution. However, the abovementioned text did not allude to or give due regard to the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), which clearly and expressly emphasized the necessity for the decisions imposing the non-detention measures to be subject to reconsideration by a judicial body or a competent body based on the respect of the criminal, and the right of the criminal to submit a request or complaint to a judicial body or another judicial independent body concerning matters that impinge on her individual rights concerning the implementation of non-detention measures.
11. Concerning Article (20) of the draft law which provides that “it is permissible for the accused to aggrieve concerning the order issued by public prosecution or the judge- as the case may be- obligating him with one of the alternative measures provided in Article (18) of this excepting compulsory arrest at a specific place, such before the Criminal Court held in the consultation chamber, and in case his grievance is rejected then he must submit a new grievance every month from the date of the rejection of the grieving, and the period of these measures shall end in all cases with the expiry of six months from the date of start of enforcement, all of which is unless the suit is referred to the competent court, whereupon it is necessary to impose one of the alternative measures or invalidate its competence to consider it.”
12. Whereas the National Institution has found that Article (20) of the draft law has enabled the accused to file grievance for the order rendered by the public prosecution or the judge- as the case may require- obliging one of the alternative measures provided under Article (18) of the draft law, excepting house arrest at a specific location, such before the high criminal court convened in the consultation chamber, where it becomes evident that the draft law has excepted the house arrest measure at a specific place concerning which the accused is entitled to file grievance, which is in reality an unjustifiable exception, which differentiates between the same alternative measures decided under the law, where the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) provide for granting the criminal the right to appeal before a judicial body or another independent and competent quarter, in case of implementing detention prior to trial.
13. Accordingly, the National Institution is of the view that it agrees in principle to grant the accused the right to grievance from an order issued by the public prosecution or a judge obliging him by one of the alternative measures stipulated in Article (18) of the draft law; however, it is not warranted to exclude the house arrest measure at a specific place, to file grievance before the high criminal court

convened at the consultation chamber, particularly since the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) took the position of granting the criminal the right to appeal before a judicial body or any other independent and competent quarter, in cases of effectuating detention prior to trial, without differentiating between the types of measures implemented.

### **Third: Proposed law to amend some of the provisions of the Decree-law Number (4) of 2001 concerning Combating Money Laundering Law and Funding of Terrorism**

1. The National Institution has submitted its advisory opinion concerning proposing a law amending some of the provisions of the Decree-law Number (4) of 2001 concerning prohibition and prevention of money-laundering and the funding of terrorism, and the draft law comprises of two articles, in addition to the preamble, which includes amending Clause c of the definition of (record of an operation) occurring in Article (1) of the Decree-law Number (4) of 2001 concerning the prohibition and prevention of money-laundering and the funding of terrorism as amended, and an executive Article.
2. The draft law stipulates: “The text of Paragraph c of Paragraph (10) is replaced insofar as the definition of an operation record from the definitions Article (2) of Law Number (4) of 2001 concerning prohibition and prevention of money laundering and funding of terrorism by the following text: Article (1) of Paragraph (10) Clause c: c- Details of any accounts or funds or rights associated with the operation.”
3. The National Institution values in principle the standards and principles upon which is based the proposed law at issue, represented- as stated in the explanatory memorandum- in that, for purposes of protecting the national economy and the fundamental pillars of the social entity of the state, the national wealth, and preventing money-laundering crimes and the funding of terrorism which could endanger the safety and security of society.
4. And whereas among the definitions provided by the law is the definition (a transaction log) which is the totality of the statements kept by the state institution for a period of five year including the data of a transaction, type and the institution through which it was implemented, which requires stating the moneys, accounts and rights associated with the transaction rather than solely the account particular to it, such in order to include monitoring and tracking all that is connected to these operations, in addition to the fact that the use of the term of money (property) is the more akin to the definition occurring in the original law.
5. Accordingly, the National Institution is of the view that the proposed amendment including considering the (transaction record (log)) as including the details of the accounts and properties and the rights connected to them, which are amendments harmonious with the aims of the proposed law, and do not impinge on the enjoyment by persons of the decided rights and freedoms, given that they do not represent a violation of human rights under the relevant international human rights instruments.

6. The National Institution favors reformulating the beginning of the first Article of the proposed law, given that it was considered the article of definitions occurring in the original law which bears number (2) and occurs in the same paragraph referring to article (1), while the proposed amendment pivots around Article (1) of Clause (c) of Article (1) of the Decree Law Number (4) of 2001 concerning the prohibition and prevention of money laundering and the funding of terrorism as amended, in addition to the fact that the text in its present legal formulation is ambiguous and nebulous, which necessitates its amendment in accordance with what your honorable council deems suitable in this regard.
7. Based on the foregoing, the National Institution agrees in principle to the amendment of Paragraph Ten of Clause (c) of Article (1) of the Decree-Law Number (4) of 2001 concerning the prohibition and prevention of money-laundering and funding of terrorism as amended, given that they are amendments that do not impinge the basic rights and freedoms of persons, and do not represent a violation of human rights based on relevant international human rights instruments and conventions, and it favors a reformulation of the beginning of Article (1) of the proposed law given that the text in its present legal formulation causes confusion and is mysterious, which necessitates its amendment in accordance with what your honorable council deems suitable in this regard.

#### **Fourth: Proposed law amending some of the provisions of the Penal Code issued by Decree-Law Number (15) of 1976**

1. The National Institution submitted its advisory opinion concerning the proposed law amending some of the provisions of the Penal Code enacted by Decree-Law Number (15) of 1976, which comprises of two articles, in addition to the preamble, including amending Article (361) of the Decree-Law Number (15) of 1976 in the Penal Code, and an executive Article.
2. The bill provides that the previous text of Article (361) of the Decree-Law Number (15), of the year 1976 by the following text: "A prison sentence for a period of no more than 6 months or a fine of no more than BD 50 shall be the penalty for any person who enters an inhabited place, a place intended for dwelling or one of the appurtenances thereof, premises intended for the safekeeping of funds or a property against the will of the person concerned and in other than the cases provided for in the Law. The same penalty shall also be applicable to a person who remains in such place against the will of the person having the right to expel him, or if he is found hiding away from the sight of those having such right. The penalty shall be imprisonment for no more than 2 years if the crime is committed at night or with the use of violence against persons or property or with the use of a weapon or photographic or recording equipment by two persons or more, or by assuming the identity of a public servant or alleging to be undertaking or entrusted with a public service or generally to be acting under a false capacity. If the intent of entry or staying is to prevent possession with the use of force or committing a crime, or in case the crime occurs in one of the public buildings or allocated for governmental interests or public facilities or vital installations, or vital installations, or one of the quarters mentioned in paragraphs one, five and six of Article (107) this shall be considered as an aggravating circumstance."

3. The National Institution values in principle the bases and principles upon which is based the proposed law at issue, represented- as stated in the explanatory memorandum- that in view of an increase in crimes and actions which aim to destroy state institutions and violate private property thereby beclouding the tranquility of society and destabilizing it, including crimes which constitute an infringement of personal freedom within private dwellings and the safety and privacy of public and vital buildings and installations, which is what was emphasized in Article (25) of the Constitution which provides that: "Dwellings are inviolate. 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."
4. Moreover, given that these crimes have come to assume modern forms using advanced machinery and arms, which necessitates confronting and deterring them, and for the scope of criminalization to be widened to involve suitable punishment given the ominous modern methods used in those crimes.
5. Accordingly, it is the view of the National Institution that the policy adopted in the proposed law to intensify the punishment prescribed for certain crimes or the criminalization of other actions, emerged for aims and objectives represented in achieving a stage of security and social stability and to also achieve deterrence of the commission of this type of crimes, in addition to helping to diminish them given their criminal peril to the individual, society and the state, which may not be considered greater strictness which impinges on the basic rights and freedoms enjoyed by people, and, moreover, the amendments in the proposed law- in general- do not represent a violation of human rights according to the relevant international human rights instruments.
6. The National Institution views with favor for the honorable committee to reconsider the term monitoring (*Muraqabah*) given that it is a broad and nebulous term which entails numerous legitimate actions which may be interpreted and considered as monitoring that is punishable according to what is stated in the proposal, which is something incompatible with the principles of legal formulation of criminal rules in this regard, given that the law in certain situations has made it mandatory for individuals to undertake the act of monitoring (*Muraqabah*) in order to safeguard and protect the state and society, which leads to a conflict between the legal rules concurrently, particularly what was decided in Article (9) of the Constitution which provides that: "Public funds are inviolate, and it is the duty of every citizen to protect them", given that monitoring public property and wealth is a constitutional duty which principally aims to protect them, and hence it is unacceptable to consider such monitoring as among the illegitimate acts which are legally criminalized.
7. On the other hand, the National Institution views with favor, and in line with the principles and standards of legal formulation of criminal rules, for the quarters intended expressly by the proposal in the end of Article (361) instead of referring to them in Paragraphs (1), (5), (6) of Article (107) of the same law, such in order to prevent the possibility of (open-ended) interpretation.

8. Actually the end of the article of Article (361) of the proposal for a law states: (or in case a crime occurs at a public building or public facilities or vital installations or to one of the quarter mentioned in Paragraphs one and five and six of Article (107), given that the quarters provided in Paragraph First, Fifth and Sixth of Article (107) overlaps substantially with quarters specified previously by the same proposal, namely: (one of the public buildings or those allocated for governmental interests or public facilities or vital installations).
9. Based on the foregoing, it is the view of the National Institution that it agrees in principle with the amendment stated in Article (361) of the Decree-law Number (15) of 1976 in the Penal Code, given that they are amendments that are not considered intensification which impinges on the enjoyment by persons of basic rights and freedoms, and do not present a violation of human rights in accordance with the relevant international human rights instruments and conventions, but it views with favor reconsidering the term monitoring (Muraqabah) given that it conceptually entails numerous legitimate actions which may be construed and interpreted as monitoring which is punishable according to the proposal, and it also views with favor specifying the quarters expressly intended by the proposal in the end of the article (361) instead of referencing them in Paragraphs (1), (5), (6) of Article (107) of the same law, such in order to prevent the possibility of interpretation in line with the principles of legal formulation of criminal rules.

**Fifth: A bill to amend Article (370) of the Decree-law by amending Article (370) of the Decree-law Number (15) of 1976 in the Penal Code**

1. The National Institution has submitted its advisory opinion concerning a bill amending Article (370) of the Decree-Law Number (15) of 1976 in the Penal Code, and the proposal comprises of two articles, in addition to the preamble, including amending Article (370) of the Decree-law Number (15) of 1976 in the Penal Code, and an executive article.
2. Article (370) as stated in the bill provides that: “A prison sentence for a period not exceeding 6 months and a fine not exceeding BD 50, or either penalty, shall be inflicted upon any person who publishes by any method of publication news, photographs or comments relating to individuals’ private or family lives, even though they are true, should the publication thereof be offensive thereto. And punishable by the punishment provided in the previous Paragraph is anyone who: 1-Publishes by any public means pictures or video clips of person or persons in a public place, with the purpose of causing defamation and insult. 2- Publishes by any public means photos or video clips of the injured or the deceased as a result of the accidents, such in other than the cases allowed by law”.
3. The National Institution values the standards and principles upon which is based the proposal at issue, represented- as stated in the explanatory memorandum- in that the proposal emerges to tackle the new crimes in society caused by the spreading of technology and its rapid development, and its misuse for purposes of impinging on the private life of individuals and defamation and inflicting damage to them through the various information technology means in a manner harming the dignity of society.



4. It is the view of the National Institution that the policy adopted by the law proposal insofar as defining newly criminalized acts, emerged for goals and purposes represented in producing a situation of security and social stability and achieving deterrence of the commission of this type of crimes, in addition to reducing them due to their criminal risk to the individual, society and the state, and it is not considered as impacting on the enjoyment by individuals of the fundamental rights and freedoms, and, moreover, the amendments proposed in the proposal do not constitute a violation of human rights in accordance with the relevant international or regional human rights instruments.
5. Actually, the final paragraph added to the original text emerges to clarify who will be subject to the punishment, defined in the first part thereof as anyone who exhibits or publishes photographs or video clips of a person or persons at a public place, with a view to harming and slandering them, where the original text is limited to publicizing news and photographs related to private family secrets or the family secrets of individuals, and it is presumed that this shall occur mostly surreptitiously and in a private or public place, which violates the right to privacy and the stipulation (text) does not apply to publishing photographs and video clips for individuals which relate to matters that are not private or familial where the aim of publishing them is to insult and slander them; that is the proposal to amend Article Number (370) shall have covered a case that the original text did not tackle, which relates to matters that are not private or familial and which occur in public places, in addition to the fact that limiting a punishment where the purpose is defamation is based on the concept of violation where it is permissible to film and publicize a video for persons unrelated to their private or family life, which takes place in a public place where the purpose is not slander or insult but rather the purpose is to uncover a crime and arrest the culprit (violation of public order in its three arenas: public security, public health, public peace).
6. Section two indicates that the punishment will apply to any one who publishes by a public means photographs or video clips of those injured or who died in accidents, such in cases delineated by the law, which is a proposal that covers a case that is not tackled by the present text, which is to criminalize the publishing of photographs or video clips of the injured or deceased in accidents given that such endangers public order in society and beclouds the public atmosphere and spreads terror and fear in the hearts of the relatives and family members of the injured, the deceased and the society at large stemming from publishing photographs and video clips of the accidents, which is something harmonious with the general comments reached by the committee concerned with human rights entrusted to interpret the provisions of the International Covenant On Civil And Political Rights, to which the Kingdom of Bahrain acceded under Law Number (56) of 2006, which affirms that: "Article (17) of the International Covenant On Civil And Political Rights safeguarding the honor and reputation of persons, and it is incumbent on states to provide the adequate legislation to achieve this purpose".
7. Based on the foregoing, the National Institution for Human Rights concurs with the aims of the amendment proposal related to Article (370) of the Decree-law Number (15) of 1976 in the Penal Code, given that it covers cases not tackled by the existing text, which is meriting of legal protection insofar as the protection of the rights and freedoms of individuals and guaranteeing personal life and the right of persons to privacy.

## Sixth: Proposal of a wish to lay down a media plan to spread the culture of the right to peaceful gathering

1. The National Institution submitted its advisory opinion concerning the proposal of the wish to lay down a media plan to spread the culture of the right to peaceful gathering, and the National Institution emphasized that the right to peaceful gathering is considered one of the most important rights which are harmonious with the democratic foundations and principles of the modern state anchored in unlocking the freedom of individuals to express their intellectual and ideological opinions in accordance with a legal system that governs exercising them and which guarantees their protection.
2. The right to peaceful gathering is represented in the freedom of individuals or groups or legal entities to gather at a specific public place for a specific period of time, such to express public or private opinions towards a particular position or to defend common interests for purposes of persuading others thereof and to endeavor to achieve those interests. This right is linked to other rights and freedoms, such as the right to organize and establish and join societies, associations and unions, and the freedom of opinion and expression, and the right to participate in public affairs, where these rights in their totality constitute a single agglomeration which signifies a confluence between all human rights.
3. Actually, the Constitution of the Kingdom of Bahrain guarantees the right to peaceful gathering, where Article (28) thereof Paragraph (b) provides that: "Public meetings, parades and assemblies are permitted under the rules and conditions laid down by law, but the purposes and means of the meeting must be peaceful and must not be prejudicial to public decency."
4. At the level of national legislation, the Decree-law Number (18) of 1973 concerning public meetings, demonstrations, and gatherings as amended, where it tackles the provisions related to organizing public meetings, march, gatherings and the conditions for carrying them out.
5. At the level of international instruments and convention which guarantee the right to peaceful gathering Article (21) of the International: International Covenant On Civil And Political Rights to which acceded the Government of the Kingdom of Bahrain pursuant to Law Number (56) of 2006 provides that: "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."
6. The National Institution believes that the exercise of rights and freedoms is not absolute, whereby exercising them is subject to restrictions and rules that guarantee the rights of others, while at the same time not impinging on the right and emptying it of its substance.
7. Accordingly, the national legislation, in line with the relevant international standards, emerged to subject the right to peaceful gathering to guidance principles regulating the methods of practicing

it, given that it is an instinctual right whose practitioners must enjoy a measure of freedom in putting it into effect, whether circumscribing them by any rules impinging its essence, which is something that makes it binding on the state to facilitate and protect peaceful gathering, which are two fundamental responsibilities represented in placing suitable mechanisms and procedures to assure the practical exercise of the right and not subjecting its bureaucratic procedures restricting its exercise, and at the same time not allowing its impinging on the rights of others, in addition to the right of the state to achieve security and peace.

8. To confirm the justifications advanced by the submitters of the proposal, it is the view of the National Institution that the right to peaceful gathering faces a challenge connected to the culture and awareness of society in dealing with it, whether insofar as the concept and the nature of the right, or the method of practicing it or the rules arising to it, given that the characterization of public gathering connotes that all the practices accompanying it are utterly distant from manifestations of violence or counter-violence perpetrated by any party, or all that may affect or impinge on the right of others to enjoy rights and other freedoms, which called for legislative intervention aiming to laying down rules for practicing it while not arbitrarily use it or abuse it, and on the other hand obligate the state to provide protection for the sake of its practice.
9. Moreover, it is the view of the National Institution that it would not be possible to face this challenge except by placing integrated awareness raising plans, whether in the field of media or training, to spread awareness about the right to peaceful gathering which various quarters partake in implementing, such as the Ministry of Information Affairs, the Bahrain Institute for Political Development, the National Institution for Human Rights, and the civil society organizations, such through preparing and presenting media programs and materials which address the diverse segments of society, alongside holding symposiums, lectures and conferences with focus on this right to elucidate its conceptual content, nature, the rules for practicing it and the restrictions which may arise to them for purposes of regulating it.
10. Based on the foregoing, the National Institution concurs with and supports the proposal to lay down a media plan to spread the culture of the right to peaceful gathering given that it fully accords with its role in the field of promoting human rights through spreading information and knowledge about this right among the general public, or particular target groups, such with a view to instilling a societal culture that is based on converting knowledge of this right to a practical skill that is exercised in actual reality based on organizational rules and parameters in accordance with the law.

**Section III:**  
**The Advisory Opinions Submitted by**  
**the National Institution for Human Rights to the Government**

1. Based on the belief of the National Institution that the role assigned to it in the field of promoting and protecting human rights is not consummated except through real partnership with the public authorities of the State, particular the executive branch of Government. Perhaps the alluded to complementary is anchored in the competence assigned to the Government in formulating proposed laws referred to it by the Council of Representatives or the Shura Council for formulation as a draft law as constitutionally sanctioned, or to refer them initially to the two houses of parliament as draft laws presented by it.
2. The National Institution during the time scope of the report submitted to the Government represented in the Ministry of Interior a proposal concerning the rules and parameters of granting a temporary permit to the provisional detention at the Reform and Rehabilitation Centers to attend the bereavement ceremonies for the deceased relatives, which set out the basic principles which must be given due regard upon dealing with the right of detainees- whether detained or convicted- in remaining in touch with the world outside the institutions in which they are detained given that like free persons they enjoy all the human rights guaranteed by the Constitutions and national legislation alongside international human rights law.
3. The right to communication with the outside world whether by telephone or visitation is considered among the rights of a social characteristic, and are considered among model minimal rules for treating prisoners issued by the United Nations given its extreme importance for the psychological health of the detainees or arrested, given that the deprivation of an individual from social incentivization through communication with the outside world could render him unable to maintain a suitable psychological state in terms of being awake, focused and able to interact with the detention environment.
4. The process of external communication for the one whose freedom is restricted necessitates for it not to be confined to enlisting the help of an attorney for defense purposes, but extends to enable him to attend a funeral or bereavement ceremonies related to the death of one of his forebears or descendants or spouse or relatives, such in line with the social customs and traditions prevailing in the Kingdom.
5. As to the legal basis of the proposal it is what was emphasized in Article (79) the minimum model rules for treatment of prisoners, while special care should be devoted to improve the relationship of the detainee with his family to the extent that such is in the interest of both parties, and Article (37) of the same rules confirmed the right of the detainee to communicating with his family.
6. As to Principle (15) of the set of the United National Principles related to protecting all the persons who are subject to any form of detention or imprisonment issued pursuant to the UN General Assembly Resolution (173/43) dated 9 December 1988, it actually refers to the impermissibility of

depriving the detainee from communication with the outside world and particularly his family or attorney.

