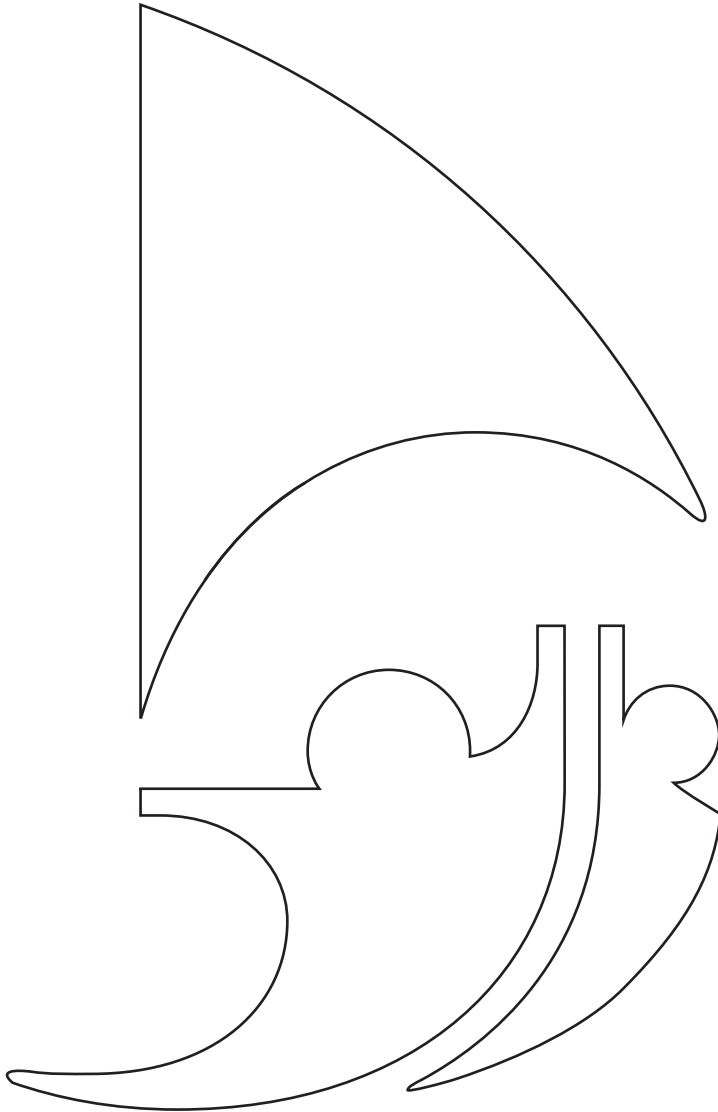


National Institution *for*  
**Human Rights**

Kingdom of Bahrain





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#اضمن\_حقك



Third Edition 2020





## Philosophy of the Logo

The Logo consists of a set of visual shapes, which together form the identity of the National Institution for Human Rights in the Kingdom of Bahrain



### All Segments of Society

The shape has two persons supporting each other which represent a spectrum of Bahraini society and all its sects, components, religions and races.



### One Goal

The Spinnaker represents one goal that we all work for, which is to promote and protect human rights.



### Together to Safety

The ship cruising with all spectrum of society represents equality, justice and progress towards a promising future.





# Vision

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

“Human Rights Culture is a Lifestyle”.

# Mission

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

“Together to create a better practice of Human Rights”.









### **His Majesty King Hamad bin Isa Al Khalifa King of The Kingdom of Bahrain**

Since His Majesty King Hamad bin Isa Al Khalifa ascended to throne in 1999, the Kingdom of Bahrain experienced major changes towards fostering democracy, these included the establishment of the foundations of the state of law, and building an integrated legislative and legal system, best practices and public institutions to promote human rights. The changes constitute fundamental transformations aimed at promoting human rights, public freedoms and ensure peoples' enjoyment of these rights.



To complement these transitions, His Majesty the King established the National Institution for Human Rights (NIHR) on 10 November 2009, by Royal Order No. 46 of 2009, and granted it mandates and powers in line with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights. "UN General Assembly Resolution 48/134 of 1993".

Further independence was sought and four years later, the Council of Representatives and the Shura Council endorsed Law No. 26 of 2014 establishing the National Institution for Human Rights, which was issued by His Majesty the King, two years later it was amended by Decree-Law No. (20) of 2016 to ensure the introduction of a model law that is an outstanding addition to the status of human rights in the Kingdom of Bahrain.

NIHR is a permanent and effective member in the Global Alliance of National Human Rights Institutions (GANHRI), and the Asia Pacific Forum for the NHRI's (APF). NIHR can participate actively in the Human Rights Council sessions, and Treaty Bodies meetings, Special Procedures, Sub-committees and Working Groups, and acts as an independent institution that aims to promote and protect human rights.