7. Perhaps what is stated in the UN rules Concerning protection of juveniles deprived of their freedom issued pursuant to the UN General Assembly Resolution (113/45) dated 14 December 1900 is among the explicit stipulations in this connection which affirmed and confirmed this right, where Article (58) of those rules provided the necessity of affording the juvenile the opportunity to participate in the funeral of the deceased from his family, and the right in accordance with the same rules extends to establishing the right of the juvenile to visit his relative suffering from a serious illness and whose death he fears.
8. Moreover, the right of the detainees or the one subject to provisional detention to communicate with his family, particular in critical circumstances, is grounded in the Constitution of the Kingdom of Bahrain, where Article (5) thereof provides that: "The family is the basis of society, deriving its strength from religion, morality and love of the homeland. The law preserves its lawful entity, strengthens its bonds and values, under its aegis extends protection to mothers and children, tends the young and protects them from exploitation and safeguards them against moral, bodily and spiritual neglect.", and hence the right of the detainees to the outside world is an essential requirement for protecting the right to private and family life, and a motive and incentive for the detainee or one subject to precautionary imprisonment to safeguard his psychological state and a supporting element enabling him to interact with the prison environment, and regarding the partaking of the detainee or one subject to provisional Detention in the bereavement ceremonies or participating in the funeral of the deceased, this affords them the final opportunity for the relatives to see him, particularly in case a long period of time had elapsed since their last encounter.
9. Actually, Article (41) of Law Number (18) of 2014 in the Reform and Rehabilitation Centre Law provides that
10. Moreover, Article (24) of Decision Number (131) of 2015 concerning the executive regulations of the Reform and Rehabilitation Centre Law provides that "it is permissible for the institution's director or his deputy - in case of necessity, and after the approval of the minister or his deputy- to permit the inmates to go to the bereavement places or in any other case, and entered into the permit are all the details related to the duration of the visit, its location .. and the security aspects to be given due regard. Moreover, it is permissible for the preventively detained to go to the place of bereavement and in any other case, in compliance with the First Paragraph of this Article, on the condition that the prosecution or the quarter issuing the imprisonment order approve."
11. Hence, it becomes evident that the abovementioned Articles assure the right of the detainee or one subject to preventive custody to leave the detention center to visit family in case of the death of one of his relatives and in order to be present in bereavement places, but the same stipulations placed restrictions on utilizing the rights represented in the following: 1- The permission to leave shall be given by the director of the institution or his deputy. 2- It is necessary to obtain the approval of the

minister or whom his deputy for permitting the leave. 2- The decreased must be of a second-degree relative of the detainee. 3- It is necessary to obtain the approval of the public prosecution or the party that issued the detention order concerning the leave of the one subject to precautionary detention. Accordingly, it becomes evident that the right of the one subject to precautionary detention to leave to participate in the bereavement proceedings of one of his relatives is stipulated in the concerned law and its executive regulations, but they placed rules and restrictions.







## Chapter II: Progress Achieved in the Human Rights Condition, and the Efforts and Activities of the National Institution for Human Rights in the Field of Promoting and Protecting Human Rights

### **Introduction:**

The role of the national human rights institution is actualized through their constitution or legislative mandate in the field of “promoting and protecting human rights,” and this role is clearly manifested in “the Paris Principles” related to the role of national institutions in promoting and protecting human rights as a constitution for their activities and an effective and constructive element in promoting and protecting human rights within the state system.

The role of these institutions in terms of “promotion” is evidenced in the spreading of the culture of human rights through the variable means, including the holding of conferences, training courses, workshops, and lectures for the general public, or particular target groups, in addition to training in the field of human rights and the publication and printing of awareness raising publications connected to the activities of national institutions. It may be averred that the lack of knowledge of the principles of human rights among all the segments of society contributes to their violation, where the promotion of human rights concepts and instilling awareness of them is something that contributes to safeguarding the totality of those rights.

As to the “protection” of human rights which is the other element of the role of national institutions in promoting those rights, it entails their undertaking the process of monitoring of all which may impinge on the right of individual to enjoying the public rights and freedoms determined for them, where the process of monitoring constitutes a necessary means for ascertaining the extent to which the state respects and honours its legal or international obligations related to human rights, and such protection necessitates for national institutions to perform field visits to places at which it would be possible for human rights violations to take place.

Accordingly, this Chapter will address the role performed by the National Institutions in the field of promoting and protecting human rights insofar as two basic sections: the first is allocated to elucidating their activities in the field of promoting human rights, while the second will elucidate their efforts in the field of protecting those rights.

## Section I

### Progress Achieved and the Efforts and Activities Undertaken in the Field of Promoting Human Rights

1. The provisions of Law Number (26) of 2014 establishing the National Institution for Human Rights, amended by Decree-law Number (20) of 2016, emphasized its role in the field of promoting human rights, where Article Number (12) thereof affirmed a constellation of jurisdictions for the National institution for purposes of achieving its goals in this field, through its participation in laying down and implementing a national plan for promoting human rights at the level of the Kingdom, and studying the legislations and regulations in effect related to human rights and to recommend the amendments it deems appropriate, especially as relates to the harmony of those legislations with the international human rights commitments of the Kingdom, and to recommend enacting new legislations related to human rights.
2. Moreover, the provisions of the National Institution Law granted a jurisdiction to discuss the harmony of the legislative and organizational stipulations with regional and international conventions concerned with human rights issues, including the recommendation to accede to concerned regional and international conventions, and to present parallel reports, and to contribute to formulating and discussing the reports which the Kingdom undertakes to submit regularly and to express observations on them, in compliance with regional and international conventions particular to human rights, and to spread them in the media, and to cooperate with national bodies and regional and international organizations, and the relevant institutions in other countries concerned with promoting human rights.
3. Moreover, those provisions entrusted the National Institution to hold conference and to organize educational and training seminars and courses in the field of human rights, and to conduct research and studies in this regard, and to participate in local and international forums, and in the meetings of regional and international organizations, in addition to issuing bulletins, printed materials, statements and special reports and to post them in its website.
4. In conformity with those jurisdictions included in the provisions of the Law, the National Institution played an active role in the field of promoting human rights through publishing a number of educational bulletins and printed materials related to human rights, and the holding of a number of seminars and lectures, and sign a number of Memorandum of Understanding with the various civil society organizations and concerned regional parties, and it also played an effective tool in field of legislative review I cooperation with the House of Representatives and the Shura Council in additions to its issuance of a number of statements concurrent with international days or events, in addition to its regional and international participation in numerous seminars, workshops, training courses and conferences connected to its activities.
5. Concerning international human rights conventions, the Kingdom of Bahrain ratified and acceded to seven basic international conventions related to human rights out of a total of nine basic international conventions International Covenant on Civil and Political Rights in accordance with

Law Number (56) of 2006, and International Covenant on Economic, Social and Cultural Rights in accordance with law Number (10) of 2007, International Convention on the Elimination of All Forms of Racial Discrimination in accordance with decree No. (8) of 1990, Convention on the Elimination of All Forms of Discrimination against Women in accordance with Decree-law Number (5) of 2002.

6. Moreover, the Kingdom acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the Decree-Law Number (4) of 1998, and in accordance with the Decree-Law Number (16) of 1991 it acceded to the United Nations Convention on the Rights of the Child, and finally the Kingdom ratified the Convention on the Rights of Persons with Disabilities in accordance with Law Number (22) of 2011, and the Kingdom has not ratified or acceded to date to the International Convention on the Protection of the Rights of All Migrant Workers which was adopted by the United Nations on 18 December 1990, and the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the UN General Assembly on 20 December 2006.
7. While acceding to or ratifying the basic human rights international conventions necessitates for the signatory states an obligation to submit tentative or regular reports to the bodies (committees) of the conventions in the United Nations which are responsible for monitoring the extent of the progress achieved by those states in implementing their provisions, the Kingdom of Bahrain has fulfilled its contractual obligation in submitting its preliminary report concerning the International Covenant on Civil and Political Rights, and the regular reports concerning Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
8. Within the framework of the National Institution building bridges of cooperation with academic quarters operating in the human rights field, it signed two memoranda of understanding with the Royal Police Academy and the Human Rights Institute of Lyon in France, such to expand future cooperation with those quarters in all that relates to the human rights field.
9. In the domain of partnership with concerned local, regional and international quarters, the National Institution has held consultative encounters and meetings with a number of ambassadors and diplomats accredited in the Kingdom of Bahrain, and also with the international organizations and bodies concerned with human rights affairs, in addition to a set of regional and international expertise operating in the human rights field, where those meetings discussed a number of topics, most prominently, the establishment of the National Institution for Human Rights, its legal framework, and its role in the field of promoting and protecting human rights, in addition to the role of those institutions and their activities in the domain related to human rights, and means for bolstering joint support and cooperation between the two parties, and the readiness of the National Institution to offer its experience in the field of training in human rights cases and building the capacity of the affiliates and personnel of those institutions insofar as the various international human rights conventions and the arising obligations of the Kingdom of Bahrain, and the international mechanisms related to the relevant human rights council

10. Moreover, the National Institution participated in the consultative meetings held by the Ministry of Foreign Affairs with the attendance of the civil society organizations active in the relevant human rights field, such for purposes of discussing and evaluating the recommendations generated by the Second National Report of the Kingdom of Bahrain of 2012 which was concluded by the taskforce concerned with the mechanism of the comprehensive overview mechanism in the United Nations Human Rights Council (UNHRC) affiliated to the United Nations, and to elucidate that which was realized from those recommendations, where the National Institution submitted its perspectives on the totality of the recommendations to the Ministry of Foreign Affairs.
11. The National Institution was keen on attendance and local and external representation in regional and international forums connected with its field of work and specialization through its participation in numerous seminars, workshops, training courses and conferences, where it participated in a regional conference on “the human rights approaches to dealing with cases of conflict in the Arab region in Qatar, in addition to its participation in a workshop on elections and the role of national institutions in monitoring conferences in Khartoum in the Republic Sudan.
12. In the same context, the National Institutions participated in the meeting of the Global Alliance for National Human Rights Institutions (GANHRI) and the regional meeting of the Asia Pacific Forum (APF) in Geneva Switzerland, and also in the meeting of the joint taskforce between the Kingdom of Bahrain and the European External Action Service is a European Union concerned with human rights in Brussels (Belgium), in addition to its participation in a number of training courses, most importantly: a training course on the international mechanisms for protecting human rights- the mechanism of comprehensive regular overview in Geneva Switzerland, and a training course on human rights and business, which was organized by the Asia Pacific Forum (APF) in the capital of Thailand, Bangkok.
13. Moreover, the National Institution participated in the meeting of the United Nations Committee against Torture (CAT) in its (60th) session, allocated for overviewing the second regular report which the Kingdom of Bahrain submitted concerning the period (2009-2015), and also the Third quarterly report which it submitted in response to the updated list concerning the issues raised by the committee.
14. The National Institution submitted its parallel report to the Committee Against Torture (CAT), which included five main axes which evidenced the role of the National Institution in following up the implementation of the recommendations and comments of the committee, where the first Axis addressed the legislative measures related to the implementation of the Convention for the Prevention of Torture and other forms of treatment or harsh punishment or inhuman or degrading treatment, and the recommendations of the National Institution in this connection, which occurred in its annual reports.
15. Whereas the Second Axis of the administrative measures “institutional structure”, in terms of supporting the National Institution, emerged in the amendment of the Establishment Law consistent with the Paris Principle organizing the activity of the national institutions, and Law Number (18)

concerning the Reform and Rehabilitation Centres, and the executive regulations of the Law, and the National Institution also praises the approval of the Council of Ministers of creating a new regulation named “the flexible work permit” which provides an alternative to utilizing irregular manpower, while the Third Axis addressed the judicial measures related to the execution of the convention in compliance with the Reform and Rehabilitation Centres Law.

16. The Fourth Axis on the other measures included the courses and workshops which the National Institution held related to the Anti-Torture Convention during the previous period, and the training programs it holds annually such as the legal training program for the Police in cooperation with the Royal Academy Of Police, and the training program specialized in human rights for beginner lawyers, and the program of the judges of the future in cooperation with Higher Judicial Council.
17. While the Fifth Axis contained the comments of the National Institution concerning practical practices, including inaugurating the application of presenting complaints by smart phones, and the updating of the official website which facilitated the procedures for the complaint submitters, in addition to the visits undertaken by the Institution to the Reform and Rehabilitation Centers during the previous period, in addition to the media and social media or local newspapers, and the Institution also indicated that it has found substantial response from the executive authorities, and particularly the Ministry of Interior, where cooperation was strengthened for the sake of enhancing the performance of the employees entrusted with applying the law in line with the international human and basic rights standards, and there was also a response to a number of the inquiries of the Committee related to the role of the Institution in promoting and protecting human rights, such through the interactive dialogue session with the committee members.
18. Moreover, the National Institution participated in the meetings of the 27th session of the taskforce concerned with the compressive regular review of the Kingdom of Bahrain in Geneva Switzerland, where the National Institution has submitted its parallel report of the regular review mechanism, and the Institution showed through its participation in the meetings the significant transformations witnessed by the Kingdom of Bahrain since His Majesty King Hamad bin Isa Al Khalifa assumed the throne, represented in an enhanced commitment to democracy and human rights, and it also indicated the positive efforts exerted by the Kingdom in dealing with the recommendations of the comprehensive regular review particularly in the field of criminal justice, child and anti-trafficking law, and it lauded the role performed by the Government in providing the suitable climate for freedom of thought, opinion, expression and belief.
19. Furthermore, the Institution partook in the deliberations of the 36th session of the Human Rights Council, through which the response of the Kingdom of Bahrain to the findings and recommendations of the taskforce concerned with the comprehensives review of the Kingdom of Bahrain was adopted.
20. Also, the National Institution participated in the thirteenth session of the Arab Human Rights Council (Charter Committee) particular to discussing the first regular report submitted by the State of Qatar, alongside its participation in the twelfth session of the Arab Human Rights Committee to discuss the first report submitted by the State of Kuwait.

21. In the same context, and by virtue of the interaction of the National Institution with the regional mechanisms in the field of promoting and protecting human rights, it submitted its parallel report to the (Charter Committee) concerning the first regular report of the Kingdom of Bahrain on the progress achieved in applying the provisions of the Arab Charter on Human Rights (ACHR), ratified by virtue of Law Number (7) of 2006, where the National Institution prepared its parallel report in accordance with the methodology adopted by the Charter Committee concerned with the various civil, political, economic, social, and cultural rights occurring in the Arab Charter on Human Rights (ACHR), with a view to presenting a number of recommendations it deems suitable for improving the respect for human rights in the Kingdom of Bahrain.
22. Actually, the National Institution participated in the seminar held by the House of Representatives to overview the legal accomplishments of the Kingdom of Bahrain, where the history and legacy of the National Institution were reviewed, which is considered one of the most important outputs of the reform program of His Majesty the King, and is the object of his support and care.
23. With a view to promote and develop the culture of human rights in the Kingdom of Bahrain for the various segments of society, both public and civil, the National Institution for Human Rights participated in the event (Al-Basta Market) in its fifth season in the Bahrain International Circuit, where a variety of the publications of the institution concerned with human rights were distributed, in addition to a colouring book concerned with child rights, which was distinguished by its addressing children about their rights in a simple language and beautiful drawings. It may be mentioned that the pavilion of the National Institution for Human Rights was met with a big response from the visitors from among the citizens and the various communities residing in the Kingdom.
24. As an expression of an interaction between the National Institution and the various segments of society, it performed a number of field visits to the local community with a view to overview what it actually does and the services it offers in the field of protecting and promoting human rights, and the most prominent places which the National Institution visited are: King Hamad University Hospital, Salmaniya Medical Complex, Psychiatric Hospital, Al-Jazeera Cultural Center, Faculty of Law in the Royal University for Women (RUW), UCO Parents care Center.
25. As to the publication of printed materials, the National Institution reprinted a number of international and regional documents in the Arabic and English languages related to human rights, such as the Paris Principles related to the National Institutions for the Promotion and Protection of Human Rights, Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights, and the two Annexed Protocols, International Covenant on Economic, Social and Cultural Rights, Arab Charter on Human Rights (ACHR), Cairo Declaration on Human Rights in Islam (CDHRI), in addition to its publication of the Constitution of the Kingdom of Bahrain, where all of the above-mentioned is directly related to promoting human rights and entrenching their principles and spreading awareness about them.

26. Concurrently with the World Book Day which occurs on 23 April of every year, the National Institution launched three books within the framework of the human rights cultural series publications, where the first book pivots around "Rights of the worker in light of the Bahraini Labour Code, the international and Arab labour standards and human rights" where it comes in five chapters which address the right to work , the financial and non-financial rights of the worker, the rights of the worker after the expiry of the employment contract and the guarantees for securing these rights, and the second book was about "Human Rights in the Code of Criminal Procedure", which is of eleven chapters dealing with the human right to dignity, not restricting his freedom, the sanctity of his private life, and the right of the accused to be tried before his natural judge, and the right of the accused to exercise the rights to defence, presumption of innocence, and the right to a fair and full trial, the right to appeal decisions, and the right of the accused to the invalidity of the illegitimate criminal procedures and for the court to preclude illegitimate evidence, in addition to the right of the accused to abatement of criminal proceedings and the punishment by virtue of prescription . The third book was titled "The National Institution for Human Rights in the Kingdom of Bahrain," which occurs in three chapters, which pivot around human rights "concept and frameworks" and the national institutions for human rights, and the National Institution in the Kingdom of Bahraini terms of establishment, formation, duties, powers and independence, in addition to the mechanism of receiving complaints, monitoring, national and international cooperation in the field of human rights, the action plan and future horizons.
27. Actually, the Institution interacted with international events related to promoting human rights in society, where it issued during the year 2017 a number of statements on the occasion of the International Women's Day, the Arab Human Rights Day, the International Day for the Elimination of Racial Discrimination, the World Health Day, the World Press Freedom Day, the World Elder Abuse Awareness Day, the International Day in Support of Victims of Torture, the International Day of Peace, where these statements aimed to introduce the public and all those concerned with the day or the international occasion, while stating its significance.
28. With a view to enriching the academic and intellectual aspects related to human rights among the public, the National Intuition for Human Rights held a seminar on "Human Rights and the Environment," where this seminar aimed to spread and instil the principles of the culture of environmental right in institutional practices and social concepts, to develop awareness and devote care to the right to the environment, and to ensure safeguarding this right from any faulty practices. Actually, the seminar treated the topic of the legal, administrative and judicial mechanisms for protecting the environment, and the topic of social responsibility to promote the culture of environmental protection. This seminar was characterized by the wide participation of the representatives of the executive, legislative and judicial authority, civil society organizations, and a number of those interested in environmental issues.
29. In conformity with the strategy and action plan of the institution in the field of spreading the culture of human rights in accordance with best practices in line with international standards, the National Institution has through SMSs and social media implemented an awareness raising campaign aiming

to fostering the culture of awareness of the rights of domestic workers in accordance with national legislations and relevant international and regional instruments and conventions.

30. Moreover, the National Institution, in its striving to convert knowledge of human rights into practical skills, held a training program for the students of the ninth summer camp to prepare the youth of the future particular to the Royal Police Academy, where the training addressed topics related to human rights and voluntary works, the right to life, the right to health care, and the right for care of the disabled child, and, also, the Institution held a lecture on “international humanitarian law” for the law students in the Applied Science University.
31. In this connection, the National Institution has contributed effectively to the “the legal human rights clinic in the University of Bahrain,” which is a practical training program for the Faculty of Law students for purposes of acquiring skills in the field of human rights, through offering workshops and visual presentations on the role of the National Institution in the field of promoting and protecting human rights, where the program lasted for fifteen weeks addressing the specialization of the Institution in the field of promotion of human rights, in addition to its role in the field of protecting human rights through elucidating the mechanism for receiving complaints and the related procedures, and offering legal assistance and consultation, alongside its role in the processes of monitoring human rights violations.
32. To implement the action and strategic plan of the National Institution for Human Rights for the years 2015-2018, the National Institution has organized in partnership with the Bahrain Institute for Political Development and the Institute of Judicial and Legal Studies a “legal” program for public sector employees, where the Program aimed to develop the culture of those working in the public sector in the constitutional, legal and human rights fields, and rendering it a culture and daily pattern of life and conduct to be exercised in public office, and which treats the following topics: the basic rights and freedoms in the Constitution of Bahrain and the National Action Charter, the rights and obligations of the public employee in Bahraini legislation, the role of the Audit and Financial and Administrative Control Bureau insofar as overseeing public wealth, the International Bill of Human Rights, the skills of analysis and interpretation to render national legislations consistent with international human rights standards, the international, regional and national mechanisms for promoting and protecting human rights, the principles and foundations of the reform project in the Kingdom of Bahrain, the rights and guarantees of the contractual party in the Kingdom of Bahrain, the rules and guarantees related to the exercise of the public employee exercising political rights and freedoms, the methodology of writing legal reports, legal and democratic development in the Kingdom of Bahrain, the right of the public servant to retirement, administrative and judicial oversight and its role in protecting the rights of the employee and public office, academic research skills in the legal field as relates to human rights, administrative good governance and its role in promoting transparency and protecting human rights.
33. In the same context, and emanating from the role of the National Institution towards civil society which is considered a fundamental partner in the field of promoting, protecting and enhancing



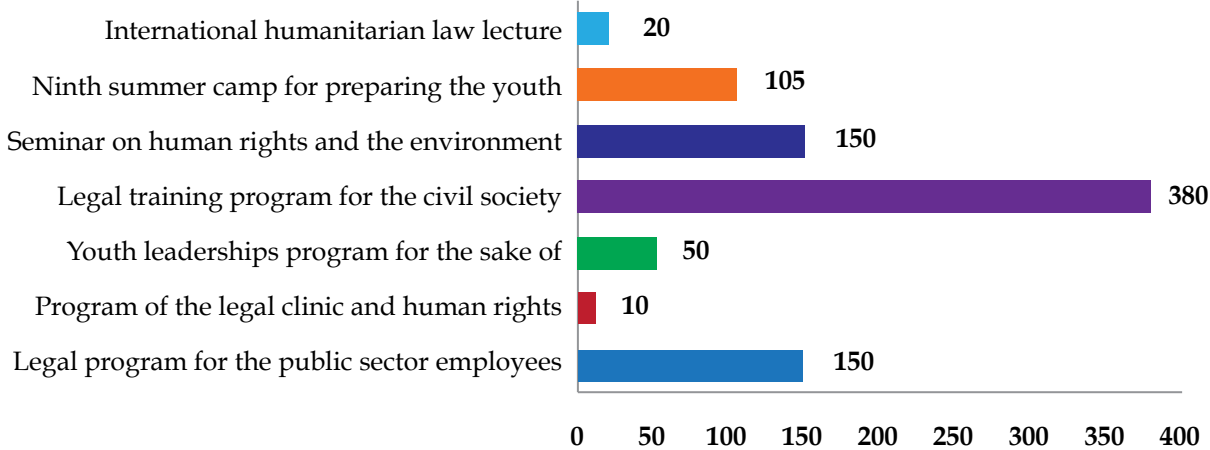
human rights, the National Institution has organized in cooperation with the Embassy of the Netherlands a training program targeting civil society organizations in the Kingdom of Bahrain, and the program aimed to enhance and develop the civil society organizations capacities in the field of human rights, and to render them a culture and way of life, where three hundred and eighty individuals from among civil society organizations affiliates participated. Actually the training program tackled a constellation of topics related to raising the awareness and capacities of those affiliated to civil society organizations of their role in protecting and promoting human rights, and most important of these topics: the international and regional mechanisms for promoting and protecting human rights, civil society organizations and their role in promoting and protecting human rights, the rules of exercising freedom of opinion and expression, methodology of preparing parallel legal reports, and monitoring and documentation in the field of human rights.

34. Moreover, the National Institution devoted care to the aspect of training of the youth segment, where it prepared in cooperation with the Embassy of Netherlands an intensive program for youth under the heading: youth leaderships for peace and human rights, which addressed topics related to peace and human rights, and most importantly: human rights and good governance, the process of peace building, advocacy campaigns, and around fifteen youths availed of this program from among those affiliated to youth associations and university students.
35. Moreover, the National Institution was keen on building the capacity of its staff by participating in a number of workshops and local training courses, including a training course on the rights and duties of an employee in Bahraini legislation, a training course on the analysis and interpretation skills to produce synergy between national legislations and international human rights standards, a training course on the international, regional and national mechanisms for promoting and protecting human rights, a training course on monitoring and documenting in the field of human rights, a training course in international humanitarian law, and a workshop elucidating the mechanism of applying the bill project of the government sector.

Table showing the number of training programs and events implemented in 2017

Number of training programs and events	Number of lecturers	Number of beneficiaries	Number of days	Number of hours
40	41	865	56	160

Explanatory chart showing the number of beneficiaries of training events and programs for the year 2017



## Section II: Progress Achieved and the Efforts and Activities Implemented in the Field of Protecting Human Rights

1. The Provisions of Law Number (26) of 2014 establishing the National Institution for Human Rights amended by Decree-Law Number (20) of 2016, emphasizes the role of the National Institution in the field of protecting human rights, through receiving complaints related to human rights, and undertaking field visits to monitor human rights conditions at detention centres.
2. Whereas Article Number (12) of the same Law in Paragraph (e) thereof provides that the National Institution has jurisdiction “to monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities.”, and Paragraph (f) thereof provides that its power is to: “To receive, examine and research complaints related to human rights and refer them, if necessary, to the relevant authorities with effective follow-up, or enlightening those concerned with must-follow procedures and help them to implement them, or assist in the settlement with relevant authorities.”.
3. As to field visits as one of the means of monitoring granted to the National Institution, Paragraph (g) of Article Number (12) thereof stipulates its jurisdiction: “To perform announced and unannounced field visits, to monitor human rights situation in Correction institutions, detention centres, labour calls gathering, health and education centres, or any other public place in which it is suspected that human rights violations are taking place.” These are jurisdictions that are in general related to the role of the National Institution in the field of protecting human rights.
4. This stipulation represents an emphasis on the necessity of expanding the jurisdictions in the field of protecting human rights in a manner consistent with international resolutions in this regard, and the required protection should not be confined to receiving complaints, but extends to the process of following up and monitoring a human rights case or situation while documenting it by various means, such given that the monitoring process is necessary for ascertaining the extent that the state respects its legal or international obligations related to human rights.
5. To put into effect the jurisdictions included in the provisions of the Law, the National Institution played an energetic role in the field of protecting human rights, where it interacted with some events which cast their shadow on human rights and issued several statements on separate occasions, and expressed its deep regrets in one of those statements for the death of a member of Police as a result of fired shots which led to his death, in addition to its follow up with extreme concern the events related to the kidnappings and the assault on youth and boys from among citizens in some of the areas of the Kingdom, which led to their suffering various injuries- some of which were characterized as serious- as a result of an exchange of fire and stones between two groups of veiled men, while expressing its condolences and consolation to the relatives of the deceased and the injured.

6. Moreover, the National Institution expressed its condemnation concurrently of the use of violence against the Police, and its intense rejection of those abominable violent actions which targeted the life of citizens, and called upon the members of society to be vigilant and not to be drawn to the calls for violence, while adhering to peaceful action and defending legitimate demands by available legal means guaranteed by the Law, alongside adhering to national unity and promoting the values of peaceful coexistence between the segments and components of Bahraini society, and to be distant from all that may intensify hatred and deepen divisions, and it also called on the competent quarters to necessarily apply the law in a manner circumscribing resorting to violence and strive to encourage peaceful activity in the exercise of freedom of opinion and the right to expression guaranteed by the Constitution of the Kingdom of Bahrain and the relevant national and international legislations.
7. Moreover, it issued a statement deploring the events related to the injury of 31 security personnel and the death of a number of citizens in one of the areas of the Kingdom, such during the police forces implementing a security operation aiming to remove a number of legal violations which were a hindrance to the movement of citizens and which led to a hampering of their interests while constituting a risk to their safety, and it lauded the efforts of the security forces in restoring security and safety.
8. At a related level, the National Institution issued a statement in which it expressed its intense condemnation of the explosion targeting the life of security men in the course of their performance of duty in one of the villages of the Kingdom, which led to the death of a policeman and the serious injury of two others, where the Institution renewed its extreme condemnation of such crimes given that they constitute a gross violation of human rights, while emphasizing the importance of effecting a balance of sorts between fighting terrorism and respecting and protecting human rights and public freedoms to ensure the desired solidarity between the State and society, which is inescapably essential for the success of the efforts of combatting terrorism in implementation of Security Council Resolution (1373).
9. In the same context related to the protection of human rights, the National Institution attended a number of trial sessions which had an echo in public affairs, including attending the sessions of trial of three persons accused of gaining money without licensing and money laundering, and also attended the trial sessions in which an individual who accused of transmitting false news, statements and rumours concerning the domestic situation in Bahrain through his tweets on Twitter, in addition to another case where he was accused of transmitting false news and statements and intentionally spreading sensationalist propaganda in times of war which does harm to military preparations and operations, and insulting publicly an official quarter, through posting a number of blogs on Twitter.
10. The National Institution emphasizes in this regard, that its attendance of the trial sessions was for purposes of being informed and to ascertain the soundness of the judicial procedures and the achievement of justice in the trial of the accused, and is of the view that the procedures of the competent court and its dealing with the proceedings of the trial- insofar as the cases it attended-

conformed with the basic principles of human rights and the legal rules and parameters, in addition to activating the guarantees of a fair trial, where presumption of innocence was observed, and that the accused is innocent until his guilt is proven in a legal trial where the necessary guarantees are secured to exercise the right to defence in all the phases of investigation and trial in accordance with the law.

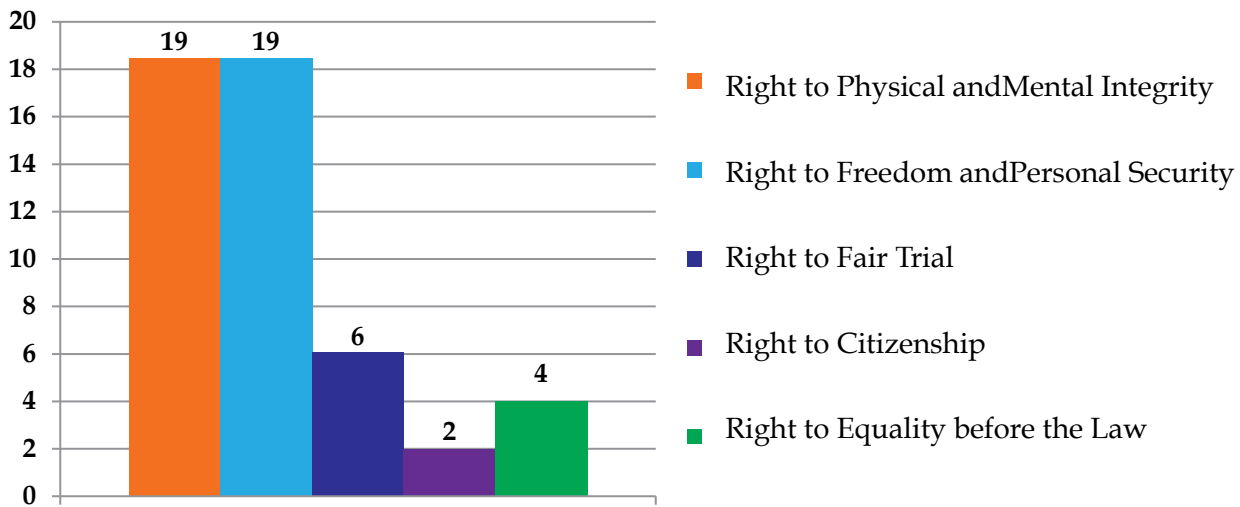
11. Accordingly, it is the view of the National Institution that the right to a fair trial is considered one of the standards of international human rights law which aims to protect persons from a diminution of their rights related to their legal positions before the judicial body, and an essential foundation of a fair trial stipulated in international instruments and conventions starting with the Universal Declaration of Human Rights (UDHR), where Article (11/1) thereof provides that: "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.", and followed by the International Covenant on Civil and Political Rights which states in Article (14/3-b) thereof that: "To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;" and the Constitution also emphasized the right to defence in Article (20/C) thereof: "An accused person is innocent until proved guilty in a legal trial in which he is assured of the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law.". It may be noted that it is beyond the competence of the National Institution to evaluate the decisions issued by the judicial authority given that there are other legal means through which those decisions may be challenged or appealed.
12. The National Institution monitored in one of the local newspapers a news item on the deprivation of a new-born from the Bahraini passport due to the resemblance between his name and a wanted person who is barred from travelling, and due to this the National Institution pursued the matter with the concerned quarters which implemented the recognized legal procedures and the matter was settled.
13. Moreover, the National Institution mentioned what was circulated in the social media concerning the exposure of a lady of Arab origin to physical violence committed by her divorced husband, which caused several wounds some of which were described as serious, and consequently the National Institution visited the mentioned person at Al-Salmaniyya Medical Hospital and recorded her demands, and also, her case was followed up on with the concerned quarters in order to ensure providing the necessary protection for her and her children.
14. At a related level, the National Institution followed up with great care the proceedings of the case of the aforementioned victim of violent assault before the minor Criminal Court, which issued a decision to imprison the accused for one year from the date of pronouncing the sentence, and in this regard the National Institution lauds the efforts of the judicial authority in the rapidity of deciding in the case with a view to fostering the fulfilment of rights and public freedoms, and it also values the efforts of the Ministry of Labour and Social Development which secured protection for the children of the victim of physical abuse by sheltering them in Dar Al-Aman in response to her request.

15. At the level of the right to education and providing a safe school environment for the child, the Institution monitored through local newspapers a case of assault by a teacher of a student in the elementary stage by beating, and as a consequence of this the National Institution addressed the concerned quarters which pursued the accepted legal procedures in this regard and the necessary measures.
16. And within the framework of the keenness of the National Institution to develop and modernize the mechanisms of communication with the citizens and residents with a view to attaining the highest levels of protection and promotion in the legal context, the new communication centre service was inaugurated on the free hotline number (80001144) to receive complaints, requests for assistance and any inquiries related to its work, and this service emerges to be added to a set of other services through which all the citizens and residents may communicate with the National Institution whether by being personally present or through its website or through its official pages on the social media or through the mobile phone application, such to respond to any complaints or requests for assistance or other related inquiries.
17. And in order to announce this service the National Institution conducted a promotion campaign about inaugurating its hotline through the various media including the audio visual media, local, Arab and foreign daily newspapers, in addition to the social media.
18. In a related context, the National Institution followed up the appeal of (27) Bahraini workers to look into their situation to secure a livelihood and to consider their humanitarian case whose services were terminated and who work for the Qatar Airways (Kingdom of Bahrain branch). In fact the National Institution emphasizes that the right to work and the labour rights are among the important principles upon which are based human rights, and that the right to suitable work is guaranteed in international human rights covenants and conventions, and human dignity and family stability are rightly considered key to the flourishing of societies.
19. Accordingly, the National Institution urges all concerned parties, and in particular Qatar Airways (owned by the Government of Qatar) to respect this right, such emanating from the principles provided in the International Covenant on Economic, Social and Cultural Rights, the relevant International Labour Organization conventions, the Arab Charter on Human Rights (ACHR) and the Gulf Declaration for Human Rights.
20. Hence, the National Institution- through its legal position and as a part of the Global Alliance of National Human Rights Institutions (GANHRI) - endeavours to closely monitor the situation to ascertain that the basic rights of the citizens of both states are not negatively affected.
21. Within the framework of the jurisdiction of the National Institution in the field of protecting human rights, the Institution played an active role insofar as receiving complaints related to human rights of various types, while studying them and referring them to the competent quarters while following

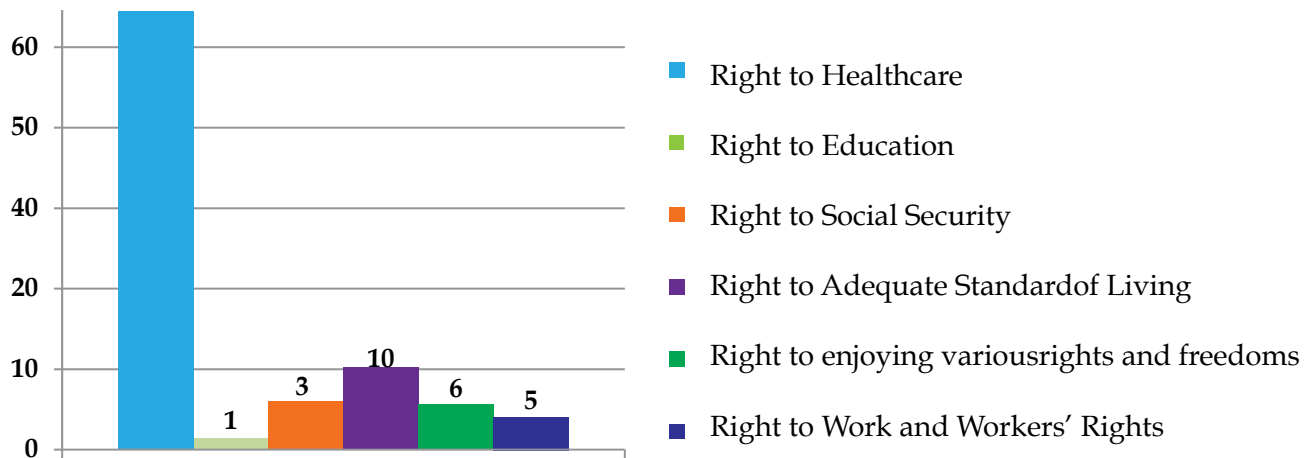
up on them effectively or pointing out to those concerned the measures that should be adopted and help them to adopt them or assisting in settling the complaints with the concerned quarters. In fact, the National Institution tackled in the year 2017 four hundred eighty four (484) complaints and assistance which were varied in terms of the rights where violations are alleged.

22. The number of complaints related to civil and political rights was fifty (50) complaints, where the share of complaints related to right to physical and moral safety was nineteen complaints, and nineteen complaints were related to the right to personal freedom and security, and regarding the complaints related to the right to enjoy guarantees of fair trial, these amounted to six complaints, while the Institution received four complaints related to the right to equality before the law, and two complaints related to the right to citizenship.
23. As to the complaints related to economic, social and cultural rights, the total received by the National Institution was ninety one (91) complaints, where the share of complaints related to the right to education was one complaint, and sixty six complaints related to the right to health, and ten complaints related to the right to an appropriate living standard, not to mention three complaints related to the right to social security, and six complaints related to the right to work, alongside five complaints related to the right to enjoy various rights and freedoms.
24. Moreover, the National Institution, since the start of the year 2017 received two hundred and eighteen (218) complaints relating to the right to avail of social security, among which was a complaint relating to non-disbursal of the pension entitlements of a particular person, and another complaint relating to cessation of payment of the cost of living allowance to one who is entitled to it, and two hundred and sixteen (216) complaints on the non-compliance of the business quarters with the provisions of Law Number (59) of 2014 amending the stipulation of Article Number (5) of Law Number (74) of 2006 concerning the care and rehabilitation of the physically disabled which provides for the right of the employee or worker who is disabled or one cares for a physically person from among his relatives of the first level, whose need for special care is attested to by a certificate issued by the competent medical committee, to avail of two paid hours of rest. In fact, the Institution communicated with the concerned parties to find a solution to these complaints.
25. It is the view of the National Institution that the issuance of this amendment to grant two paid hours of rest on a daily basis to the disable employee or worker or the first level relatives of the physically disabled was compatible with the international obligations and commitments of the Government of the Kingdom of Bahrain arising from its ratification of the Convention on the Rights of Persons with Disabilities pursuant to Law Number (22) of the year 2011.