Paris Principles relating to the status of national institutions for the promotion and protection of human rights



Law No. 26 of 2014 establishing the National Institution for Human Rights was amended by Decree-Law No. (20) of 2016



The Global Alliance of National Human Rights Institutions (GANHRI)



Asia Pacific Forum for the NHRI's (APF)





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# 1

## Paris Principles Relating to the Status of National Human Rights Institutions

\* Issued pursuant to the General Assembly of the United Nations Resolution No. (48/134) of 1993









General Assembly

Distr.  
GENERAL

A/RES/48/134  
4 March 1994

Forty-eighth session  
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/632/Add.2)]

48/134. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolutions 41/129 of 4 December 1986 and 46/124 of 17 December 1991 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1/ 1988/72 of 10 March 1988, 2/ 1989/52 of 7 March 1989, 3/ 1990/73 of 7 March 1990, 4/ 1991/27 of 5 March 1991 5/ and 1992/54 of 3 March 1992, 6/ and taking note of Commission resolution 1993/55 of 9 March 1993, 7/

1/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

2/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

3/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

4/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

5/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

7/ Ibid., 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

/...



Emphasizing the importance of the Universal Declaration of Human Rights, 8/ the International Covenants on Human Rights 9/ and other international instruments for promoting respect for and observance of human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean, held at San José from 18 to 22 January 1993, the Regional Meeting for Asia, held at Bangkok from 29 March to 2 April 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Bearing in mind the Vienna Declaration and Programme of Action, 10/ in which the World Conference on Human Rights reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information and in education in human rights,

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8/ Resolution 217 A (III).

9/ Resolution 2200 A (XXI), annex.

10/ A/CONF.157/24 (Part I), chap. III.

/...



Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches to promoting universal respect for and observance of human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General, 11/ prepared in accordance with General Assembly resolution 46/124 of 17 December 1991;
2. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;
3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and to incorporate those elements in national development plans;
4. Encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;
5. Requests the Centre for Human Rights of the Secretariat to continue its efforts to enhance cooperation between the United Nations and national institutions, particularly in the field of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;
6. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;
7. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;
8. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;
9. Affirms the role of national institutions as agencies for the dissemination of human rights materials and for other public information activities, prepared or organized under the auspices of the United Nations;

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11/ A/48/340.

/...



10. Welcomes the organization under the auspices of the Centre for Human Rights of a follow-up meeting at Tunis in December 1993 with a view, in particular, to examining ways and means of promoting technical assistance for the cooperation and strengthening of national institutions and to continuing to examine all issues relating to the question of national institutions;

11. Welcomes also the Principles relating to the status of national institutions, annexed to the present resolution;

12. Encourages the establishment and strengthening of national institutions having regard to those principles and recognizing that it is the right of each State to choose the framework that is best suited to its particular needs at the national level;

13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

85th plenary meeting  
20 December 1993

#### ANNEX

#### Principles relating to the status of national institutions

##### Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if

/...



necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

- (ii) Any situation of violation of human rights which it decides to take up;
- (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
- (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
- (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

#### Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

- (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and

/...



professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

#### Methods of operation

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children,

/...



migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions  
with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.







# 2

## Law no. (26) of 2014 on the Establishment of the National Institution for Human Rights as amended by Decree-Law no. (20) of 2016

\* Law no. (26) of 2014 published in the Official Gazette,  
Supp. Issue no. 3168, Vol. 67, 7 August 2014.  
The Amendments issued by Law-Decree no (20) of 2016,  
published in the Official Gazette, Issue no. 3283, 13 October 2016.





**Law no. (26) of 2014  
on the Establishment of  
the National Institution for Human Rights  
as amended by Decree-Law no. (20) of 2016**

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

After reviewing the Constitution,

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

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

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

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

**Definitions  
Article (1)**

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

- (a) Institution:** the National Institution for Human Rights.
- (b) Council of Commissioners:** the Council of Commissioners of the Institution.
- (c) Chairperson:** the Chairperson (he/she) of the Council of Commissioners of the Institution.
- (d) Vice Chairperson:** the Vice Chairperson (he/she) of the Council of Commissioners of the Institution.
- (e) Member:** a member of the Council of Commissioners of the Institution.
- (f) Members:** the members of the Council of Commissioners of the Institution.



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

## **Establishment of the Institution**

### **Article (2)**

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

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

## **The Formation of the Council of Commissioners**

### **Article (3)**

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



## **Membership Article (4)**

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

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

## **The Appointment of the Council of Commissioners and the Representation of the Institution Article (5)**

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



## **Conflicts of Interest Article (5 bis)**

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

## **Council of Commissioners Meetings Article (6)**

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

## **Standing Committees Article (7)**

- a) The Council of Commissioners shall form standing Committees from its members to undertake the institution functions. It may form ad-hoc Committees, if necessary.
- b) The permanent Committees meet once every month at least.  
A member of the Council of Commissioners shall undertake the chairmanship of each Committee and such Committee may seek the assistance of experts upon discussing any of the topics entrusted



thereto without having a right to vote.

- c) The Committees shall meet after being called to do so by their respective head. The Chairperson may also invite any of the Committees to convene to discuss an issue (he/she) deems important. (he/she) shall chair the meeting of Committees (he/she) attends. (he/she) may also entrust one of the members to research or investigate a certain subject.

## **Rules of Procedures**

### **Article (8)**

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

## **Immunity**

### **Article (9)**

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

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

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

## **Termination of Membership**

### **Article (10)**

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



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

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

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

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

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

## **Members Remuneration Article (11)**

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





## Institution Competencies Article (12)

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

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



labor calls gathering, health and education centres, or any other public place in which it is suspected that human rights violations are taking place.