Illustrative chart showing the number of complaints received by the National Intuition related to civil and political rights in 2017

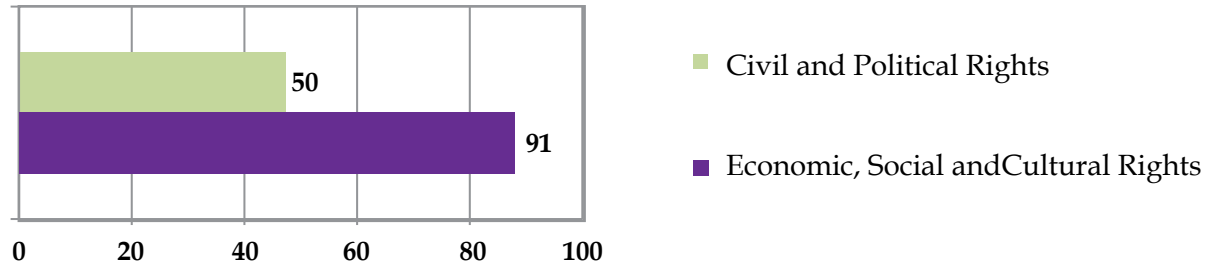


Illustrative chart showing the number of complaints received by the National Institution related to economic, social and cultural rights in 2017

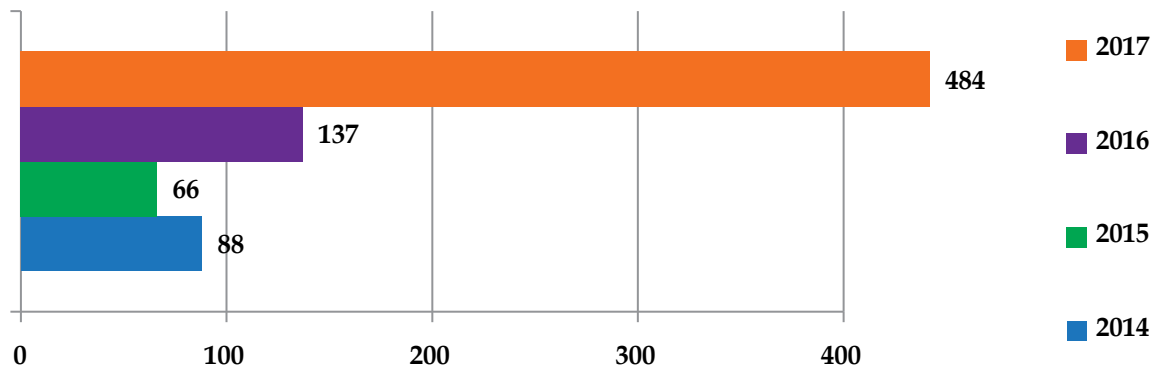




Illustrative charter showing the number of complaints received by the National Institution as relates to various civil and political or economic, social and cultural rights in 2017



Illustrative chart showing the number of complaints receive by the National Institution in the years (2014, 2015, 2016, 2017)



26. To revert to the provisions of Law Number (26) of 2014 establishing the National Institution as amended, insofar as Article Number (12) Paragraph (f) thereof which granted it alongside the authority to receive complaints, the authorization to provide legal assistance, through enlightening those concerned with the procedures that must be taken and assisting them to follow them, or helping to settle them with the concerned quarter, the National Institution adopts a role in providing legal assistance to individuals or any quarter, whether such is on the occasion of filing a complaint indicating that the National Institution has no jurisdiction in its view, or upon requesting such legal assistance initially, such by elucidating the procedures that must be followed and assisting in adopting them prior to resorting to the National Institution, while affirming the necessity of exhausting all the means for obtaining fair treatment, administrative or legal aggrieving as the case may require, or to notify the competent security quarter, or to refer to another quarter with true competence to consider the request.
27. The National Institution received three hundred forty three (343) requests for assistance and legal advice, some of which were related to personal issues or disputes between individuals, or matters considered before judicial or administrative investigative quarter, or relates to the request to release of convicted or detained persons, or consider the soundness or invalidity of the accusation, or issues where the Institution has no competence to consider given that they occurred outside the territories of the Kingdom, and communication with the concerned quarter took place concerning some of them for humanitarian reasons even though the Institution is not competent to consider such.
28. To put into effect the jurisdiction of the National Institution to conduct announced and unannounced field visits, to monitor human rights conditions in reform institutions and detention canthers, labour places of gathering, health and educational canthers, or any other public place suspected of being a location where human rights are violated, the National Institution prepared a schedule to perform visits to the reform, rehabilitation and precautionary detention centers for purposes of inspecting the conditions of those centers and the persons whose freedom is restricted and to ascertain their compatibility with the relevant national legislations and regulations, and the international human rights conventions.
29. In consequence, the National Institution conducted an unannounced visit to the women's Reform and Rehabilitation Centres in the city of Isa with a view to inspect closely the situation of those whose freedom is restricted, and its compatibility with the regional and international human rights conventions and other relevant standards, particularly those related to the absorptive capacity of the Center, and the extent of the right of the inmates and detainees to communicate with the outside world, their availing of healthcare, their occupational rehabilitation, the quality of the food offered to them, their physical health, and exercise of sports.
30. In fact, the delegation of the National Institution met the employees entrusted to apply the law in the various sections of the Center, in order to ascertain the presence of the suitable environment which fulfils the dignity of woman and guarantees her the maximum levels of protection, where the

delegation was informed of the guarantees offered to the inmates to enable them to communicate with the outside world through availing of visits and making telephone calls, or written correspondence and the filing of complaints.

31. The delegation of the National Institution was keen to emphasize the importance of limiting and avoiding resorting to solitary confinement of women based on the General Comment Number (20/44/) on Article Number (7) of the International Covenant on Civil and Political Rights, and the absolute prohibition of mistreatment and use of means of restricting freedom, and also the use of force in any case whatsoever.
32. At a related level the delegation was informed of the Articles of Association of the Centre and all the instructions and details of rights and obligations which the Centre guarantees upon registering the inmates, while taking cognizance of all the rehabilitative and awareness effort undertaken by those responsible at the Centre to guarantees that the female inmates enjoy their rights with a view to reintegrate them to become an effective element in society in a manner achieving the vision and aim for which their freedom was restricted while affording them the necessary protection..
33. The delegation of the National Institution, during the unannounced visit to the Centre, met (28) female inmates and provisional detainees- based on their request- and it also toured unaccompanied by any of the Centre personnel, where their complaints and requests were recorded and their needs were investigated, as a prelude to adopting the suitable decisions regarding them by coordination with the administration of the Centre, and thereafter they were individually met at an independent place without the supervision of the administration and personnel of the Centre.
34. Perhaps most prominent among those interviewed by the delegation of the National Institution was one of the female activists in the field of human rights, who is accused in a criminal case presently being heard by the courts for purposes of ascertaining her personal conditions and her health and psychological state and the extent of being able to communicate with the outside world and her availing of guarantees for a fair trial, where previously the relatives of the accused filed a complaint with the National Institution requesting intervention and assistance to allow them and their relatives to extend the time of legal visitation at the Reform and Rehabilitation Centres, and to allow them to bring in some of the personal requisites of the detainee, and they also requested following up and guaranteeing the fair trial of the detainee. The detainee confirmed the veracity of the demands aforementioned and submitted by her relatives, adding that she requests assistance to meet her attorney.
35. The delegation of the National Institution emphasized to the accused the prior approval of the public prosecution of her demand for a meeting submitted by her attorney, and that the National Institution has knowledge of the approval issued by the public prosecution of the request for meeting the attorney through following up almost on a daily basis of her investigation file with the public prosecution.

36. Moreover, the National Institution undertook an unannounced visit of the Juveniles Care Centre established in 1973 as a centre for reforming and rehabilitating juveniles, which increasingly developed in conjunction with the enactment of the provisions of the Decree-law Number (17) of 1976 concerning juveniles, culminating with the establishment of a more advanced specialized centre that is dedicated to juveniles and that includes most of the services needed by this segment, where the delegation of the National Institution inspected the public and private facilities of the Centre, and the places of detention and quarantine, and met most of the juveniles in the Centre from among males and females separately.
37. Moreover, the delegation of the National Institution inspected the school inside the Centre and met with the teaching staff and perused the syllabi, and the delegation completed its tour by visiting the specialized vocational workshops related to carpentry, electricity and agriculture regarding the male juveniles, and coiffure and household management as regards female juveniles.
38. As to healthcare, the National Institution has previously visited the concerned clinic at the Centre given that it is allocated for the segment of detainees and inmates at the Reform and Rehabilitation Centre and provisional detention of women, which is a health clinic that operates round the clock.
39. Concerning psychological care, the juveniles in need of psychological care are referred by the social workers (specialists) to the psychiatrist present at the Center, who would in turn refer the cases in need of psychological care to the Psychiatric Hospital in coordination with the medical center at the Ministry of Interior.
40. In a related context the National Institution visited detention Center for males and females, with the aim of ascertaining the extent of the availability of a suitable environment which achieves the dignity of the male or female detainee, in a manner guaranteeing to them the maximum level of legal protection in accordance with the national, regional and international human rights standards, where the delegation of the National Institution observed the services offered at the Center, and the mechanism of placing the detainees in it, including the performance of primary medical examinations for them, and it also perused the statements which showed that the absorptive capacity of the buildings available reaches (450) male and female detainees, while the unoccupied present number of those buildings is less than that.





## **Chapter III: Main Issues of Direct Impact on the Human Rights Situation in the Kingdom of Bahrain**

### **Introduction:**

The human rights situation is like other cases which are influenced by conditions and variables which arise in society, whether those variables which carry a positive character which enhances the human rights situation in the State, or a negative character which renders those rights amenable to violation, while those conditions and variables could be the product of security or economic or political events which have befallen society, or the result of violations and excesses which have afflicted society in terms of its gains, resources and capabilities.

Hence, this Chapter will address issues of special importance which the National Institution finds that they constitute a turning point in the human rights trajectory in the Kingdom of Bahrain, which have influenced the efforts to promote and protect human rights, principally the role of human rights advocates in the field of promoting and protecting human rights in addition to the rights and obligations which rest on their shoulders; and the second issue is related to expatriate manpower which relates to showing the actual condition of that manpower in the Kingdom of Bahrain and the challenges faced by official and non-official quarters in this regard. The third issue pivots around the right to health care, while the fourth issue is anchored in the right to education, given that both rights are among the foremost economic, social and cultural rights in the domain of human rights.

## Section I: Role of Human Rights Advocates in the Field of Promoting and Protecting Human Rights

1. The movement of the human rights activists is considered a part of a global movement aiming to monitor the human rights and basic freedoms situation and to also monitor the violations that take place in this regard with a view to remedy them or to prevent their occurrence, alongside developing and improving the performance of laws in force and official practices in a manner compatible with relevant international instruments and standards in the human rights field, and which assures that all the rights and basic freedoms are immune from infraction.
2. The human rights advocates are known through the work that they perform and not by their professions or job description or the organization for which they work, where it would be possible for them to be among the community leaders, journalists, lawyers, union members, students or the members of organizations operating in the human rights field.
3. The nature of the activity of the human rights advocates could depend on the type of activity and the practice or measures which they wish to resist or tackle, or the nature of what concerns them based on their professional position as relates to the nature of what they try to prevent or resist. Thus among the human rights activists there are those that gather and publish information about human rights violations, such as journalists, researchers, and bloggers, and among them could be those that defend democratic accountability and strive to circumscribe administrative and financial corruptions and the abuse of authority.
4. And among them could be those who defend the victims of human rights violations guaranteed by international regional and national instruments and conventions, most importantly civil and political rights, where some human rights advocates could tackle certain human rights violations exclusively, mistreatment or inhuman or degrading treatment, while others are active in defending the rights of particular groups or segments within a population which are subject to discrimination or deprivation, such as native inhabitants groups, ethnic or religious minorities, women and children, and there are among those advocates who are of the view that their mission lies solely in promoting human rights and entrenching their values, and spreading awareness about them among the public, and guiding them towards the means for availing of them in actual reality.
5. Notwithstanding such diversity, there exist common features for the human rights advocates, for all of them adhere to a fundamental principle represented in the universality of rights and their comprehensiveness, and in essence the fact that all people are equal in dignity and rights, irrespective of their racial origin, ethnicity, nationality or other characteristics. Moreover, all the advocates of human rights commit within the context of their activities to respect the rights and freedoms of others.
6. The UN Declaration on Human Rights Defenders<sup>8</sup> elucidates the rights related to the activities of the human rights advocates in particular, and the responsibilities on the shoulders of states in

<sup>8</sup> This is an international instrument related to the right to defend human rights, which was adopted by the UN General Assembly by virtue of General Assembly Resolution Number (53/144) dated 10 December 1998.



enabling them to effectuate their assigned role under the aegis of legal protection, and within a margin of freedom, and without obstacles hindering their work.

7. Accordingly, the **Office** of the UN High Commissioner for Human Rights (OHCHR) defined the phrase (Defenders in the field of human rights) as “a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained.”<sup>9</sup>
8. Moreover, the special rapporteur concerning with the situation of human rights advocates referred to the same meanings: “Human rights defenders are people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained.”<sup>10</sup>
9. Even though the UN Declaration on Human Rights Defenders did not include a directly a definition of the human rights advocates, reading Article 1 of the Declaration which provides that: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” yields the observation that the Article explained the nature of the activity of the human rights advocates, and this stipulation or text intrinsically expounds the concept and signification of the phrase “human rights advocates” through stating the nature and field of activity.
10. And a reading of the text of the UN Declaration on human rights defenders leads to observing that it encourages all without exception to become human rights advocates, where some of its provisions, in Article 10,11, and 18 delineate the broad outlines of the responsibilities of all without exception for the sake of promoting and protecting human rights, and to preserve democracy and its institutions, and not to violate the human rights of others, but Article (11) bears a special reference to the responsibilities of persons who practice professions which may impinge on the basic rights of others. In other words, the Declaration does not require a particular organization, or the recognition of any quarter, to acquire the capacity of human rights defender, but rather asks and urges everyone to shoulder this mission.
11. At the level of national legislation the legal system in the Kingdom of Bahrain does not provide an explicit stipulation that regulates and governs the activity of the defenders or activists in the field of human rights, but through examining a constellation of basic rights and freedoms recognized by the Constitution of the Kingdom of Bahrain, particularly as relates to the freedom of opinion and the right to expression, the right to peaceful assembly, and the right to organize, it may be observed that they represent tools enabling the advocates to effectuate their role in the field of promoting and protecting human rights, as rights for all without any discrimination for whatever reason.

<sup>9</sup> Official website of the Office of the High Commissioner for Human Rights.

<sup>10</sup> Report of the special rapporteur concerned with human rights advocates submitted to the UN General Assembly in Session (63), Document Number (288/63/A).

12. Thus, the Constitution of the Kingdom of Bahrain provides in Article (23) thereof that: “Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise”. Moreover, the Constitution guarantees the right to form associations and unions, whose formation is usually for purposes of defending human rights and freedoms, where Article (27) thereof provides that: “The freedom to form associations and unions on national principles, for lawful objectives and by peaceful means is guaranteed under the rules and conditions laid down by law”.
13. Actually, Decree-Law Number (21) of 1989 enacting the Associations Law and amendments thereto, and Decree-Law Number (33) of 2002 enacting the Labor Union Law as amended, and Law Number (47) of 2002 concerning regulating the press, printing and publishing, emerged to regulate the exercise of those rights actually in a manner consistent with the relevant international standards, where those rights in their totality present the foundation from which the human rights defenders proceed. And in view of considering the work of the human rights advocates as being anchored in those rights and freedoms, and particularly insofar as what they express in opinions and positions concerning human rights violations, their activity derives legitimacy from those legal stipulations which guarantee to them the exercise of this role.
14. At the level of the international human rights conventions and instruments the United Nations laid down the rules necessary for protecting the activities of human rights activists in accordance with the UN Declaration on Human Rights Defenders which reaffirmed the importance of giving due regard to the principles and aims of the United Nations for the sake of protecting and promoting the fundamental rights and freedoms of all peoples in all the countries of the world.
15. This Declaration is at the forefront of international conventions which directly concern the human rights advocates, while emphasizing the right and responsibility of persons, groups and societal bodies to promote and protect human rights and fundamental freedoms that are internationally recognized. Actually, the Declaration was adopted based on the convergence of the positions at the UN General Assembly, which represents a moral obligation for the states to enforce in accordance with an integrated human rights system whose components complement and reinforce each other. And even though the UN Declaration on Human Rights Defenders is not legally binding, it includes rights that are recognized by other international instruments and conventions concerned with human rights, including the International Covenant on Civil and Political Rights.
16. The UN Declaration on Human Rights Defenders contains a set of rights from which the advocates must avail in order to perform their role in promoting and protecting human rights, and perhaps most prominent of those rights, is the right to form associations, the right to assemble, the right to expression, the right to seek information related to human rights and obtain it, receive maintain and publish it, and the right to submit complaints concerning the governmental policies and procedures related to human rights, and the right to communicate with governmental and international non-governmental organizations without facing any hindrances.

17. Moreover, the UN Declaration on Human Rights Defenders made it the responsibility and duty of every state to protect, promote and effectuate all the human rights and fundamental freedoms, namely: take the necessary steps to prepare the necessary conditions in the social, economic, political and other fields, in addition to providing the necessary legal guarantees to empower all the persons subject to their authority, individually and jointly with others, insofar as availing of all the rights and freedoms stipulated in the Declaration, and to adopt legislative and administrative measures and steps, which are necessary for guaranteeing the actual enjoyment of the rights and freedoms stated in the Declaration.
18. Hence, the role assigned to the human rights advocates is manifested in a constellation of duties, most prominently the call for reforming the legal legislation and regulations to be compatible with the relevant international instruments and conventions, in addition to monitoring the information related to the violations of those rights, alongside supporting and assisting victims and providing legal and technical support or through rehabilitating the victims in consequence of what befell them in physical harm, and strive to integrate them into society. Moreover, the human rights defenders are responsible for supporting the principle of responsibility and preventing evading sanction.
19. At the level of international practices, the Human Rights Committee demanded in 2000- which was replaced by the United Nations Human Rights Council in 2006- to appoint a special representative concerning the human rights defenders, and the Committee's aim from this was to provide the support necessary for implementing the Declaration concerning the human rights advocates and collect information about the condition of defenders in all parts of the world, where the mission of the Rapporteur is principally to protect the human rights advocates by means of submitting reports on the situation of human rights advocates in all parts of the world, and on the possible means to reinforce their protection in a manner wholly compatible with the UN Declaration on Human Rights Defenders, such through analyzing the currents and challenges that face them, and to devote attention to those advocates that are most vulnerable to attack and violations, in addition to issuing urgent appeals to governmental authorities to put a stop to the violations perpetrated against them, or to prevent them, and shall also undertake field visits of the countries, and participate in seminars related to promoting human rights, as well as other activities, while it is incumbent on the Special Rapporteur to submit regular reports to the United Nations Human Rights Council affiliated to the United Nations and to the United Nations General Assembly.
20. Based on the foregoing, the National Institution believes that the Human Rights Defenders enjoy like others the basic rights and freedoms to which alluded the UN Declaration on Human Rights Defenders, in addition to the totality of rights guaranteed in accordance with the international conventions, the Constitution, and national legislation, which are joint rights, in terms of their nature and content, which the State must ensure respecting and not tampering with or restricting in a manner affecting their substance.
21. Perhaps this role assigned to the human rights defenders, converges with the aims of establishing the National Institutions provided in its Basic Law, which necessitates building bridges of cooperation in order to achieve common goals in conjunction with the human rights advocates.

22. It is worthy of mention that the Law establishing the National Institution referred in its last amendment pursuant to the Decree-Law Number (20) of 2016,<sup>11</sup> in the process adopting the recommendation of the subcommittee concerned to necessarily build bridges of cooperation with the human rights defends- along with other quarters- through holding encounters, events and consultations related to the field of work.

## Section II: Women's Rights

1. Attention to women's rights in modern and contemporary societies is the cornerstone of every society where the principles of equality, non-discrimination, justice, and democracy prevail. Nowadays, the degree of progress in the area of human rights, in general, is measured by the extent of promotion and protection of women's rights by the State in its national legislation and practices in the various fields of public life. This calls for greater recognition of women's fundamental rights as well as securing the guarantees of equal and non-discriminatory enjoyment of those rights.
2. Emphasizing the importance of granting the Bahraini women their full rights on an equal footing and without discrimination, which is included in the pioneer reform project of His Majesty the King - May God protect him, the Amiri Decree No. (36) of 2000 was issued to establish the National Supreme Committee, which included six women members, in charge of preparing the draft National Action Charter. In addition, the Amiri Decree No. (17) of 2001 ratifying the National Action Charter was issued, stating in Chapter One that: **"Personal freedoms are guaranteed; and equality for all citizens, justice, and equal opportunities are the fundamental pillars of the society. The onus is on the State to guarantee such for all citizens, without discrimination."**
3. The Constitution of the Kingdom of Bahrain guarantees that women enjoy a number of public rights and freedoms. Paragraph (e) of Article No. (1) of the Constitution stipulates: **"Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections ..."**. It also refers to the need that the State guarantees reconciling the duties of women towards their families with their work in building the society. Paragraph (b) of Article No. (5) stipulates: **"The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic Law (Shari'a)."**
4. These constitutional provisions are the main driving force for the promulgation and amendment of a number of national legislation that guarantee the rights of Bahraini women in the various areas of public life. This constitutional provision also supports the establishment and enforcement of national mechanisms that guarantee the implementation of the different constitutional provisions and national legislation that support the participation of women along the path of development.
5. As regards the international instruments specialized in human rights, the Convention on the Elimination of All Forms of Discrimination against Women, to which the Kingdom of Bahrain

<sup>11</sup> Article Number (12) Paragraph (j) of the Law No (26) of 2014 on Establishment of the National Institution for Human Rights as amended by Decree-Law No. (20) of 2016, which provides "Holding meetings and joint activities, cooperation, coordination and consultation with civil society and non-governmental organizations and various other groups and human rights defenders, and communicate directly with the claims of exposure to any form of abuse, and to report back to the Council of Commissioners".

acceded by Decree-Law No. (5) of 2002, affirms that women shall enjoy all their rights without distinction, exclusion or restriction with the purpose of impairing the recognition of all women's rights in civil, political, economic, social and cultural fields, or any other field.

6. Notwithstanding the fact that the Kingdom of Bahrain, when acceding to the Convention on the Elimination of All Forms of Discrimination, made reservations on Article (2) to ensure its implementation within the bound of the provisions of the Islamic Shari'a, and Article (9) paragraph (2), Article (15) paragraph (4), Article (16) in so far as it is incompatible with the Islamic Shari'a, Article (29) paragraph (1) of the provisions of the International Convention. On the basis of the Decree-Law Number (70) of 2014 amending some provisions of the Decree-Law Number (5) of 2002, regarding the accession to the Convention on the Elimination of All Forms of Discrimination Against Women, the Kingdom of Bahrain responded promptly to rephrase those reservations and is committed to the implementation of Article (2) of the Convention without breaching the provisions of the Islamic Shari'a, and continued to make reservations with respect to Article (9) paragraph (2) without explanation. As for Article (15) paragraph (4), and Article (16), the Kingdom of Bahrain is committed to implementing them without breaching the provisions of the Islamic Shari'a; and it continued to make reservations with respect to Article (29) Paragraph (1) without explanation.
7. In the field of institutional building, the Supreme Council for Women was established by the Amiri Decree No. (44) of 2001 and its amendments, under the chairmanship of Her Royal Highness Princess Sabika bint Ibrahim Al Khalifa, the spouse of His Majesty the King, to be the leading authority for all official bodies in connection with matters relating to women, competent to express opinion and decide on matters relating directly and indirectly to the status of women, to propose general policy regarding the development of women's affairs in the constitutional and civil organizations of the society, and to empower women to perform their role in public life and integrate their efforts into the comprehensive development programs without discrimination against them. The Council also undertakes setting up a national plan to improve the situation of women and solve the problems facing them in all fields.
8. Emphasizing the principle of equal opportunities, equality, and non-discrimination between women and men; Article No. (18) of the Constitution of the Kingdom of Bahrain, stated that **"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,"** since the status of "citizen" is used for women and men equally. Given that the constitutional provisions are read collectively as one indivisible unit; the principle of equality contained in Article No. (18) of the Constitution extends to include all the civil rights and freedoms therein, whether they are civil and political, or economic, social, and cultural, and whether it addresses a man or a woman.
9. The principle of equal opportunity and non-discrimination between men and women in the enjoyment of all rights has been reflected in the provisions of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded pursuant to Law No. (56) of

2006. Article (3) thereof referred to ensuring the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant. In addition, the International Covenant on Economic, Social and Cultural Rights, to which the Kingdom of Bahrain acceded pursuant to Law No. (10) of 2007, affirmed the undertaking of the States Parties to the Covenant to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in it.

10. In all cases, the principle of equal opportunity and non-discrimination in its abstract sense is not always sufficient to achieve de facto and substantive equality between men and women, which means that at times, or in specific circumstances, the State is required to take special measures aimed at achieving gender equality.
11. The principle of equality and non-discrimination is one of the goals of the United Nations Sustainable Development Goals 2030; the fifth goal therein stipulates to “**Achieve gender equality and empower all women and girls**”. This goal, as developed by the United Nations, consists of a set of targets that the States need to pursue and realize through the elimination of all forms of discrimination against women and girls everywhere, and the elimination of all forms of violence against all women and girls in the public and private spheres, including human trafficking, sexual and other forms of exploitation.
12. In addition, these targets include the recognition and appreciation of unpaid care and domestic work through the provision of public services, infrastructures, and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate; and ensuring women’s full and effective participation and equal opportunities for leadership, on an equal footing with men, at all levels of decision-making in political, economic, and public life.
13. Moreover, these targets include ensuring universal access to sexual and reproductive health services and reproductive rights, as agreed in accordance with the Program of Action of the International Conference on Population and Development, and the Beijing Platform for Action and the outcome documents of their review conferences; and undertaking reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
14. These targets also emphasize the enhancing the use of enabling technology, in particular information and communications technology, to promote the empowerment of women; and adopting sound policies and enforceable legislation, and the strengthening of such existing policies and legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.
15. It should be noted that the Sustainable Development Goals 2030 (SDGs), is a Global Plan of Action adopted by the United Nations General Assembly in 2015, and entered into force in January 2016. It consists of (17) goals, and (169) targets, which principally aims at encouraging States over the next fifteen years to take concrete and transformative actions towards building a more sustainable world by bringing together all the relevant governmental and non-governmental bodies. The

SDGs are integrated, indivisible, and global in nature, and recognizes the different capacities and national levels, and respects national policies and priorities. This Plan of Action is built on the achievements of the Millennium Development Goals (MDGs), which was adopted in 2000, and had led development work over the past fifteen years.

16. The National Institution commends the National Plan for the Advancement of Bahraini Women, adopted by the Supreme Council for Women, for the years (2013-2022). The National Plan includes five themes, which seek to ensure family stability in the context of family bonds, empower women's ability and qualification to enhance their competitive contribution in the path of development, which is based on the principle of equality opportunities, and integrate women's needs in development to secure opportunities for excellence in performance and improve their choices towards their quality of life and lifelong learning , through integrated work with partners and allies with the various governmental bodies and civil society institutions, so as the Supreme Council for Women becomes the national house of expertise specialized in women's affairs.
17. In this regard, the National Institution values the launching of the National Model for the Integration of Women's Needs, which is considered a national guide for policy and general strategies makers, legislators and program executors and planners. It sets the general framework for the work of these parties to ensure a true and sustainable integration of Bahraini women in the development process. It also seeks to achieve a balance on the distribution of resources in a manner that reduces and bridges any gaps that affect equity of opportunities for men and women at the national level. Moreover, it specifies the roles and responsibilities of different sectors within the framework of national responsibility to achieve the sustainable effect of integrating women's needs and equity of opportunities. The Royal Order No. (14) of 2011 and the Royal Order No. (12) of 2014 were issued, establishing and regulating the National Committee to follow up the implementation of the National Model in the Integration of women's needs into the government's program of work.
18. Since women are the backbone of the family and the basis of its strength, healthy bringing up, and righteous and sound development, Law No. (19) of 2017 was issued promulgating the Family Law, which came to fill the legislative void arising from Law No. (19) of 2009 issuing the Family Provisions Law (Part 1), which is applicable to individuals belonging to the Sunni school of jurisprudence and does not extend to individuals subject to the Ja'afari school of jurisprudence. Thus, equating the legal status among individuals to ensure the protection of the family in the society, the rules of justice, and equity.
19. With regard to the right to litigation, Law No. (23) of 2015 was issued amending certain provisions of the Law of the Cassation Court promulgated by Decree-Law No. (8) of 1989, under which litigants may contest before the Cassation Court the final judgments passed in respect of litigation over civil, commercial, non-Muslim personal status, and penal matters, and legal proceedings before the Shari'a courts according to the provisions of this Law, with the exception of the legal proceedings related to divorce cases. Thus, it is lawful for litigants to appeal before the Court of Cassation in judgments issued by the Supreme Shari'a Court of Appeal, or the Supreme Shari'a

Court, as an appellate, if a nullification of the proceedings affects the judgment. In this regard, the Department of Shari'a Procedures has jurisdiction over such cases. Hence, the litigants have the right to challenge the judgment before the Court of Cassation - the apex of the judicial pyramid- to achieve justice. This court is allowed to verify the correct implementation of the law and the realization of justice.

20. In this respect, the National Institution values the procedures that preceded and coincided with the promulgation of the Family Law, through the issuance of the Royal Order forming a Shari'a Committee to review the draft Family Law. The committee included ten scholars from the Sunni jurisprudence and the Ja'afari jurisprudence. It is specialized in studying the draft Family Law, reviewing its provisions, and ensuring that it conforms to the provisions of the Islamic Shari'a. The committee submits to the Royal Court a report containing the results of its work and its recommendations on the draft law referred to herein. The work of the committee ends with the promulgation of the Family Law according to the constitutional procedures in place.
21. Moreover, it commends the pioneering initiative of establishing the Family Court Complex, which was founded in compliance with the Royal Order of by His Majesty the King- May God protect him- and upon the recommendation of Her Royal Highness the President of the Supreme Council for Women. It aims to establish a separate building that provides privacy for litigant spouses and keeps their children away from the halls of the court, provide greater privacy to the parties to the proceedings, contribute to strengthening social stability, and consider the psychological conditions surrounding personal status issues.
22. In the context of providing legal protection of the family, in general, and of women, in particular, Law No. (17) of 2015 on Protection from Domestic Violence provides a very important legal framework for the protection of child and family rights. The Law considers domestic violence to be any act of abuse within the family by one of its members against another, whether the act of abuse is physical, psychological, sexual, or economic.
23. With regard to protection of women, in practice, in 2015, the National Strategy for the Protection of Women against Domestic Violence was launched. Throughout the preparation stages of this Strategy, it adopted the principle of full partnership with the concerned parties from the ministries, official institutions, the private sector, and civil society organizations in order to translate these this Strategy into a detailed plan of action based on a specific timeframe that is measured by quantitative and qualitative indicators to assist in the monitoring and evaluation processes.
24. In order to provide the greatest possible stability of the family, Law No (34) of 2005 amended by Law No. (33) of 2009 established the Alimony Fund, which regulated all the matters related to alimony and its disbursement rules, with granting women, whether a wife or a divorcee, priority debts when competing arrears of maintenance.
25. Concerning the implementation of the civil rights of women in particular, especially the right to life, and specifically with regard to the death penalty, the Code of Criminal Procedures promulgated



by Decree-Law No. (46) of 2002 and its amendments establishes a moratorium on the execution of the death penalty for women, as Article (334) of the same Law suspends the execution of the death penalty against a pregnant woman except three months after she gives birth. This provision is in compliance with Paragraph (5) of Article (6) of the International Covenant on Civil and Political Rights, which states that **“Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women”**.

26. Regarding the right of women to participate in political life, and in line with the provisions of Paragraph (e) of Article (1) in of the Constitution of the Kingdom of Bahrain granting women the right to participate in public affairs, Decree Law No. (14) of 2002 on Exercising Political Rights was promulgated. Article (1) stipulates that: **“Citizens, both men and women, shall enjoy the following political rights: 1. To state an opinion in every referendum conducted in accordance with the provisions of the Constitution; 2. To elect members of the Representatives Council.”**
27. In practice, during the parliamentary and municipal elections since its beginning subsequent to the pioneer reform project of His Majesty the King, may God preserve him and protect him, women succeeded in winning in the elections of the Representatives Council and the Municipal Councils, in addition to appointing a number of women in the Shura Council. The Royal Order No. (59) of 2014 set the rules for the appointment of Shura Council Members so as women are properly represented. Moreover, in the area of empowering women in the executive branch as a decision maker, Bahraini women have held the position of minister in the government several times. At the judiciary level, a number of women judges and members of the public prosecutions have been appointed, as well as the assumption of the membership of the Higher Council of the Judiciary and the Constitutional Court.
28. On the economic, social, and cultural rights level, the right of Bahraini women to enjoy an adequate standard of living in terms of access to housing services was regulated pursuant to the Ministerial Decision No. (12) of 2004 of the Minister of Labour and Housing regarding the right of Bahraini women to benefit from the housing services. The Decision included provisions that entitle the working Bahraini women or those having a fixed monthly income and are responsible for someone’s support and do not own any property, the right to benefit from one of the housing services established under the Housing Law and the decisions issued in implementation thereof. The same Decision also grants the divorced women having permanent custody over their children pursuant to a court order or an agreement, and do not own, independently, a private residence, the right to apply for a housing service. This Decision was follow by the Ministerial Decision No. (909) of 2015 of the Minister of Housing on Housing By-law, according to which divorced, abandoned, widowed women without children, or unmarried orphan women have the right to temporary housing only at the discretion of the Housing Committee.
29. On the other hand, the Government has paid close attention to improve the living standards of women by granting the married female employee a social allowance similar to that of male employees, by virtue of the Cabinet Decision No. (77) of 2013 approving the regulation determining salaries, benefits, and allowances, and rules of entitlement for the employees subject to the Civil Service Law.

30. With regard to the rights of persons with disabilities, the National Institution values the promulgation of Law No (22) of 2017 amending Article No. (2) of Law No. (74) of 2006 on the Welfare, Rehabilitation and Employment of Persons with Disabilities, which specified the scope of applicability of the Law to include Bahraini nationals with disabilities and the children with disabilities of Bahraini women married to foreigners who are permanently residing in the Kingdom of Bahrain. This entailed the extension of the rights stipulated in the above mentioned Law to Bahrainis with disabilities, as well as the children with disabilities of Bahraini women married to foreigners, provided the children have permanent residence in the Kingdom of Bahrain.
31. Regarding the right of women to work, the Labour Law in the Private Sector promulgated pursuant to Law No. (36) of 2012 contains many advantages and rights that have created a legal framework aimed at protecting the Bahraini women in line with the relevant International Labour Organization (ILO) conventions. The most important of which is to allow the employment of women during the night period, notwithstanding the exception of prohibiting the employment of women in certain professions, and to increase the maternity leave for women from forty-five days to sixty days, as well as entitling the female worker to obtain an unpaid leave for taking care of her child not exceeding six years of age, of a maximum of six months each time for three times throughout the period of her service.
32. In addition, the Labour Law in the Private Sector entitles the female worker to two hours per day to care for and breastfeed her child until her child reaches six month of age, and a total of one hour per day until her child reaches one year of age. In addition, the Muslim female worker is granted the "Idda", which entitles her to a one month paid leave in the event of the death of her spouse. Moreover, she is entitled to complete the "Idda period" of three months and ten days from her annual leave; and in the event the balance of her annual leave is insufficient, she may take an unpaid leave.
33. In the same context, Law No. (28) of 2012 amending certain provisions of the Public Security Forces Law promulgated by Decree-Law No. (3) of 1982, took the same approach, in which women members of the public security forces are treated in the same way as female civil servant employees regarding the breastfeeding, maternity, and the "Idda leaves.
34. The National Institution values the issuance of the Civil Service Council's decision, which stipulated the establishment of standing committees for equal opportunities in all the ministries and official institutions, provided that the rank of the chair of the committee is not less than an assistant undersecretary and the members are representatives of the main operating sectors in the organization at the level of department directors, including the director of the department of human resources, and equivalent, as a permanent member of the Committee. In addition, it recognizes the issuance of Civil Service Directives No. (4) of 2014 on establishing equal opportunities committees in governmental bodies, which is specialized in setting rules, standards, and plans related to implementing the principles of equal opportunities; achieving full integration of the needs of women in the context of equal opportunities; following up its implementation; and providing advice in

coordination with the Supreme Council for Women and the Civil Service Bureau, if required and according to its competencies stipulated in the Civil Service Law and regulations. This led the legislative authority's chambers, the Shura Council and the House of Representatives, as well as a number of public institutions and the private sector to pursue the same toward the activation of the national model to integrate the needs of women in the framework of equal opportunities.

35. In recognition of the status of Bahraini women and their fundamental role and contribution to the various fields of public life, the Kingdom of Bahrain adopted December 1st of each year as the Bahraini Women's Day on the initiative of Her Royal Highness the President of the Supreme Council for Women, and in coordination with the Bahrain Women's Union and women organizations and committees through consultative meetings in this regard. This national event is one of the events that have started to receive wide attention by all official and private institutions in the Kingdom. It is also an important event to shed light on the landmark achievements and the prominent milestones in the course of Bahraini women's giving, sharing, and participation in driving development in the various fields and levels.
36. This year, the Supreme Council for Women celebrated the Bahraini women in the field of engineering in light of the important contributions they have made over the past 40 years, which began in the 1970s, in particular, in the fields of chemical and civil engineering, architecture, and agricultural and electrical engineering, reaching new engineering specialization fields such as computer engineering and aeronautical engineering. The Bahraini women have demonstrated efficiency, competence and merit in these challenging fields.
37. Within the mandate of the National Institution, namely to receive complaints and requests for legal assistance and advice, it has received thirteen complaints from female citizens and residents on various subjects as follows: four complaints related to the right to an adequate standard of living, four complaints relating to the right to movement, one complaint on the right to work, one complaint on the right to a fair trial guarantees, one complaint from a female citizen claiming to be discriminated against before the law, as well as a complaint about a report that was issued by a government agency that contradicted reality and resulted in some physical and psychological damage, and one complaint that raised suspicion of trafficking in persons. These complaints were dealt with and the appropriate solutions found with the competent authorities.
38. In a related context, the National Institution has received (95) requests related to women for legal assistance and advice. Some of which were connected to personal issues or disputes between individuals or issues brought before a judicial or administrative investigation body; whereas others pertained to requests for their release or the release of their relatives who are convicted or detained, or matters that the institution does not have jurisdiction over having occurred outside the Kingdom's borders. The necessary legal assistance was provided to the women in some cases, and as for the other cases, which fell outside the jurisdiction of the Institution, assistance was provided by contacting the relevant bodies, for humanitarian reasons.

### Section III

#### Rights of Expatriate Workers

1. The right to work is considered one of the most important human rights of various kinds, which requires elements enabling persons to exercise it, given that it is a right necessary for human dignity and demanded by public good in accordance with economic standards and the principles of social justice governing the parties to the work process.
2. Actually, the Expatriate Workers are considered a basic rampart of the job market in view of the investment character of economic life in the Kingdom of Bahrain which represents an attractive place to work given its spiralling economic growth rate, and a large portion of the Expatriate Workers is workers who are attracted to job opportunities and the diverse economic activities in the Kingdom.
3. Hence, the concept of Expatriate Workers is characterized by being temporary employment, given that it is presumed for the worker to return to his country upon the expiry of his employment contract, contrary to the migrant workforce which aims to permanently settle in the host country, and this category does not exist in the Kingdom of Bahrain, given that all the expatriate Workers come to Bahrain in accordance with employment contracts of a definite period.
4. The Migrant Workers represent one of the parties to the work relationship, which represents every natural person who works for a consideration of whatever kind, fixed or variable, cash or in-kind, for a business proprietor and under his management or supervision, while the second party is represented in the business proprietor, who is every natural or moral person who employs a worker or more to perform particular work in the Kingdom for a wage (consideration) of whatever type, fixed or variable, cash or in-kind, and this includes any governmental quarter or institution or public body or company or office or entity or otherwise from among the entities of the private sector.
5. At the level of national legislation, Law Number (19) of 2006 concerning the regulation of the labour market emerged to regulate the work of foreign expatriate workers seeking employment and a livelihood, and the Labour Law in the private sector Number (36) of 2012 emerged to regulate the relationship between the worker and the business proprietor, indicating the rights and obligations of both parties in a manner guaranteeing the enjoyment of the worker of the rights, privileges and suitable legal measures. Moreover, the Decision of the Ministry of Labour and Social Development Number (4) of 2006 concerning obligating the business proprietors of the private sector to transfer the salaries of their employees to banks, and Law Number (1) of 2008 concerning preventing human trafficking, which included in some of its provisions the necessity of providing protection to foreign workers who were subject to the crime of human trafficking, through providing legal protection to them and to prevent the harm resulting from such.

6. Concerning international instruments and conventions, the International Covenant on Economic, Social and Cultural Rights, to which acceded the Kingdom of Bahrain in accordance with Law Number (10) of 2007, addressed the right to work in Articles (6,7), which referred to the recognition of the states party to the Covenant of the person's right to work in a manner freely chosen and accepted by an individual, provided that all the workers avail of a fair wage and an equal remuneration rooted in equal work without any discrimination, while granting to woman conditions of work which are not less than those enjoyed by men, while receiving a wage equal to that of men for equal work, and without overseeing the availing of workers of the right to rest, free time and a reasonable determination of work hours, regular holidays that are paid, and remunerations during official holidays, while giving due regard to providing work conditions which provide and guarantee safety and secure occupational health.
7. The joining of the Kingdom of Bahrain of the International Labour Organization (ILO) in accordance with decree Number (9) of 1977 paved the way subsequently for it to accede to a constellation of conventions related to the right to work numbering a total of ten conventions, whereby the Government of the Kingdom of Bahrain in accordance with Decree Number (5) of 1981 acceded to the: International Labour Organization convention Number (14) of 1921 concerning the Application of the Weekly Rest in Industrial Undertakings, and Number (29) of 1930 concerning Forced or Compulsory Labour, and Number (81) of 1947 concerning Labour Inspection in Industry and Commerce, and Number (89) of 1948 concerning Night Work of Women Employed in Industry.
8. Subsequently it ratified or acceded to a constellation of conventions, such as convention Number (105) of 1957 concerning the Abolition of Forced Labour in accordance with Decree Number (7) of 1998, and this was followed by its acceding to Convention Number (159) of 1983 particular to Occupational rehabilitation and labour (the disabled) in accordance with Decree-Law Number (17) of 1999. Moreover, the Government ratified Convention Number (11) of 1985 particular to discrimination in employment and profession in accordance with Decree Number (11) of 2000, and it acceded in accordance with Decree-Law Number (12) of 2001 to Convention Number (182) of 1999 concerning prohibition of the worst forms of child labour and immediate measures to stop them, and Convention Number (155) of 1981 concerning occupational safety, work environment, and health, such in accordance with Law Number (25) of 2009.
9. The last of those conventions to which acceded the Government of the Kingdom of Bahrain was convention Number (138) of 1973 concerning the minimum age of employment, in accordance with Law Number (1) of 2012, where the ratification or the Kingdom of the Kingdom of Bahrain acceding to the above-mentioned ILO conventions constitutes a commitment to comply with the international standards related to the right to work.
10. While occupational safety represents one of the pillars of labour rights in general and expatriate workforce in general, the provisions of the Labour Law in the private sector and the decisions effectuating it, contribute to achieving occupational safety, such as Decision Number (6) of 2013 concerning protecting workers from the risks of fires at the installations and work locations, and

Decision Number (8) of 2013 concerning regulating occupational safety inside the installations, Decision Number (12) of 2013 concerning notifying about injuries and occupational illnesses, and Decision Number (31) of 2013 to prevent the risks of electricity.