- (h) To cooperate with competence authorities concerned with cultural, media and educational affairs, to submit proposals and recommendations in any matter in order to spread, propagate and strengthen a culture of awareness and respect for human rights.
- (i) To cooperate with national bodies and regional and international organizations, as well as relevant institutions in other countries that work for the promotion and protection of human rights.
- (j) Holding meetings and joint activities, cooperation, coordination and consultation with civil society and non-governmental organizations and various other groups and human rights defenders, and communicate directly with the claims of exposure to any form of abuse, and to report back to the Council of Commissioners.
- (k) To host conferences and to organize training and educational events in the field of human rights and conduct related research and studies.
- (l) To participate in national and international forums, as well as in meetings of regional and international bodies concerned with human rights issues.
- (m) To issue newsletters, printed material, data and special reports, and upload them on the Institution website. It is entitled to directly approach the public opinion or through the any of the media.

### **Study Issues Referred to the Institution Article (13)**

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

### **Request for Information Article (14)**

- (a) The Institution may request any information, reports or documents which it considers necessary for the attainment of its goals or the performance of its functions from the ministries and relevant bodies in the Kingdom. These ministries and bodies shall cooperate with



the Institution in the pursuit of its tasks and facilitate the conduct of its competency and provide it with what it requests, and to prepare the responses and comments on the recommendations contained in the reports of the institution, in this regard in accordance with the relevant laws and regulations.

- (b) The Institution may inform the competent authorities in case the ministries and bodies fail to cooperate and provide the Institution with the requested information, reports and documents or prevent it from examining them, so that the competent authorities take the necessary steps in accordance with the law.

### **Secretariat General Article (15)**

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

### **Secretary General Article (16)**

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

### **Responsibilities of the Secretary General Article (17)**

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

- (a) General supervision over the General Secretariat, the affairs of the employees and financial and administrative matters in accordance with



this law and the rules and regulations promulgated in implementation of it.

- (b) Attendance at meetings of the Council of Commissioners, without having the right to vote, and the implementation of its decisions, as well as the drafting of periodic reports every three months which incorporate the activities of the Institution and the work of the General Secretariat, including which work has been completed according to plans and programs.
- (c) Attendance at meetings of Committees, following up on their work and giving them the requisite support to pursue their specialisms, without having the right to vote.

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

### **Executive Regulations Article (18)**

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

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

### **Confidentiality of the information Article (19)**

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



## **The Institution Financial Resources Article (20)**

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

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

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

## **Annual Report Article (21)**

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

## **Article (22)**

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



## Article (23)

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

King of the Kingdom of Bahrain

**Hamad bin Isa Al Khalifa**

Prime Minister

**Khalifa bin Salman Al Khalifa**

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



# 3

## **Royal Order no. (17) of 2017 Determining the Controls Governing the Appointment of Members of the Council of Commissioners at the National Institution for Human Rights**

\*Published in the Official Gazette No. 3305 dated 16 March 2017.







# Royal Order No. (17) of 2017 Determining the Controls Governing the Appointment of Members of the Council of Commissioners at the National Institution for Human Rights

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

And Law (26) of 2014 on the Establishment of the National Institution for  
Human Rights, amended by Decree – Law (20) of 2016,

Taking into consideration the Paris Principles relating to the Status of National  
Institutions for the Promotion and Protection of Human Rights, ratified by the  
UN General Assembly Resolution (48/134) of 20 December 1993,

## Hereby order the following: Article (1)

To ensure their independence, a member of NIHR's Council of  
Commissioners and in addition to membership conditions stipulated in  
Article (4) of Law (26) of 2014 on the Establishment of the NIHR, he/she  
shall fulfil the following requirements:

1. Not to belong to any political society, excluding members of the  
legislature who shall have the right to debate without voting.
2. Full-time members shall have a higher academic qualification and shall  
speak one of the official languages of the United Nations in addition to  
the Arabic language.
3. For those appointed from civil society organizations, and professional  
and trade union organizations, they shall have been members for a  
minimum of two years.
4. For those appointed from academic bodies, they shall be at least at an  
assistant professor rank.
5. They shall have clear and concrete contributions in the area of human  
rights.



## Article (2)

The selection of members of the Council of Commissioners shall be based on the following considerations:

1. To represent all spectrums of society without any discrimination on the basis of gender, origin, religion, creed or disability.
2. Women are to be properly represented.
3. Minorities to be represented.
4. The inclusion among the above categories an appropriate number of specialists in the legal, human rights and other fields that fall at the core work of the NIHR.
5. Conflict of interests are to be prevented, either directly or indirectly.

## Article (3)

The Royal Court Minister shall carry out the necessary consultations for the nomination of the full-time and part-time members of the Council of Commissioners.

## Article (4)

This Order shall come into effect as of the date of its issuance and shall be published in the Official Gazette.

**Hamad bin Isa Al Khalifa**

King of the Kingdom of Bahrain

Issued at Riffa Palace  
On: 23 Rajab, 1348 H  
Corresponding to: 20 April 2017



# 4

## **Rules of Procedure on Regulating the Function of the Council of Commissioners of the National Institution for Human Rights**

\* Issued pursuant to the Council of Commissioners' Resolution No. (1) of 2019 ,  
amended by the Council of Commissioners' Resolution No. (19) of 2019.