11. This is in addition to the International Labour Organization convention Number (155) of 1981 concerning Occupational Safety and Health and the Working Environment to which acceded the Government in accordance with Law Number (25) of 2009, and all the foregoing in its totality constitutes a system for providing occupational safety related to risks and injuries materializing during work.
12. The Resolution of the Ministry of Labour and Social Development number (3) of 2013 concerning prohibiting work at noon, is considered among the most prominent decisions related to promoting and protecting the rights of expatriate labour, given that it provides for prohibiting the work of workers particularly in the construction contracting field under the sunrays and in outdoor places during the period between noon and four o'clock in the afternoon in summertime, in view of what is experienced by the Kingdom during this season in terms of hot weather and high levels of humidity, which is what could expose those workers to risks as a result of heat exhaustion and exposure to sun strokes and collapsing during work, and it is permissible for the competent ministry to adopt all the legal measures concerning the companies and institutions in breach of the provisions of this Decision.
13. As to the rights of the household expatriate Workers, and whereas the provisions of the Labour Law in the private sector enacted pursuant to Law Number (36) of 2012 excludes domestic workers from being subject to it, with the exception of some articles which addressed some rights, this impels the National Institution to alert to the importance of the existence of legalization regulating their affairs and the affairs of the labour recruitment agencies and the rights and obligations of each party.
14. The mentioned call of the National Institutions consecrates the principle of equality and human dignity for all the workers including household expatriate Workers, such on an equal footing with the national workers without discrimination on grounds of gender or religion or colour or language or creed or origin, where the need has become urgent for a legal system that guarantees to those two segments dignified living and necessary protection against any risk to which they may be exposed, where it is necessary to concede to them a number of rights and privileges at all levels, which are no different than those enjoyed by national workers, particularly in the fields of the necessary social, legal, security and health protection.
15. Whereas it is incumbent for any concerned quarter, whether employee or employer, or who deputizes for them to refer to the Ministry of Labour and Social Development in any labour dispute which could arise between the two parties, such to fulfil the rights of the disputants, particularly since this consulting service is rendered by arbiters and specialists with experience and knowledge in resolving labour disputes, and in accordance with the Law of Labour in the private sector issued by virtue of Law Number (36) of 2012 and the relevant ministerial decisions.

16. Whereas it is incumbent for any concerned quarter, whether employee or employer, or who deputizes for them to refer to the Ministry of Labour and Social Development in any labour dispute which could arise between the two parties, such to fulfil the rights of the disputants, particularly since this consulting service is rendered by arbiters and specialists with experience and knowledge in resolving labour disputes, and in accordance with the Law of Labour in the private sector issued by virtue of Law Number (36) of 2012 and the relevant ministerial decisions.
17. In a qualitative development at the level of the Gulf Cooperation Council of the Arab Gulf states, the provisions of Law Number (19) of 2007 concerning the regulation of the labour market as amended, the foreign worker- without the approval of the employer- possesses the right to move to work for any other employer without prejudice to the rights of the employer in accordance with the provisions of the Law or the stipulations of the employment contract concluded between the two parties, such provided that the foreign worker had passed in his present job at least one Gregorian Calendar year.
18. The Labour Market Regulatory Authority (LMRA) shall grant to the foreign worker upon the expiry or revocation of the issued permit concerning him a suitable period to enable him to move, in case he so desires, to another employer and to have issued another work permit, and it is impermissible for the worker to work during the said period, and concerning determining the procedures for the foreign worker to move to another job and the rules of granting the grace period a decision shall be issued by the Board of Directors of the Commission.
19. In all cases, the worker shall not have the right to move to another job and to avail of the grace period, mentioned in the previous paragraph, in case he loses one condition or more concerning the conditions for issuing the permit, or a categorical criminal ruling was issued against him or concerning a felony violating honour or trust, or he breached the conditions of the work permit issued regarding him.
20. Concerning providing cover and an environment legally protected to the expatriate Workers, a shelter was built under the flag of the Migrant Workers Protection Society, which is considered the first comprehensive center for providing preventive and guidance services to the Migrant Workers, and it also includes a shelter for victims or the person vulnerable to human trafficking crimes.
21. The center (shelter) offers integrated services to the victims or to those who could become victims, represented in providing security protection, medical services and the regular examination of the inmates in cooperation with volunteers from a number of private hospitals, and psychological health services in cooperation with social researchers, and legal consulting and offering legal advice to the detainee and informing him of his rights and the mechanism for availing of them, and aiding him to reach a settlement or filing a lawsuit in courts, and the Centre has direct communication with a number of relevant governmental quarters, and embassies of some of the states exporting labour, in addition to houses of worship for the various religions, and expatriate communities clubs.

22. In a context related to preventing human trafficking the National Referral System (NRS) for human trafficking was issued, which is considered the first at the level of the countries of the region, where it contributes to raise awareness of citizens, residents and expatriate workers all at once, regarding the concepts and practices of human trafficking and their rights in accordance with Law Number (1) of 2008 concerning preventing human trafficking, in addition to reinforcing the procedures of preventing human trafficking, explaining and regulating the role of the various quarters and the mechanism of their dealing with a case of trafficking or the suspicion of the possibility of its becoming a form or type of crime such as this one.
23. Within the framework of tackling the phenomenon of non-regular workers, the National Institution testifies to the efforts exerted by the Labour Market Regulatory Authority (LMRA) in issuing a regulation concerning the “flexible labor permit” which is applicable to the Migrant Workers with canceled work permits, and the Migrant Workers whose work permits are expired and were not renewed by their employers, and excepted from applying it, are the regular workers, non-regular workers, household workers or the workers leaving work.
24. The “flexible work permit” model affords a new opportunity to irregular Migrant Workers to which apply the conditions and work and residence in the Kingdom of Bahrain to the exclusion of the employer to rectify their status within a new regulatory framework, in which the Labour Market Regulatory Authority (LMRA) shall include the non-regular workers within their regulation in accordance with conditions assuring the rights of all the parties to work to safeguard the movement of the market and its actual needs, where this regulation enables the Migrant Workers to avail of the opportunity to be recruited by any employer for a renewable period of two years, and by temporary contracting in any profession that does not require a professional license through full-time or part-time work. Moreover, the regulation allows the worker to depart to and return from his country in an ordinary manner during the validity period of the work visa, in addition to protecting the worker from exposure to any attempts to exploit him or to human trafficking.
25. The workers that benefit from the “flexible work permit” model , are granted a blue card, to be renewed every six month for free to enable them to work in various ordinary non-professional jobs, in addition to the availability of the flexible worker- in accordance with the blue card- to avail of the healthcare services at the governmental centers for free.
26. Moreover, the “flexible work permit” model permits any employer to possibly contract with a worker totally or partially and in accordance with the hours system or days or weeks, whereby this system enables the employers to flexibly benefit from non-professional foreign workers whom they need for limited indefinite periods without need to import new workers for a period of two years, in addition to providing the opportunity to ascertain the extent of the legality of the workers which would prevent any legal accountability arising from such.
27. It is worthy of note, that the Labour Market Regulatory Authority (LMRA) will issue (2000) work permits according to this system monthly such for two years in two professions, namely (flexible



permit) and (Flexible hospitality permit) where the latter has to do with the workers who will work in the sector of restaurants, hotels and barbers and other professions requiring a special medical examination. Actually the Labour Market Regulatory Authority (LMRA) has set the ceiling of the workers under the system on a monthly basis, for purposes of reviewing and remedying any negative impact on the labour market, and the model has actually begun to receive those wishing to avail of it starting from July 2017.

28. The National Institution commends the Labour Market Regulatory Authority (LMRA) adopting the new and compulsory tripartite contract for household workers which organizes the relationship between the employer, the agency owner and the household worker, which emerged based on the outputs of the workshop particular to employment offices, in which participated the National Institution, the employment offices and a number of relevant civil society organizations. This model tripartite contract emerges to guarantee the rights of all its parties, whether the employer or the owner of the employment agency or the household worker.
29. Within the framework of the National Institution building relations of cooperation and coordination with the ministries, governmental bodies and relevant civil society organizations, particularly the National Anti-human Trafficking Committee in cooperation with the Labour Market Regulatory Authority (LMRA), it opened an office at the Centre for the Migrant Workers Protection Society (MWPS), whereby this office would be a conduit between the National Institution and the residents with a view to attaining the highest levels of promoting and protecting the segment of Migrant Workers, and this effort is a fruition of the meetings and encounters undertaken by the National Institution with the Labour Market Regulatory Authority (LMRA) and the Bahrain Association for Employment Agencies.
30. The office of the National Institution in the National Anti-human Trafficking Committee (branch of the Center of the Protection and Support of Migrant Workers) specializes in receiving complaints related to human rights incoming from the Migrant Workers, and to study and discuss them and to refer some of them to the competent quarters while following up on them effectively, or to point out to those concerned the necessity of the procedures and assist them to adopt them, or to help resolve them with the concerned quarters.
31. The efforts of the National Institution to open this office emerges in accordance with the expansive jurisdiction granted to it in the establishment law, through promoting, developing and protecting human rights, instilling their values, spreading awareness about them, and contributing to ensure that they are respected, including the rights of Migrant Workers.
32. Concerning the power and authorization of the National Institution to receive complaints and requests for legal assistance and advise related to the rights of Migrant Workers the National Institution has received twenty six (26) requests for legal aid, which were of varied types including the request for the intervention of the Institution in renewing the residence visa of the assistance requesters, or assistance to know whether there is a criminal lawsuit against others from among

them, in addition to receiving a number of assistance requests arising from the employer not paying the due wages to some of his employees, or assistance to obtain the passport of the requester of assistance arising from its seizure by the employer.

33. The National Institution has, in the wake of receiving the abovementioned legal assistance requests, studied them and expressed a legal opinion on them, and addressed the competent quarters, while some of the incoming assistance requests were kept in file because the outcome materialized or due to the Institution not being competent regarding them.

#### Section IV: Right to Health

1. The term the right to Health occurred for the first time at the international level in the constitution of the World Health Organization 1946, whose Preamble stated that health is “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”, and the same Preamble provided that “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”.
2. The right to health is represented in receiving acceptable, reasonably priced, suitable quality and timely healthcare, and hence it is incumbent on states to provide the suitable conditions to enable individuals to enjoy the highest standard of health attainable, and this does not mean that a person is healthy.
3. The Universal Declaration of Human Rights (UDHR) of 1948 provides in Article (25) that the right to an adequate standard of living is considered an important aspect of the right to life, and the right to health is subject to recognition anew as one of the basic rights enshrined in the International Covenant on Civil and Political Rights issued in 1966.
4. The Committee on Economic, Social and Cultural Rights - which is the committee responsible for monitoring the compliance of the states that acceded to the International Covenant on Economic, Social and Cultural Rights - issued a general commentary on the right to health, and set out through it the basic aspects of this right,<sup>12</sup> represented in considering it a comprehensive right, where it considered the right to life beyond what was defined in the preamble of the constitution of the World Health Organization, for it is a wide spectrum of social and economic factors which produce circumstances for individuals to live a healthy life, and these basic ingredients of health include; securing drinking water, availability of secure and sufficient nutrition, suitable housing, work in healthy and safe conditions, a healthy and clean environment, obtain awareness and educational information as relates to the right to health, and finally gender equality insofar as enjoying the right to health.

12 Al-Waqa'eh Paper Number (31), The Right to Health Care, Issued by the High UN Commission for Human Rights, 2008.

5. Moreover, the right to health includes a constellation of rights and freedoms emanating from it, represented in the right of the person to control his/her health and body, including the freedom to reproduce, the right to not being subject to medical treatment without his consent, and to be secure from being subject to any medical experiments without his consent; and freedom from torture and other forms of treatment or harsh or inhuman or degrading punishment.
6. The right to health includes a set of entitlements including providing a system to protecting health entailing equal opportunities for all to enjoy the highest level attainable in the health field, the right to prevention, treatment and resisting illnesses, rendering the essential medicines available to all, in addition to the necessity of providing a health system which guarantees maternal, childhood and reproductive health, and assures access to basic health services on an equal footing and at the suitable time; this in addition to the necessity of providing information and health education to all, and to involve the residents in the process of decision making connected to health at the national and societal levels.
7. Moreover, the provision of services, goods and health facilities to all without discrimination is considered one of the foremost basic aspects of this right, and by discrimination is considered any exclusion or restriction on the basis of various reasons whose consequence or purposes is to undermine or rescind recognition of human rights and basic rights or enjoying them or practicing them, which is ordinarily connected to the marginalization of particular segments in society which leads to an increased weakness of these segments and their exposure to poverty and bad health.
8. The onus is on the states to commit to prohibiting and preventing discrimination of whatever cause and to guarantee equality to all insofar as enjoying healthcare and availing of the basic components of the right to health. The principle of non-discrimination and equality includes the recognition and the dealing of states with segments with special needs concerning groups that face particular health challenges such as the high rates of death due to exposure to contagious diseases. Moreover, the commitment to guarantee non-discrimination requires the application of particular health standards to particular segments such as women or children or the disabled.
9. The committee concerned with the economic, social and cultural rights has pointed out that it is impermissible for states to justify the lack of protection of weak persons in society from discrimination by virtue of health whether in accordance with a law or in practical reality. Accordingly, it is incumbent on states even in difficult conditions to protect the weak in society such by means of adopting low-cost specially oriented programs.
10. Furthermore, it is necessary to provide all the services, goods and facilities which may be accessible and are of acceptable and good quality, and this can only be through making available the facilities, goods and the effective public services for adequate health care for all in the State, coupled with the possibility of receiving it materially and financially without discrimination for all the population sectors including children, adolescents, the elderly, the physically disabled and other special or weak segments and groups. These available facilities shall extend to encompass obtaining information related to health, receiving it and sending it in understandable form to all including

children and physically disabled persons, while safeguarding the principle of the confidentiality of personal health data. Moreover, the offered facilities, goods and services shall observe medical ethics and give due regard to the gender perspective and to be culturally acceptable, alongside the necessity of providing trained health professionals of a high level of competence, and to provided medications that are suitable for use and scientifically validated, and to provide the hospitals and medical centres with the necessary medical equipment and devices, and ensure the availability of safe and healthy drinking water.

11. It is necessary to mention in this regard the widespread erroneous ideas regarding the right to health, and perhaps most prominently: that the right to health is not itself the right to enjoyment of good health, where some individuals think that it is incumbent on the State to guarantee good health to persons while in fact the good health of a person is essentially influenced by numerous factors beyond the direct control of states, and for instance, the biological constitution of the person and his/her social and economic circumstances, and hence for the sake of precision the right to health shall be described as representing the highest standard attainable in terms of physical and mental health, rather than being the unconditional right to enjoying good health.
12. Moreover, among those widespread ideas is regarding the right to health as being a goal to be achieved in the long term, for even though the right to health is a programmatic goal where due regard is given to gradualism in effectuating it, this does not mean that it entails immediate obligations upon states, where it is on the onus of states to exert all possible efforts within the limits of their available economic and material resources to effectuate the right to health without any delay, and there are also obligations arising immediately upon states that do not require the availability of any material capabilities including, for example, undertaking to guarantee the right to health in a non-discriminatory manner, and formulating particular legislations that regulate and protect enjoyment of the right to health, and adopting action plans for full effectuation of this right. Moreover, it is incumbent on states to provide the minimum level of the essential material elements of the right to health, such as providing vaccinations, basic medicaments, and maternal and child health care.
13. In addition to the foregoing there are numerous other instruments and conventions related to human rights whose contents underscored the right to health, where some of them are characterized by being general, and others address special issues or segments as relates to human rights, and reference may be made to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 to which the Kingdom of Bahrain acceded according to Decree Number (8) of 1990, Article (5) paragraph (e) thereof, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 to which acceded the Kingdom of Bahrain by virtue of Decree-Law Number (5) of 2002, Articles (11,12,14), and the Convention on the Rights of the Child of 1989, to which the Kingdom of Bahrain acceded by virtue of Decree-Law Number (16) of 1991, Article (24) thereof, and the Convention on the Rights of Persons with Disabilities of 2006 ratified by virtue of Law Number (22) of 2011, Article (25) thereof, in addition to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990, Articles (43,28,45).

14. In addition to what is set out in relevant international resolutions foremost of which are the outcomes of the international conference concerned with primary healthcare, which resulted in the Alma-Ata Declaration Issued in September 1978 which emphasized the decisive role of primary healthcare that is addressed to the main health problems in society, and the provision of promotional, preventive and therapeutic services, and the rehabilitation services, and it underscored that access to primary healthcare is the key to attaining a standard of health that allows all persons to live a life that is productive, socially and economically, and that primary healthcare is the basic step towards achieving the highest health standard attainable.
15. As to the national level, the Constitution of the Kingdom of Bahrain guaranteed in Article No. (8) thereof the right to health, where Paragraph (a) thereof states: **“Every citizen is entitled to health care. The State cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions”**, and it was also followed by Paragraph (b) which states: **“Individuals and bodies may establish private hospitals, clinics or treatment centres under the supervision of the State and in accordance with the law.”**.
16. In compliance with this the Bahraini legislator devoted care to the right to health through enacting a number of legislations, most prominently: Decree-Law No. (4) of 1973 as amended concerning Controlling The Use And Circulation Of Narcotic Substances And Preparations and their use, and Law No. (3) of 1975 as amended concerning public health, which contains an elucidation of the health violations, the mechanisms for dealing with them and health conditions, while showing the method of overseeing the public sources of water, and supervision of health facilities, hotels, restaurants and the general condition, and the penalties associated with the violations, and the Decree-Law No. (14) of 1977 concerning the health precautions to prevention of infectious diseases, and Decree-Law No. (3) of 1985 concerning monitoring imported foods, and Decree-Law No. (7) of 1989 concerning practicing the medical profession and dentistry, and Decree-Law No. (4) of 1995 concerning supervision of the use, marketing and promotion of alternatives to mother’s milk, and Decree-Law (18) of 1997 concerning the regulation of the Pharmaceutical Profession and Pharmaceutical centers as amended, and Decree-Law No. (16) of 1998 concerning the transfer and implant of human organs, and Decree-Law No. 17) of 1998 amending some of the provisions of the Decree-Law No. (6) of 1970 Regulation of Registration of Births and Deaths, and Law No. (26) of 2006 approving accession to the WHO Framework Convention on Tobacco Control (WHO FCTC), Law No. (8) of 2009 concerning prevention of smoking and tobaccos of various kinds, and Law No. (25) of 2009 approving the accession of the Kingdom of Bahrain to the International Labour Convention No. (155) of 1981 concerning Occupational Safety and Health and Working Environment.
17. The National Institution lauds in this regard the enactment of Law No. (1) of 2017 concerning Acquired immunodeficiency syndrome (AIDS) and protecting those person living with it, where the Law includes provisions which in their totality address the rights of people living with the HIV virus, and emphasizes that they enjoy all the rights guaranteed by the Constitution and the international conventions ratified by the State and the laws in effect, while each action or refrainment constituting discrimination towards them is prohibited, or which leads to a diminution of their dignity or rights or their exploitation due to affliction irrespective of race and age group, in addition to a statement of the obligations shouldered by those coexisting with the HIV virus.