# Rules of Procedure on Regulating the Function of the Council of Commissioners of the National Institution for Human Rights

## Definitions Article (1)

In the application of the provisions of this Rules of Procedure, the following words and phrases shall have the meanings assigned next to them, unless the context of the provisions otherwise requires:

- a. **Law:** Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016.
- b. **Rules of Procedure:** the Council of Commissioners Resolution No. (48) of 2017 on issuing the Rules of Procedure on Regulating the Function of the Council of Commissioners of the National Institution for Human Rights.
- c. **Institution:** the National Institution for Human Rights.
- d. **Chairperson:** the Chairperson (he/she) of the Council of Commissioners of the Institution.
- e. **Vice Chairperson:** the Vice Chairperson of the Council of Commissioners of the Institution.
- f. **Member:** a member of the Council of Commissioners of the Institution.
- g. **Members:** the members of the Council of Commissioners of the Institution.
- h. **Council Bureau:** the Bureau of the Council of Commissioners of the Institution.
- i. **Council of Commissioners:** the Council of Commissioners of the Institution.
- j. **Committees:** the standing and ad-hoc committees of the Institution.
- k. **Secretary General:** the Secretary General of the Institution.



- l. Full-time Member:** a member of the Council of Commissioners of the Institution who works full-time to fulfill his/her mandate and is not committed to work in another profession while performing membership tasks.
- m. Part-time Member:** a member of the Council of Commissioners of the Institution who is fulfilling his/her mandate besides performing a work in any other profession.

## **Establishment of the Institution Article (2)**

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

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

## **Article (3)**

The Institution shall conduct its competencies, set out in the Law, under the provisions of this Rules of Procedure. The members shall be allowed to conduct any of the Institution’s competencies only after the nomination of the Chairperson and the Vice Chairperson.

## **Formation of the Council of Commissioners Article (4)**

- a. The Institution shall have a Council of Commissioners composed of eleven members, including the Chairperson and the Vice Chairperson. They shall be known for their competence and integrity.
- b. Members of the Council of Commissioners shall be selected from advisory firms, academic organizations, civil society organizations, unions, social, economic and professional institutions, and human rights defenders, provided that women and minorities are adequately represented. Members may be selected from members of the legislative authorities. They shall not form a majority in the Council of Commissioners, and they



can participate in the discussion as non- voting members.

## **Membership Article (5)**

Subject to Article (4) of the Law, appointed members of the Council of Commissioners shall fulfill the following conditions:

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

## **Selection mechanism, procedures, and rules of the Council of Commissioners Article (6)**

A Royal Order shall be issued identifying the mechanism, procedures, and rules for the selection (appointment) of the Council of Commissioners.

## **Article (7)**

Members of the Council of Commissioners shall be appointed by Royal Order for a period of four years, renewable for similar terms.

Appointments shall take place after consultation with relevant bodies of civil society and various other organizations. The Royale Order shall identify the full-time and part-time members. The members shall practice their work in their personal capacity.

## **Election of the Chairperson and Vice Chairperson Article (8)**

The Council of Commissioners shall convene its first meeting under the chairmanship of the most senior member to elect a Chairperson and a Vice Chairperson from amongst them. They shall be full-time members, for a similar period of their appointment. Election shall be carried out by the relative majority of the members present.



## Article (9)

- a. Nominations to the Chairperson and Vice Chairperson positions shall be presented to the most-senior member in terms of age within the period specified by him/her. Elections shall take place among the nominees by secret ballot. If more than one member acquires relative majority of the members present, members shall be elected by a drawing of lots. If there are no nominees except the required number, the nominees shall be declared elected by acclamation. The Chairperson shall undertake his duties immediately once elected.
- b. Once the Chairperson is elected, the Vice Chairperson shall be elected according to the method set out in Clause (a) of this Article.
- c. Without prejudice to Article (8) of this Rules of Procedure, if the Chairperson or Vice Chairperson positions become vacant for any reason, substitutes shall be elected to fill their positions according to the method set out in Clause (a) of this Article.
- d. Official bodies in the Kingdom and the media shall be informed of the election results immediately once announced.

## Institution Competencies

### Article (10)

In pursuing its goals, the Institution shall be free to comment on any question related to human rights, and to take any human rights issues, as it sees fit. The Institution shall have the following competencies:

- a. To participate in the production and implementation of a national plan for the promotion and protection of human rights in the Kingdom.
- b. To study legislation and regulations enforced in the Kingdom which come under the human rights areas together with recommending amendments it deems fit in this respect particularly those consistent with such legislations and the Kingdom's international obligations in the human rights field. The Institution shall be empowered to recommend issuing new legislation related to human rights.
- c. To consider the consistency of the legislative and regulatory provisions with the regional and international conventions related to human rights issues, and submit proposals and recommendations to the





competent authorities on any matter that would promote and protect human rights, including recommendations to accede to regional and international conventions and treaties concerned with human rights.