18. Moreover, the Law established the National Committee for the Fight against HIV/ AIDS and assigned to the executive regulation of the Law the statement of its formation, jurisdiction and the provisions related to it, and the law also did not overlook stating the punishments for violating its provisions and accordingly the National Institutions hopes from the ministry concerned with health affairs to expedite issuing the executive regulation of the Law and the other relevant decisions implementing it.
19. In view of the accession of the Kingdom of Bahrain to the provisions of the International Covenant on Economic, Social and Cultural Rights of 1966 by virtue of Law No. (10) of 2007 which affirms in Article (12) thereof the right of every person to enjoy the highest attainable standard of physical and mental health, where it is incumbent on the signatory state in accordance with the provisions of this international convention to comply with a constellation of or general or specific obligations, including a general commitment to the principle of gradual effectuation, and to implement this principle, it is incumbent on the signatory state to proceed forward as expeditiously as possible, whether individually or due to international assistance and cooperation, and to the farthest limit allowed by its available resources, to promote and protect the right to health, culminating with attaining the highest attainable health standard. Accordingly, it is utterly unacceptable for the state to wilfully take backward steps which diminish for the individuals to enjoy the right to health, and in case it does not adopt such measures the onus is upon it to prove what justifies for it to resort to those steps, such within the context of full use of the utmost available resources.
20. Even though the right to health emerges within the framework of the principle of gradual effectuation, there are immediate obligations upon the State where it is impermissible in any case whatsoever to justify a particular form of conduct within the context of this principle, and particularly for the State to undertake to assure the enjoyment by persons of the right to health without any discrimination and on an equal footing between all those subject to its judicial jurisdiction.
21. As to the particular obligations upon the State which is a party to the International Covenant it is necessary for it to undertake to respect the right to healthcare, and such is by refraining from interfering directly or indirectly in the enjoyment of the right to health, and the respect of the State of the right to health is actualized, when it prevents or restricts the availability of equal opportunities for all persons including prison inmates and detainees or minorities or otherwise insofar as availing of preventive and remedial services, or to refrain from imposing discriminatory practices insofar as the conditions and needs of woman, or refraining from prohibiting or hampering preventive care, or marketing unsafe medications, or refraining from illegal pollution of air, water and soil.
22. It is also incumbent on the State which is a party to the International Covenant to protect the right to health through an obligation entailing for the State to adopt measures preventing third parties from interfering with this right, and the protection of the State shall have been actualized, upon its adoption of all the legislative and administrative measures which guarantee equality and non-discrimination in the opportunities for receiving health care and services provided by third parties (private sector), while guaranteeing that the privatization of the health sector does not imperil the availability of health facilities and services, and the possibility of accessing them, coupled with their acceptability and quality.

23. Alongside the commitment of the signatory state to assure monitoring the marketing of medical equipment and drugs by third parties (private sector), and guaranteeing for all those working in the health field to comply with the standards in terms of education, training, necessary skills, ethical conduct rules, and guaranteeing for the harmful social or traditional practices not to hamper access to care during pregnancy or post-pregnancy.
24. Another obligation upon the State which is a signatory of the Covenant is represented in implementing the right to life through adopting legal, administrative, financial, and judicial measures and other forms of encouragement with a view to full effectuation of the right to health, through: include all persons subject to the legal authority of the State insofar enjoying the right to health, and adopting national health policies and plans accompanied by detailed plans to effectuate this right encompassing both the public and private sectors, and the adoption of programs to immunize against contagious diseases, while presenting and publicizing information related to the healthy lifestyle and nutrition, and the faulty practical practices which impinge on the right to health.
25. As to the level of the practical reality of the right to health in the Kingdom of Bahrain, the latter attached great importance to health with a view to providing the highest standard of health services to all, whether citizens or residents, such through establishing numerous public and specialized hospitals and primary healthcare centres in all areas of the Kingdom while endowing them with state-of-the-art technologies, with a view to improve the quality of life in its diverse health, psychological and social aspects. Moreover, the Ministry of Health plays a major role in setting health policies and following up their implementation, which includes the optimal use of resources as efficiently and efficaciously as possible for purposes of healthcare of high standards.
26. Actually, the Ministry of Health provides healthcare of diverse kinds, to all the nationals and residents through: Salmaniya Medical Complex in addition to five maternity hospitals spread out in the Kingdom, and a hospital for the elderly and another which is psychiatric hospital, in addition to a military hospital for the Bahraini defence forces, King Hamad University Hospital and a number of private hospitals and clinics.
27. This care includes, primary healthcare, which is considered the cornerstone of health services in the Kingdom, and includes in its totality numerous services whereby an individual may enjoy sound and good health, including promoting health behaviours, early diagnoses of illnesses, diagnosis, treatment and rehabilitation.
28. This type of primary care is provided through the network of health centres spread out in all corners of the Kingdom, and through the services of family medicine and community health nurses and a group of female health promotion specialists and social researchers, and specialized committees at all the health centres including for example and not exclusively the committee on fighting infection, and also, numerous therapeutic and preventive services are offered in the field of primary healthcare.

29. The preventive services provided to the mother and child are considered among the primary healthcare services, such as the prenatal services, regular examination of children, immunization and postnatal or abortion services, family planning services, the regular check-up of women, pre-nuptial check-up services, and ultrasound examination for pregnant women. Moreover, the preventive services include dental health, dental medical services for the mother and child, diabetics, the elderly, and the physical disabled.
30. Moreover, this care includes the secondary and clinical healthcare, and this care is offered through diverse medical services for the sick and those residing in the various public hospitals at the forefront of which is Salmaniya Medical Complex which offers diverse medical services for the patients staying in the various wards of the hospital according to the type of illness and the health condition of the patient, and the hospital also includes a special section for accidents and emergencies, which in turn offers urgent medical care to all the sick and injured. Moreover, the public and private hospitals offer clinical care where the hospitals include wards classified according to the field of specialization, and moreover, the beds are classified based on the gender and age of the patient, his health condition, and the type of illness from which he/she suffers.
31. As to the other type of care it is the three care levels healthcare, where this service is offered through the tripartite healthcare committee at the Ministry of Health to treat the ill abroad, and usually it is the critical cases that are sent abroad where the treatment is not available in the Kingdom, and the majority of cases sent abroad are: cancer, orthopaedic cases, Neurological diseases, internal and surgical cases, and heart diseases. In this connection the office of treatment abroad arranges schedules for the patients each according to his case.
32. In addition to the legislative protection for the right to health and the provision of health services of various kinds to the citizens and residents of the country, the Kingdom of Bahrain has implemented a constellation of political and economic initiatives to improve the quality of life of all the nationals and residents, such through building the capacity of the health sector in the Kingdom whereby all can avail of easy and rapid access to high-quality health services, and most prominently the National Health Information System (I-SEHA) where this system is considered one of the foremost foundations for developing health services, such through implementing the finest and most modern information technologies in the health field with a view to improving medical services offered to the sick and to enhance their quality and efficiency based on the finest methods and techniques that are globally available.
33. The concept of this system is grounded in providing the health (clinical) systems and what they need in terms of an advanced information technology infrastructure, and also providing the connection systems to the systems related to financial resources, warehouses, human resources, in addition to coordinating with the projects of various governmental quarters to achieve integration and avoid dualistic effort and cost between those projects. Moreover, this system aims to provide the executive managers at the Ministry of Health with a reliable source of information which may be utilized to develop the strategies and previously laid down plans to improve the healthcare system.



34. Moreover, the Economic Vision (2030) and the National Economic Strategy (NES), included a number of initiatives related to the field of the right to health which aims to encourage patterns of a healthy life, and enabling easy and fair access to high-quality healthcare services, and assuring the existence of a just organization of the healthcare system in the Kingdom, and with a view to develop manpower in the field of healthcare the Economic Vision (2030) a number of relevant commitments were made, and also the National Economic Strategy was revised and amended to ensure the improvement of the health sector through enhancing preventive health for the inhabitants of the Kingdom of Bahrain, and to achieve effective integration and complementarity between the health services offered by the Ministry of Health and other governmental institution with a view to focusing on the needs of the patient.
35. In addition to providing quality health services through maintaining international accreditation of facilities and ensuring their compliance with the National Health Regulatory Authority (NHRA) standards, and obtain all the healthcare services, particularly primary and secondary healthcare, through visiting medical facilities and endeavouring to reduce the waiting periods in those facilities.
36. Moreover, the (NES) included a commitment to bolster the role of the Ministry of Health in drawing policies and reviewing the administrative arrangements in harmony with best international practices, and to sustain health services through developing the sustainable arrangements of funding, and to meet future demand for specialists in healthcare, and improving the administrative systems, and also improve the equality of the infrastructure, alongside a fair organization of all the providers of health services in the public and private sectors through establishing and operating the National Health Regulatory Authority (NHRA).
37. Furthermore, the Kingdom of Bahrain announced the health strategy for the years 2015-2018, which included (6) important strategic goals represented in: protecting the health of the population through promoting health and prevention, the integration of services in the health system within the Ministry of Health and other governmental and private institutions, quality, the access of all to healthcare services, strengthen the role of the Ministry of Health in setting policies and good governance, and sustaining the health services.
38. In order to achieve those goals the Ministry of Health drew up (20) initiatives, most importantly promoting the patterns of a healthy life, endeavour to reduce the ratio of affliction by non-communicable diseases, strength protection from communicable diseases and new illnesses, develop a system to manage research and connect it to the concerned quarters, and promote partnership with the private health sector.
39. Moreover, the present condition of the health sector in the Kingdom of Bahrain was evaluated where it became evident that there are several challenges in the path of implementing the strategy, most prominently: demographic change insofar as the increase in the ratio of the elderly, alongside the population increase and the rise in the average age, the outcome of which is mounting pressure on the use of public health facilities and services in the Kingdom of Bahrain.

40. This is in addition to a rise in the percentage of persons suffering from non-communicable diseases which include cardiovascular diseases, cancer, diabetes, chronic respiratory diseases and other illnesses due to unhealthy patterns of living. Actually, those diseases have become a risk threatening health given that they are a major cause of death, and they also represent an economic burden on states given the prolonged and costly periods of treatment, in addition to the fact that they negatively affect the productivity of the individual and the progress and development of society. Moreover, there is the continual funding by the State of health services in the shadow of an exponential rise in the costs of health services, which highlights the need for bolstering partnership and achieving actual integration in health services between the public and private sectors.
41. Accordingly, the Government of the Kingdom of Bahrain has introduced a bill before the legislative authority concerning “health insurance” and it is hoped that it will take effect at the outset of 2018. The concept of this law is to oblige all the citizens and residents to pay token monthly subscriptions in return for receiving primary health care services at public and private centres and hospitals, whereby any person will have the right to choose the centre or hospital in which he wishes to receive medical services, whether affiliated to the public or private sector.
42. Moreover, the Bill obliges the visitors of the Kingdom of Bahrain to insurance fees alongside the visa which provides them with coverage for only emergency accidents or severe cases, and the Bill gave due regard to cases of needy persons whereby they will be exempted from paying the fees, and the Bill will include the establishment of an independent official institution to be named the (Security Fund), and the Fund will be responsible for collecting the subscriptions and purchasing the basic health services for Bahrainis and non-Bahrainis from the service providers. Moreover, it is intended for the (Security Fund) to offers its services within two groups: the first is for the citizens and the second is for the residents and visitors, and the activity of the Fund will be subject to the supervision and evaluation of the Higher Council of Health.
43. It is the view of the National Institution that the concept of the Bill is anchored in creating a spirit of competition between the health centres (clinics) for purposes of providing the finest services in conjunction with private hospitals, and its significance emanates from the substantial challenges facing the health services in the entire globe to which allusion was made, and most importantly providing a good standard of health services of costs borne by the individual and society jointly to avoid forcing individuals to pay large sums which they cannot bear, such in the shadow of the continuing rise in the costs of health services due to the rapid developments in medical techniques and the spiralling prices of medicines and medical supplies.
44. Moreover, the National Institution followed up on the issuance of the Decision of the Ministry of Health Number (2) of 2017 concerning the fees of health services for non-Bahrainis, based upon which it was decided for the fees for examining patients from among residents other than the employees of the Bahraini Government and their families, and among those who are not subscribers to the basic healthcare system for the workers of installations of the Ministry of Health, to be seven Dinars for medical dental check-up only, such for each visit to the centres of the Ministry of Health

and its health facilities, and moreover, the decision provided that the medicines prescribed by the doctors of the abovementioned patients not to be disbursed by the pharmacies of the Ministry of Health clinics and their medical facilities, whereby the patient is responsible for purchasing the medications from private pharmacies.

45. Hence, the National Institution emphasizes that the decision of the Ministry of Health concerning fees for health services for non-Bahrainis, was in line with the provisions of the Constitution and the laws and regulations in force, and is not in conflict with the principle of equality and non-discrimination, as set forth in international and regional instruments and conventions related to human rights.
46. The National Institution lauds the directives of the Government concerning increasing the budgetary allocations of the Ministry of Health in the State Budget for the remaining period of the fiscal year 2017 in the amount of around 15 million Dinars to be allocated for defrayal of the expenses associated with providing medicines and medical supplies for public hospital and health centres affiliated to the Ministry.
47. Within the framework of the jurisdiction of the National Institution to monitor the human rights situation within the time scope of the Report, it identified a set of challenges and problems facing individuals within the context of enjoying the right to health, most importantly: deficiency in medical human resources in sensitive specializations such as heart diseases, implantation of kidneys, cancer illnesses, and the fact that all the patients suffering those illnesses are concentrated in Salmaniya Medical Complex which results in an inability to offer treatment services of the required standard and quality, in view of the huge pressure associated with providing the treatment services to those patients.
48. As regards its jurisdiction to receive complaints and offer legal assistance, in accordance with its Establishment Law, the Institution has received since the beginning 2017 (55) complaints and (37) requests for legal assistance related to the right to healthcare, such to persons whose freedom is restricted, where the matter revolves around delays in receiving treatment, and not obtaining medicines, where communication was undertaken with the concerned quarter and the suitable solutions were devised and it was ascertained that they availed of the suitable medicines and treatment.

## **Section V: Right to Education**

1. In view of the importance and basic standing of education in the field of human rights, and given that it is a main guarantor of exercising and reinforcing the other rights connected to this right, the Kingdom of Bahrain has actually attached great importance to education through developing the education which the individual receives, with a view to preserving human dignity, alongside

instilling the concepts of respecting human rights and fundamental freedoms, thereby enabling the individual to make a contribution through an effective and beneficial role in a free society.

2. The Constitution of Bahrain guarantees the right to education in Article (7) thereof, which states: “a. The State sponsors the sciences, humanities and the arts, and encourages scientific research. The State also guarantees educational and cultural services to its citizens. Education is compulsory and free in the early stages as specified and provided by law. The necessary plan to combat illiteracy is laid down by law. b. The law regulates care for religious and national instruction in the various stages and forms of education, and at all stages is concerned to develop the citizen’s personality and his pride in his Arabism. c. Individuals and bodies may establish private schools and universities under the supervision of the State and in accordance with the law. d. The State guarantees the inviolability of the places of learning.”
3. At the level of the national legislation of the Kingdom of Bahrain, Law Number (27) of 2005 concerning education guarantees education to all the citizens and residents all at once, while explaining the general goals of the law, and defining the foremost responsibilities of the concerned ministries represented in formulating the educational plans and programs to advance forward the educational system in the Kingdom, in addition to preparing study plans (curricula), encouraging private education, laying down the general policy for allocating scholarships in a fair and just manner, define the role played by the Ministry in educating adults and endeavour to eliminate ignorance and illiteracy from society, while devoting utmost attention to religious, Arabic language and national education. Moreover, Law Number (3) of 2005 concerning higher education addressed the goals which higher education seeks to achieve through its institutions, and the legal obligations to be shouldered by those institutions.
4. Moreover, the provisions of Decree-Law Number (25) of 1998 concerning private educational and training institutions, emerged to regulate all the matters related to the activity of private educational institutions, and related to the necessary conditions for establishing those institutions, the purposes upon which are founded the private educational institutions, and the financial system with which those institutions must comply, while setting forth the type of academic system adopted by them, determining the mechanism of technical supervision, and the administrative supervision of the special educational and training institutions.
5. At the level of the institutional structure governing the right to education, the Higher Education Council was established in accordance with Law Number (3) of 2005, which laid down the desired goals of the higher education institutions, while defining the jurisdictions and competences assigned to it in terms of preparing the general policy for higher education in the Kingdom, and considering the difficulties it faces, while proposing the means of addressing them, without being oblivious of the authority of the Council in overseeing the higher education institutions and supervising their programs and auxiliary services.
6. For purposes of advancing the quality of education and training in the Kingdom, the provisions of Decree Number (32) of 2008 establishing and regulating the Quality Assurance Authority for

Education and Training, emerged to define standards particular to assuring the quality of education and training, whereby it set the standards particular to assuring the quality of education, training, institutional classification, and domiciliation of national qualifications, and preparing and conducting the national examinations for testing the performance standards in the pre-university educational phases, alongside preparing and reviewing the quality of performance of educational and training institutions in light of the guidance standards and models, while the National Commission also sets the national framework for qualifications in accordance with the various levels of the outputs of education, in a manner compatible with the job market, and the Law-Decree did not overlook defining the formation of the National Commission and its work mechanism.

7. Moreover, the Ministry of Education in the Kingdom of Bahrain based on the directives of His Majesty the King implemented the Digital Empowerment in Education as an advanced step by means of providing digital electronic devices to students and increased specialized training for teachers which would contribute to building national capacities and experiences while supporting the knowledge economy, which aims in turn to develop the capabilities of the students in innovation and invention and developing and building knowledge, and also developing the skills of communication and participation with other colleagues and specialists in using numerous digital environments and means, in addition to utilizing the various digital tools in the educational process with effectiveness and productivity alongside the safe harnessing of technology in the shadow of its safe use.
8. The digital empowerment project in education included two phases, the first was in 2015-2016 where the program was applied in five schools, and the second phase is presently unfolding (2016-2017) aiming to reach twelve schools, and it is currently being applied to all the schools of the Kingdom in the coming phases in time periods compatible with the academic phases and levels.<sup>13</sup>
9. At the international level, the international instruments and conventions concerned with human rights have attached importance, in particular, to the right to education, where Article (26) of the Universal Declaration of Human Rights (UDHR) included the necessity for all states to guarantee the right to education of all persons, where education in its first stages is free of charge and compulsory, while emphasizing the necessity of spreading technical and vocational education, and facilitating admission to higher education in a context of equality for all and based on merit, while ensuring that the educational curricula contribute to the full development of the human personality.
10. Article Number (13) of the International Covenant on Economic, Social and Cultural Rights to which acceded the Kingdom of Bahrain in accordance with Law Number (10) of 2007 affirms the right of every person to education, while the signatory states under the provisions of the Covenant undertake to make elementary education compulsory while making it available for free to all, while also spreading secondary education of various kinds, including technical and vocational education, and rendering higher education available to all in an equal manner based on capability and by the appropriate means, and rendering it gradually free, and the aforementioned Article did not overlook stating the necessity of respecting the freedom of the parents or guardians- if present-

<sup>13</sup> The official website of the Ministry of Education: [www.moe.gov.bh/Digital\\_Empowerment.aspx](http://www.moe.gov.bh/Digital_Empowerment.aspx)

in selecting schools for their children other than governmental schools, provided that the latter comply with the minimum educational standards which the State may impose or affirm.

11. Moreover, Part III - Article (10) of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to which the Kingdom of Bahrain acceded in accordance with Decree-Law No. (5) of 2002, states, "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d ) The same opportunities to benefit from scholarships and other study grants; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; (g) The same Opportunities to participate actively in sports and physical education; (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."
12. Article (24) of the Convention on the Rights of Persons with Disabilities, to which acceded the Kingdom of Bahrain in accordance with Law No. (22) of 2011 in the section related to "**education**" emphasized the necessity for all the signatory states to believe in the right of the disabled to education, alongside the necessity for all those states to take all the necessary measures to implement this right without discrimination, and based on equal opportunities and the right of the disabled persons to enjoy the highest standards of education and technical and vocational training, while providing and guaranteeing the existence of the university educational system at all levels.
13. Moreover, Articles (28) and (29) of the Convention on the Rights of the Child of 1989, to which the Kingdom of Bahrain acceded in accordance with Decree-Law No. (16) of 1991, guaranteed the recognition of the states parties to this Convention of the right of the child to education and guaranteeing the exercise of this right through endeavouring for its full gradual materialization and based on the principle of equal opportunity.
14. The International Convention on the Elimination of All Forms of Racial Discrimination was keen in Article Five Paragraph (e) Clause (5) to guarantee the right of every person to education and training without discrimination based on race or colour or national or ethnic origin.