- d. To submit parallel reports, participate in the drafting and discussion of the reports, which the Kingdom is committed to submit periodically for the implementation of regional and international conventions concerning human rights, make remarks thereon, and publish such reports in the mass media outlets.
- e. To monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities.
- f. To receive, examine, and consider complaints related to human rights and refer the complaints, which the Institution deems necessary, to the competent authorities together with effective follow-up, and to receive requests for assistance and inform those concerned of the procedures that should be followed and help them implement such procedures, or assist in the settlement of complaints with the relevant authorities.
- g. To perform announced and unannounced field visits to monitor human rights situation in correctional institutions, detention centers, labor gathering places, health and education centers, or any other public place in which it is suspected that human rights violations are taking place.
- h. To cooperate with the competent authorities concerned with cultural, media, and educational affairs, and to submit proposals and recommendations in any matter in order to disseminate and promote a culture of awareness and respect for human rights.
- i. To cooperate with the national bodies and regional and international organizations, as well as the relevant institutions in other countries concerned with the promotion and protection of human rights.
- j. To hold meetings and joint activities, and to cooperate, coordinate, and consult with the relevant civil society and non-governmental organizations, and the various other groups and human rights defenders;



and to communicate directly with those who claim being exposed to any form of abuse, and to report back to the Council of Commissioners.

- k. To host conferences and to organize training and educational events in the field of human rights and conduct related research and studies.
- l. To participate in the national and international forums, as well as in the meetings of regional and international bodies concerned with human rights issues.
- m. To issue newsletters, printed material, data and special reports, and upload them on the Institution's website. The Institution is entitled to directly approach the public opinion or through the various media outlets.
- n. To approve the legal and advisory opinions prepared by the General Secretariat on issues related to the Institution's competencies, which are referred to the Institution by the King or the constitutional authorities in the Kingdom.

## **Request of Information**

### **Article (11)**

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

## **Study the Issues Referred to the Institution**

### **Article (12)**

The King and any Constitutional State Authorities may refer to the Institution



any issues they see fit and which come within its competency for its consideration and opinion.

## **The Institution Organs**

### **Article (13)**

The Institution shall consist of the following organs:

- a. Chairperson.
- b. Council of Commissioners Bureau
- c. Council of Commissioners
- d. Committees
- e. General Secretariat.

### **Chairperson**

#### **Article (14)**

The Chairperson shall represent the Institution to the Judiciary and in its relationships with others. The Chairperson may delegate some of his/her functions to other members. The Vice Chairperson shall replace the Chairperson to undertake all of his/her duties during his/her absence or any matter that prevents him/her from attending.

#### **Article (15)**

The Chairperson shall select one or more members or the General Secretariat to represent the Institution in local, regional, and international forums and events related to its functions.

#### **Article (16)**

The Chairperson shall open, chair, and control the meetings of the Council of Commissioners, and shall run the debate, announce the conclusion of the debate, call any motion for decision, authorize the members to speak during the meetings, and may speak at any time if he/she deems so beneficial for organizing or clarifying the debate.



## **Article (17)**

If the Chairperson is absent, the Vice Chairperson shall chair the meetings of the Council of Commissioners. If both the Chairperson and the Vice Chairperson are absent, the meeting shall be chaired by the most senior member, who shall have the powers granted in this Rules of Procedure to the Chairperson for managing the meeting.

## **Article (18)**

The Chairperson may invite any of the committees to discuss an issue (he/she) deems important. The Chairperson shall chair the meeting of the committees he/she attends, and he/she may also entrust one of the members to research or investigate a certain subject.

All correspondences between the committees and any external bodies shall be made through the Chairperson.

## **Council of Commissioners Bureau**

### **Article (19)**

The Institution shall have a Council of Commissioners Bureau that shall include as members the Chairperson, Vice Chairperson, heads of the standing committees set out in Article (32) of this Rules of Procedure, once elected, and the Secretary General, who shall not have the right to vote.

### **Article (20)**

The Council Bureau shall have the following mandate:

- a. To coordinate between the committees and settle any dispute that may arise relating to the mandates of the committees.
- b. To study the reports submitted by the members on their tasks and visits in the Kingdom and abroad and make remarks before submitting the reports to the Council of Commissioners.
- c. To study the proposal presented by the Chairperson on the members who do not carry out their duties or whose conduct is in violation of the membership conditions, prior to presenting the issue to the Council of Commissioners to take the appropriate decision.



- d. To make initial comments on the draft annual report and the parallel reports that falls within the Institution's competencies.
- e. To review and comment on the draft annual budget and the final accounting statement of the Institution prior to presenting it to the Council of Commissioners.
- f. Any other tasks referred to it by the Chairperson or the Council of Commissioners.

### **Article (21)**

- a. The Council Bureau shall meet once every two months, or whenever the need arises, upon call of the Chairperson.
- b. The Council Bureau meetings shall be considered valid if attended by the majority of its members, provided the Chairperson or Vice Chairperson is present. The resolutions of the Council Bureau shall be passed by the majority votes of members present, and in case of a tie, the Chairperson of the meeting shall have a casting vote.

### **Article (22)**

- a. The meetings of the Council Bureau may be attended only by the members, the Secretary General, and any of the employees of the General Secretariat who shall be assigned to prepare the minutes of meeting.
- b. The minutes shall be prepared under the supervision of the Secretary General for the Council Bureau meetings. The minutes shall include a summary of the proceedings of the meeting including deliberations, recommendations, and resolutions. The minutes shall be approved by the members of the Council Bureau at the next meeting, and shall be signed by the Chairperson and the Secretary General, and shall be stamped with the Institution's seal.

## **Council of Commissioners**

### **Article (23)**

The Council of Commissioners shall hold an ordinary meeting at least once every three months, on the basis of an invitation from the Chairperson.



The Chairperson may, or on the basis of a request from a majority of the members, call an extraordinary meeting of the Council of Commissioners at any time.

### **Article (24)**

- a. The Council of Commissioners meeting shall be considered valid if attended by the majority of its members, provided the Chairperson or the Vice Chairperson is present. If no quorum is present, the Chairperson may call to convene the meeting within three days.
- b. If the quorum of the meeting of the Council of Commissioners is not present for two consecutive times, the meeting shall be deemed valid, provided that the number of members present is not less than one-third of the members, including the Chairperson or Deputy Chairperson.
- c. Members of the legislative authority - members of the Council of Commissioners - shall take part in the discussions without having the right to vote.
- d. Subject to the provisions of Clause (b) of Article (4) of this Rules of Procedure, the resolutions of the Council of Commissioners shall be taken by the majority of the votes of the members present. In the event of a tie, the Chairperson of the meeting shall have a casting vote.

### **Article (25)**

- a. The meetings of the Council of Commissioners shall be confidential and may be attended only by the members, the Secretary General, and any employee of the General Secretariat who shall be assigned to assist the Secretary General in preparing the minutes of meetings.
- b. The Council of Commissioners may invite any person it deems fit to solicit his/her opinion or experience on any issue proposed for discussion or deliberation to attend its meetings, without having the right to vote.

### **Article (26)**

- a. The Secretary General shall prepare the draft agenda and the issues proposed for deliberation by the Council of Commissioners, and shall



present it to the Chairperson at least seven business days prior to the meeting date for approval.

- b. The agenda of the meeting, along with all documents attached thereto, shall be circulated via email to the members at least five business days before the meeting date.
- c. Any member may request incorporating any issue that falls within the competencies of the Council of Commissioners in the agenda, provided that the motion is sent in writing in the name of the Chairperson to the Secretary General, along with a detailed description of the issue, at least two business days prior to the meeting date.

### **Article (27)**

- a. No issue may be deliberated before the Council of Commissioners prior to referring it to one of the committees or the General Secretariat for consideration and presenting a detailed report on the issue. The Council of Commissioners may decide otherwise with the approval of the majority of the members.
- b. Any issue not included in the agenda may not be the object of deliberation, except in cases of urgency, under any other business arising item, with the approval of the majority of the members.

### **Article (28)**

- a. The Council of Commissioners, based upon a proposal by the Chairperson or a motion submitted by at least three members, may set a time for concluding the debate of an issue and soliciting opinion thereon.
- b. The Council of Commissioners, based upon a proposal by the Chairperson or a motion submitted by at least three members, may decide to conclude the debate on a certain issue. In order for the debate to be concluded, at least one member in favor of the opinion and one member against the opinion should have been allowed to speak.



## Article (29)

- a. Once the Council of Commissioners announces closing the debate on the issue being considered and after verifying that the required quorum for voting is present, the Chairperson shall put the issue to a vote. The votes shall be taken by a show of hands or any other method deemed appropriate by the Council of Commissioners.
- b. The Chairperson shall announce the decision of the Council of Commissioners on the presented issue according to the voting result. No comments may be made after announcing the resolution.

## Article (30)

- a. The minutes of the Council of Commissioners meetings shall be prepared under the supervision of the Secretary General. The minutes shall include the names of the present and absent members, a summary of the proceedings of the meetings, and the resolutions taken.
- b. The Secretary General shall prepare a draft of the minutes of meeting and send it to the Chairperson for his/her comments well in advance of the next meeting.
- c. The minutes of meeting shall be approved by the members at the next meeting, and shall be signed by the Chairperson and the Secretary General, and shall be stamped with the Institution's seal.
- d. The Secretary General shall pursue the implementation of the resolutions of the Council of Commissioners and shall notify the Council of Commissioners of the detailed implementation at its next meeting.

## Annual Report

### Article (31)

- a. The Council of Commissioners shall produce an annual report on the efforts, activities and work streams of the Institution. It shall include a section explaining the level of progress on the human rights situation in the Kingdom, as well as any observations and comments within its competencies, identifying any obstacles to the Institution's performance and the solutions adopted to circumvent them. The Council of Commissioners shall present the report to the King, the Cabinet, the





Council of Representatives (Nuwab), and the Shura Council. The report shall be presented to the public in parallel.

- b. The Council of Commissioners may submit to the Cabinet a brief report on the outcomes of its work and activities, supported with its proposals, whenever it deems necessary.

## **Committees**

### **Article (32)**

Three standing committees shall be formed in the Institution to assume the Institution's functions, namely:

- a. Complaints, Monitoring and Follow-up Committee
- b. General Rights and Freedoms Committee
- c. Committee on the Rights of Persons Deprived of Liberty

The Council of Commissioners may form, by consensus, ad-hoc committees, whenever necessary, according to the requirements of its work and within the scope of the Institution's competencies.