15. To enable persons to fully enjoy the right to education, there should be available under the aegis of the legal authority of the State educational and training institutions of adequate numbers, whose educational buildings are endowed with trained teachers who avail of competitive wages, and suitable and advanced curricula, in addition to providing libraries containing computers. Moreover, the enrolment in educational and training institutions should be easily available to all and free of charge in its first stages without any discrimination, along with the possibility of accessing those institutions safely, whereby they are at a geographic location that is suitable for individuals, or by providing suitable means of transportation for purposes of having access to them.
16. Technical and vocational education constitutes an important part of the right to education in its applied and practical aspect, given that it is a contributor to achieving economic, social and cultural development with a view to reaching a situation where there is a working and productive segment in society. Moreover, the technical and vocational education aims to enable the students to acquire knowledge and skills contributing to their personal development, and which enhance the productivity of their families and community. Actually, the importance of technical and vocational education is evidenced in its being an opportunity for developing the productive role of the students, who are irregular students, school drop-outs, the unemployed, or those with physical handicaps and others.
17. At the level of practical implementation to make available the finest educational services in the Kingdom, the Ministry of Education in the Kingdom of Bahrain has guaranteed free and compulsory elementary education, in addition to the fact that preparatory and secondary education is free of charge in all governmental school, such pursuant to Articles (6) and (7) of Law No. (27) of 2005 concerning education which expressly state, "6- Elementary education is the entitlement of children who reach the age of six years at the start of the academic year, and the Kingdom undertakes to provide it to them, and the parents or guardians are obligated to comply, such across at least nine academic years. The Minister shall issue the necessary decisions to implement and regulate the compulsory education as relates to the parents and guardians. And it is permissible in case of the availability of places in the basic education schools to accept those whose age is under the compulsory age in accordance with the rules and parameters provided in the decision of the Minister. 7- The elementary and secondary education in the schools of the Kingdom is free of charge..."
18. Actually, the number of governmental schools provided by the Ministry of Education according to statistics issued by it for the academic year (2014-2015)<sup>14</sup> is two hundred and seven schools distributed across the various governorates of the Kingdom, such according to the following division: One hundred and thirteen elementary schools (55) of which are for females and (58) for males, and fifty seven preparatory schools, (28) for females and (29) for males, and thirty seven preparatory schools, (19) for females and (18) for males, while the number of private educational institutions in the Kingdom reached, according to the same statistical survey, two hundred and twenty five private educational institutions.
19. The Ministry of Education adopted uniform standards and conditions in building and establishing all its educational institutions irrespective of the academic stages, whether in terms of the average

<sup>14</sup> Statistics on the governmental schools in the Kingdom of Bahrain in the academic year (2014-2015), issued by the Ministry of Education: [www.moe.gov.bh/statistics.aspx](http://www.moe.gov.bh/statistics.aspx)

overall area amounting to around one and half hectares, and in terms of the average number of students in each academic stage, or in terms of the average number of students in the educational institution in general; this is in addition to the conditions for selecting the teaching staff in each stage, where the Ministry relies on selecting teachers of relatively equal intellectual endowment and knowledge of the curricula, the syllabi, the textbooks, and the number and hours of lessons, along with the presence of scientific laboratories and computer labs, the availability of electronic access, extracurricular activities, and the availability of the suitable infrastructure and the ancillary facilities.

20. As to the curricula and syllabi in educational institutions, the Ministry of Education in the Kingdom of Bahrain has given due regard to developing the knowledge of the student in all fields, whereupon the courses for the elementary, preparatory and secondary school phases included a number of diverse syllabi dealing with the Arabic Language, the unified Islamic education syllabi for public and private schools which include a number of principles and values common to the religions and schools of thought, and include the views of the two religious sects constituting the Bahraini society, the Sunni and Ja`afari, while the non-Muslim student is not obliged to study this course whether he is Bahraini or foreign, in addition to geography and commerce, science, arithmetic and mathematics, the English Language with a view to developing the language skills of students in all educational phases, the French language (only for secondary school students), courses related to family education and sports, and technical, information technology and communications courses.<sup>15</sup>
21. Within the framework of the strivings of the Ministry of Education to promote the values of citizenship and human rights, it generated syllabi and books particular to education in citizenship and human rights, regarding all the academic stages starting with the elementary education stage and culminating with secondary education. Moreover, new syllabi were developed dealing with the voluntary work particularly as relates to the secondary stage, in addition to the presence of activities particular to this activity which are implemented for the elementary and preparatory stages.
22. Based on the keenness of the Government of the Kingdom of Bahrain to safeguard the right of the person to enjoy the finest educational standard from the very first stages, Article (8) of Law No. (27) of 2005 has imposed concerning education punishments and financial fines on the father of the child or his guardian in case the child who has reached the compulsory age fails to enrol in school, where the Article expressly states that, " a fine shall be imposed on the father of a child or his guardian in case he causes the failure of the child who reached compulsory age to enrol in school, or discontinues without an acceptable excuse from showing a presence in school for ten continuous or discontinuous days during the academic year, and no criminal suit shall be instituted in the two cases except upon the request of the Ministry, and upon notifying the one in breach by registered mail with a receipt." This is in addition to the strivings of the Ministry of Education to monitor cases of the failure of students to attend school at the compulsory age and to endeavour to analyse those cases with a view to identifying the causes and following up on them while attempting to restore the students to their school seats.

15 Manual of books and syllabi, published in the official website of the Ministry of Education: [moe.gov.bh/archive/books.aspx](http://moe.gov.bh/archive/books.aspx)



23. The plans of the Ministry of Education aim to provide education to the largest numbers in society, and the Ministry at the start of each academic year through the continuing education department offers the centres of evening education for the stages of illiteracy, follow up and fortification, and they are distributed across all the governorates of Bahrain in a manner assuring providing the educational service to the adults, men and women, in proximity to the areas of residence, where the Ministry strives to provide the human resources in terms of teachers and specialized supervisors in teaching adults in addition to providing the integrated educational environment which is suitable for fulfilling the needs of this group of students. Moreover, the efforts of the Ministry of Education have contributed to providing education to all which has produced a low rate of illiteracy in accordance with the UNESCO Report in this regard, where it is not more than 2.46%.
24. Moreover, the Ministry of Education strives through its continual cooperation with the other specialized ministries to provide the qualified and experienced human resources in order to facilitate the process of integrating the physically disabled in governmental schools (those that are able), such based on the modern educational directives which call for integration rather than the system of insulation in institutions and special centres.
25. According to Decree No. (53) of 2005 concerning the organizational structure of the Ministry, and Decree No. (29) of 2006 to reorganize the Ministry of Education a new department was created which is the "Special Education" after being a section of the elementary education department, whose mission is to take the necessary measures to integrate physically disabled students in governmental schools through providing specialized and qualified manpower to supervise and provide daily follow up of schools that apply those programs while facilitating their tasks in a manner achieving coordination and integration between the Special Education Department and the schools.
26. Hence, the Ministry of Education launched a project to integrate the deaf students in secondary schools, such for the first time in the educational history of the Kingdom of Bahrain, and within the framework of an integrated project expanding the services of integrating the disabled students by means of making available two teachers, one of whom is specialized in providing explanations by ordinary means, while the other teacher translates the explanation to sign language, and shall also translate the interjections and questions of the integrated students, in a manner ensuring their interaction with the teacher and their student colleagues.
27. For purposes of enhancing the quality of education for the disabled persons, the Kingdom of Bahrain has introduced a remuneration for education or rehabilitation or care for the disabled in governmental schools affiliated to the Ministry of Education and rehabilitation centres affiliated to the Ministry of Labour and Social Development, in the amount of (100) Dinars for the employees in a constellation of educational jobs, and (50) Dinars for employees in a constellation of public jobs, such in accordance with the Resolution of the Council of Ministers No. (16) of 2013, and the Prime Minister shall also provide scholarships for the disabled students in national universities, to facilitate their enjoyment of the right to higher education irrespective of their average grade.

28. The National Institution lauds the efforts exerted by the Ministry of Education to enable the physically disabled persons to enjoy all their rights, particularly by providing (12) school buses for transporting students of this category, and they are equipped with wheelchairs and electric lifts, and accordingly, the National Institution calls upon the Ministry concerned with transportation affairs to speedily prepare means of public transport in line with available resources to be able to fulfil the rights and needs of the physically disabled, particularly those who suffer from physical handicaps, given that this is considered an obligation for the Kingdom of Bahrain due to its ratification of the Convention on the Rights of Persons with Disabilities to which it acceded in accordance with Law No. (22) of 2011.
29. In order to provide support to the outstanding students of both genders, as a prelude to enrolling in higher education, the Ministry of Education allocates more than two thousand and five hundred scholarships annually to outstanding students without discrimination between the genders and in accordance with unified and declared standards. Moreover, the scholarships offered by the Ministry include two categories of students, the first is the students sent abroad, whereby the Ministry of Education gives them financial support through payment of tuition fees and the expenses for books, while the second category of students involves for the Ministry to provide financial grants equivalent to the annual tuition fees of a Bahraini university.
30. The scholarships for the year (2017-2018)<sup>16</sup> included a number of varied specializations in the fields of engineering, history, science, Islamic Law, English Language, Law, business administration, accounting and other specializations. The share of females from these scholarships was (240) seats, and (328) seats for males, such in addition to allocating (937) joint seats for both genders in a number of specializations and fields included in the scholarships program.
31. By giving due regard to the humanitarian conditions of some of the detainees at the Reform and Rehabilitation Centers and those detained in the provisional detention centers, the Ministry of Education has, in cooperation with the Ministry of Interior represented in the center of reform and rehabilitation annually, and since the start of the academic years, enabled the inmates and those detained on a precautionary basis to register and finalize the procedures of their enrolment for study in the various educational stages within the registration mechanisms and enrolment in effect, and the Ministry of Education sends committees to enable the inmates or detainees to sit for examinations at their scheduled times, and also shall coordinate with the universities to enable those enrolled to sit for the examinations in accordance with the regulations in effect.
32. Moreover, the Ministry of Education in coordination with the competent departments in the Ministry of Interior supplies the inmates with textbooks and taking the examination at the scheduled times inside the centres and in accordance with the regulations in effect at the Ministry of Education, whereby the inmates and prisoners are treated as External students which affords them the opportunity to obtain a fair evaluation that is compatible with their particular circumstances. On its part the Ministry of Education applies the External Study System to those students to protect their interests, and the opportunity is available to those students to take the final examinations provided

16 A statement to the press made by H.E. the Minister of Education on 8 July 2017, published in Akhbar Al-Khaleej Newspaper, Issue (14352): <http://akhbar-alkhaleej.com/news/article/1080310>

that the mark is reckoned for this examination from (100) marks, given that they are not regular students in the schools.

33. While the National Institution monitored and received (11) requests for legal intervention and assistance in a case that was of public interest concerning the inability of the parents whose children are born from the first of September until the end of 2011 to register their children and their enrolment in schools during the year, such after the Ministry of Education adopted a decision to transfer them to the coming year, while justifying this decision on grounds that they did not complete the sixth year as is registered in the original certificate of birth, which is the legal age for compulsory education which is referred to in Article (6) of Law No. (27) of 2005 concerning education, where it provides that, "Elementary education is an entitlement for children who reach the age of six years at the start of the academic year, and the Kingdom is committed to providing it to them, and the parents or guardians must comply with it, such across nine academic years at least, and the Minister shall issue the necessary decisions to regulate and implement the compulsory education regarding the parents and guardians..". This produced widespread criticism from the parents.
34. Consequently, the National Institution investigated the extent of the compatibility of this decision with the international commitments and obligations of the Kingdom of Bahrain, whereby it became evident that the procedures of the Ministry of Education are not inconsistent with any of the international conventions and instruments and are not considered discriminatory, and indeed if it is considered as discriminatory then it would constitute positive discrimination which falls within the scope of the child's right to receive good education and such to provide education to the new students in the best possible manner, whereby admitting all who are born in the mentioned period will place a burden on the Ministry and educational institutions beyond their absorptive capacity in schools and classrooms which might impinge on the right of the child to receiving a good education.
35. Moreover, the National Institution followed the statements of the Minister of Education concerning warning the parent of the student who is absent from school for a period of 10 continuous or separate days, such through a registered letter indicating receipt to inform the Ministry of the reasons for the absence of the student from school, and in case the Ministry is not accepting of the reasons for the absence of the student or the lack of response of the parent to the warning, a report is prepared accompanied by documents addressed to the Minister of Education for purposes of taking a decision to refer the violation to the Prosecutor-General to bring legal action, in compliance of the provisions of Article Eighth of Law No. (27) of 2005 concerning education which provides that "a fine shall be imposed not in excess of one hundred BH on the father or guardian of a child in case he causes the absence of the child who reached compulsory age to attend school, or fails to show presence at the school for ten continuous or discontinuous days during the academic year, and no lawsuit shall be brought in the two case except upon the request of the Ministry, upon warning the person in brief by registered mail against a receipt."
36. It became evident that the provisions occurring in the previous Article were compatible with international instruments and conventions, and particularly the Universal Declaration of Human

Rights (UDHR) where Paragraph One of Article (26): “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.” moreover, the United Nations Convention on the Rights of the Child, to which acceded the Kingdom of Bahrain by virtue of Decree-Law No. (16) of 1991, in Article (28) thereof: “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: Make primary education compulsory and available free to all; Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”.

37. Furthermore, the Kingdom of Bahrain undertook upon acceding to the International Covenant on Economic, Social and Cultural Rights pursuant to Law No. (10) of 2007 to adopt the legislative measures and procedures to enact the laws and regulations aiming to fully effectuate the right to education, which emphasized that the states party to this Covenant must ensure complete exercise of this right requires rendering the education compulsory, and to endeavour to draw and adopt a detailed action plan for actual and gradual implementation of the principle of compulsory education.
38. Accordingly, the onus is on the State to commit to provide education and to make it compulsory for each child, where the purpose and aim is to prevent the failure of a child to attend school, and to continue to receive education at the obligatory age and to attend school classrooms, and this comes as the actualization of the goals of education stated in Article Three of the Education Law which provides that education aims to: “Form the student in terms of a national, academic, professional, and cultural formation in emotional, moral, mental, social, behavioural and athletical-physical aspects, within the framework of the principles of Islam , the Arab heritage, modern culture, the nature, customs and traditions of Bahraini society, while inculcating the spirit of citizenship and loyalty to the homeland and king in particular:
  - 1- Entrench the Islamic faith and underscore its role in the integration of the personality of the individual, and the cohesion of the family and society, and its cooperation, and highlight the role of Islam as a comprehensive system of ideas which is valid and suitable for every age and place while being capable of meeting the requirements of the age.
  - 2- Deepen the intimate connections between the Gulf Cooperation Council countries and promote Arab and Islamic allegiance.
  - 3- Promote the teaching of the Arabic language and enhance its standard thereby enabling its utilization in all fields of knowledge, while devoting care to teaching and excelling in foreign languages.
  - 4- Develop awareness of the principles of human rights and embed them in the curricula.
  - 5- Develop the concepts of education for the sake of peace and a better human future, and international cooperation and solidarity on the basis of justice and equality, and interaction and mutual respect between the states and nations.
  - 6- Develop awareness of the environment, the human heritage, and safeguard natural life and the means of preserving it.
  - 7- Build national capacities able to work and produce to contribute to the formation of an educated and productive society in harmony with technological and scientific progress and the continual changes in this field.

- 8- Develop the ability of the person to think critically and to soundly and freely express himself, and to enable him to innovate and invent and to contribute to social, economic, scientific and technical progress.
  - 9- Develop research skills and self-learning by various means, while accessing sources of knowledge and harnessing the methods and means of advanced information technologies to serve the educational process.”
39. Moreover, it became in evidence to the Institution that the Ministry of Education does not resort to apprising the Prosecutor-General except upon exhausting all the means and measures through the committee concerned with the procedures for enforcing compulsory attendance of school at the Ministry, which endeavours to study the causes of the absence of the student, and communication with the parents, and identify the reasons and attempt to devise the suitable solutions, based on what was stated in the Decision of the Minister of Education No. (535) of 2006 concerning the regulation and implementation of compulsory education regarding the parents and guardians of the children who reached the compulsory education age, whereby the concerned committee undertakes in coordination with the competent departments at the Ministry of Education to notify the parents and guardians of the children who reached the compulsory age and were not registered in governmental or private schools, such prior to the start of the academic year by five months to notify the Ministry of the reasons why they were not registered, and in case the Ministry is not informed of the reasons or in case of unacceptable reasons and if the children are not actually enrolled then the competent quarter shall send a notification to the parents and guardians through warning them through registered mail after the expiry of fifteen days since the beginning of study in which he indicates that in case those children do not attend school within ten days from the date of being notified they will be referred to Prosecutor-General for purposes of bringing legal action against them.
40. Moreover, in case a student does not attend school for a continuous or discontinuous period of ten days then a warning will be sent to the parents and guardians notifying the father or guardian within ten days from the date of the completed period of lack of attendance by virtue of a registered letter with a receipt in which it is shown that in case the Ministry is not informed of the reasons for the non-attendance of the student of school within ten days of date of his knowledge of the warning or in case the Ministry rejects the reasons for non-attendance he will be referred to the public prosecution to file a criminal lawsuit against him.
41. In case of a lack of positive response to the warning referred to in the previous paragraph, the committee shall prepare a report on each case separately combined with documents indicating the occurrence of those violations which will be submitted to the Minister of Education to take a decision particular to referring the violations to the public prosecution for purposes of filing a criminal lawsuit against those in breach.
42. As regards the jurisdiction of the National Institution to receive complaints and requests for legal advice and assistance related to the same right, the National Institution received actually one

complaint, in which the submitter alleged that his son- in the preparatory stage of study- was subject to expulsion from school without the statement of reasons. Also eight requests for assistance were received, the first one of which petitioned the National Institution to intervene and exert efforts to restore the grandson of the submitter of the request to his place in school in the wake of his expulsion due to be being accused of breaking one of the tables, while indicating that he suffers from psychological illness and possesses medical reports confirming this; as to the other requests they related to not accepting the children of the requests submitters born in December 2011, and January 2012 in first elementary grade, where the suspension of their admission was in compliance with the decision of the Minister of Education based upon Article (6) of Law No. (27) of 2005 concerning education which provided that “Elementary education is a right for children who reach the age of six at the start of the academic year...”

43. The National Institution, in consequence of receiving the abovementioned complaints and requests, studied them and expressed legal opinions concerning them, where the essence of legal opinions were grounded in protecting the better interests of the child, and the Ministry of Education was addressed, where the status of the dismissed students was rectified and their place in school was restored, and the National Institution continues to make efforts with the Ministry of Education concerning the remaining cases.







## Concluding Recommendations:

### First: Role of Human Rights Advocates in the Field of Promoting and Protecting Human Rights

1. Call for enacting new legislation which regulates the activities of the human rights defenders, and tackles the important matters related to the rights and obligations of those concerned, their scope of work, and the legal guarantees decided for them.
2. The various media institutions in the Kingdom and civil society organizations shall shoulder an educational role explaining the role of human rights advocates in the field of promoting and protecting human rights, in addition to educating the advocates themselves about all that relates to their work.
3. Endeavor to create bridges of cooperation and partnership grounded in the unity of purpose in the field of promoting and protecting human rights between the public constitutional authorities in the Kingdom, and the national mechanisms concerned with human rights and the advocates of human rights, with a view to creating an integrated system in the field of promotion and protection.
4. Include in the syllabi of citizenship and human rights in the various academic stages the concept of human rights advocacy and the role of advocates in the field of promoting and protecting human rights in the national system.

### Second: Rights of Expatriate Workers

1. Accession to the International Labour Organization Conventions No. (87) of 1988 concerning the trade unions freedom and protecting the right to organize, and the International Labour Organization Conventions No. (98) of 1988 concerning applying the principles of the right to organize and collective bargaining.
2. Call for adopting strict legal measures vis-à-vis business owners, companies and institutions which do not comply with the minimum level of conditions which must be met in the housing of expatriate workers.
3. Call for enacting a special law that tackles the affairs of household workers and the recruitment offices, including a statement of the rights and obligations of the concerned parties.

### Third: Right to Health


1. Study the requirements of the market as relates to the field of health whereby the number of scholarships allocated for the study of medicine is increased in the sensitive specializations where there is a dearth in the health sector.

2. Endeavor to build the capacity and readiness of private hospitals to receive critical and emergency cases.
3. Strive to enhance the absorptive capacity of public and private centers and hospitals in line with the accelerating population growth in the Kingdom of Bahrain.
4. Expedite the ratification of the health security bill, to include alongside the specific segments determined by law, the disabled persons, the elderly and the retirees.
5. Allocate an adequate number of physicians entrusted to provide medical care to those whose freedom is restricted, along with the continuation of training them to provide physical and mental protection for this segment and to treat illnesses at the same standard and quality which others avail of.

#### **Fourth: Right to Education**

1. Call for enacting a special law that governs and regulates the process of meriting and distribution of grants and scholarships to the deserving students.
2. The Ministry of Education shall continuously develop the educational system through adapting to the needs of the job market and its continual changes, while attaching special importance to the segment of disabled persons.
3. Enhance the effective and continual supervision by the Ministry of Education of private education, and verify that the educational aspect has primacy over the material aspect as relates to the private educational and training institutions.
4. Call for reviewing anew the content of the curricula related to human rights and national education in governmental and private schools and insofar as the various stage of education for purposes of embedding in them a number of subjects which develop a culture and actual practice grounded in promoting respect of human rights.





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

**United Nations General Assembly Resolution regarding National Institutions for the Promotion and Protection of Human Rights (Resolution No. A/RES/70/163)**