## **Complaints, Monitoring and Follow-up Committee**

### **Article (33)**

The Complaints, Monitoring, and Follow-up Committee shall be composed of at least three members and shall have the following competencies:

- a. To receive, assess, and consider complaints and grievances related to human rights made by citizens, residents and organizations through various means, and to determine the best way to deal with.
- b. To inform concerned citizens and residents of procedures to be followed if there is a complaint and to provide them with the required assistance or to assist in resolving the complaint with the concerned authorities.
- c. To monitor and investigate the human rights situation in the Kingdom, through the media, social media or otherwise, and study or research to determine the best ways to deal with them.
- d. To transfer what the institution sees as referral of complaints, legal assistance and monitoring cases that have been identified to the



- competent authorities through the Chairperson and to effective follow-up.
- e. To consider the complaints referred by the Committee on the Rights of Persons Deprived of Liberty from Detained Persons in Correctional and Rehabilitation Institutions, Pre-Trial Detention, and Detention Centers, and to refer to the Committee on the Rights of Persons Deprived of Liberty to take the necessary action.
  - f. To coordinate trial hearings, court proceedings to ensure fair trial guarantees, and to take necessary action to finalize attendance reports.
  - g. To request information or data from any competent authorities in the Kingdom during the institutions exercise of its mandate, through the Chairperson.
  - h. To recommend to develop a guide on receiving complaints and the provided legal assistance, the mechanism for monitoring human rights situations and providing insights on facilitating the work of the Committee through the complaints system.
  - i. To prepare statistics on complaints received by the institution, legal assistance provided and cases of monitoring through the media and social media, indicating the actions taken.
  - j. To contribute in the preparation of the draft parallel reports that the Kingdom undertakes to submit periodically, and to make observations thereon, as related to regional or international conventions pertaining to human rights.
  - k. Any other competency referred to the Committee by the Chairperson, or the Council Bureau, or the Council of Commissioners.

## **General Rights and Freedoms Committee**

### **Article (34)**

The General Rights and Freedoms Committee shall be composed of at least three members and shall have the following competencies:

- a. To prepare proposals and recommendations on any measures that would promote and protect civil, political, economic, social and cultural rights and submit them to the Council of Commissioners to take the necessary action.
- b. To express opinion on issues related to civil, political, economic,



social and cultural rights, which are referred to the Committee by the Chairperson or the Council Bureau or by the Council of Commissioners.

- c. To study and evaluate the progress made in the exercise of civil, political, economic, social and cultural rights in the Kingdom and to make observations thereon for development in accordance with regional and international standards, in coordination with the competent authorities concerned.
- d. To examine the consistency of the legislative and regulatory provisions with the regional and international conventions on human rights issues, submit proposals and recommendations on any matter that would promote and protect human rights, including the recommendation to accede to regional and international conventions on civil, political, economic, social and cultural rights, and review the reservations that have been made by the Kingdom on some of the provisions of the conventions to which it has already acceded.
- e. To study the legislation and regulations in force in the Kingdom on civil, political, economic, social and cultural rights, and recommend the appropriate amendments, and to express its views on the alignment of this legislation with international human rights standards, making the necessary proposals on such and recommending new human rights legislation.
- f. To contribute in the preparation of the draft parallel reports that the Kingdom undertakes to submit periodically, and to make observations thereon, as related to regional or international conventions pertaining to human rights.
- g. Any other competency referred to the Committee by the Chairperson, or the Council Bureau, or the Council of Commissioners.

## **Committee on the Rights of Persons Deprived of Liberty**

### **Article (35)**

The Committee on the Rights of Persons Deprived of Liberty shall be composed of at least three members and shall have the following competencies:

- a. To conduct announced and unannounced field visits, to monitor the human rights situation in correctional and rehabilitation institutions, detention centers, labor gatherings, health and education centers, or any other



public place in which it is suspected that human rights violations might take place, and to prepare the appropriate reports.

- b. Prepare reports on the status of persons deprived of their liberty within correctional and rehabilitation institutions and detention centers, on a regular basis, and make necessary observations and recommendations.
- c. To refer to the Complaints, Monitoring and Follow-up Committee the Committee observations during its visit to correctional and rehabilitation institutions, detention centers, as well as complaints from persons deprived of their liberty in such institutions and centers.
- d. To review the national legislations concerning the reform of the correctional and rehabilitation institutions and related regulations and resolutions, propose appropriate recommendations thereon, follow-up the implementation of the relevant international conventions and treaties, and formulate the proposals, recommendations and observations necessary for the safety of their application and submit them to the Chairperson or the Commission Bureau, or the Council of Commissioners.
- e. To contribute in the preparation of the draft parallel reports that the Kingdom undertakes to submit periodically, and to make observations thereon, as related to regional or international conventions pertaining to human rights.
- h. Any other competency referred to the Committee by the Chairperson, or the Council Bureau, or the Council of Commissioners.

### Article (36)

- a. At its first meeting, each committee stated in Article (32) of this Rules of Procedure, shall elect its Head from among its members, by a majority of the members, for a period of one year, renewable for similar terms. If more than one member obtains this majority, the Head shall be elected by a drawing of lots.
- b. The first meeting of the committee shall be chaired by the most senior member in terms of age, to whom written nominations shall be submitted. At the beginning of the meeting, the most senior member in terms of age shall announce the nominations to the members of the Committee. Candidates shall be elected by secret ballot. If only one member runs for election, he/she shall be declared as Head by acclamation.



### **Article (37)**

Each member shall have the right to participate in any of the Committees stated in Article (32) of this Rules of Procedure, provided that the freedom of participation does not prejudice the formation of the committees in close groups in terms of number and efficiency. No member shall be allowed to head more than one committee.

### **Article (38)**

The Committees shall establish their agendas according to Institution's strategy and action plan. The Committees shall arrange their priorities, determine the issues that fall within their competencies and require consideration, and shall submit a report on these issues to the Council of Commissioners in its periodic meeting.

### **Article (39)**

- a. The Committees shall meet at least once a month. The Head of each committee shall, in coordination with the Secretary General, administer the Committee's work, convene its meetings, develop its agenda, and present its recommendations to the Chairperson.
- b. The Committee's meeting shall be considered valid if attended by the majority of its members. The recommendations and resolutions of the Committee shall be passed by the majority votes of members present. In case of a tie, the Head of the meeting shall have a casting vote.
- c. The most senior member in terms of age shall act for the Head of the Committee in the latter's absence.

### **Article (40)**

- a. The meetings of the Committees shall be confidential and shall be attended only by the members and the Secretary General or whoever he/she may deputize.
- b. In coordination with the Secretary General and subsequent to the approval of the Chairperson, the Committees may seek the expertise from any member of staff of the Secretariat General or from any person outside the Secretariat in studying any of the issues that fall within their



competencies without having the right to vote; and in performing their tasks, the Committees may also seek the assistance of research centers and civil society institutions concerned with human rights.

### **Article (41)**

- a. The General Secretariat shall set up an e-mail address for each member on the Institution's IT secure network. The minutes of meetings and work-related documents shall only be sent using this email, and may not be sent using personal e-mails or any other social media to maintain its confidentiality.
- b. The Head of the Committee and the Secretary General shall coordinate the issues to be deliberated during the meeting of the committee. The Secretary General shall prepare a draft of the items placed on the agenda and present it to the Head of the Committee at least five business days prior to the date of the meeting for approval.
- c. The Secretary General shall send the draft of the items placed on the agenda in the name of the Head of the Committee via email to its members at least four business days prior to the date of the meeting. Any member may request to include an issue which falls within the competence of the Committee on the agenda, provided that the written request is sent in the name of the Head of the Committee to the Secretary General, with a detailed description of the issue at least three business days prior to the meeting date.
- d. The agenda of the meeting, along with all documents attached thereto, shall be circulated via email to all members of the Committee at least two business days prior to the meeting date.

### **Article (42)**

- a. The minutes shall be prepared under the supervision of the Secretary General and shall include the names of present and absent members, a summary of deliberations and resolutions, and the recommendations of the meetings of the Committee.
- b. The recommendations of the Committee shall not be deemed effective unless approved by the Chairperson or the Council of Commissioners,



as the case may be. The Chairperson or the Council of Commissioners may approve, reject or amend the recommendations, or return them to the Committee for further consideration, or may defer considering the recommendations to a later time.

### **Article (43)**

- a. The Secretary General shall finalize the draft minutes of the Committee meeting and send it to the Head of the Committee for his/her comments well in advance of the next meeting.
- b. The minutes of the Committee meeting shall be approved by its members at the next meeting, and shall be signed by the Head of the Committee and the Secretary General, and shall be stamped with the Institution's seal.
- c. The Secretary General shall pursue the implementation of the resolutions of the Committee, and shall submit its recommendations, based on the authorization letter of the Head of the Committee. The Committee shall be informed of the actions taken concerning these resolutions and recommendations at its next meeting.

### **Article (44)**

- a. The resolutions and recommendations of the Committee are considered final by adoption at the same meeting, unless explicitly expressed otherwise at the meeting.
- b. The Committee shall submit its resolutions to the General Secretariat and shall submit its recommendations to the Chairperson or the Council of Commissioners, as the case may be, by virtue of a letter signed by the Head of the Committee to take the appropriate action in this regard.
- c. If the recommendation of the Committee is to send a letter, the draft letter proposed shall be presented to the Head of the Committee for obtaining his/her approval of the content, and shall be sent to the Chairperson for his/her approval and signature.
- d. The Committee shall send its minutes of meeting to the Chairperson by a letter signed by the Head of the Committee no later than five business days as of the date of approving the minutes.



## Article (45)

- a. A unit shall be created in the General Secretariat to provide technical and legal support to the Complaints, Monitoring and Follow-up Committee. The Unit shall include a sufficient number of qualified legal experts and researchers in the field of human rights. The unit shall have the power to receive and follow-up the complaints made by citizens and residents, gather data and information on these complaints, and monitor all issues and complaints, appearing in the various media or social media, that may represent a violation of human rights. The Unit shall collect any data required on such issues and complaints and shall prepare the initial legal opinion to be presented to the Committee to take the appropriate decision thereto.
- b. A unit shall be created in the General Secretariat to follow up the work and affairs of the Council and the Committees. The Head and the staff of the Unit shall act as the rapporteurs of the Committees, delegated to represent the Secretary General. The Secretary-General may delegate any Secretariat staff to act as rapporteurs to the Council or the Committees meetings. The Unit shall have the power to prepare for the meetings, identify the requirements, and prepare the reports, as well as to follow up the decisions, recommendations, work, and requirements of the Council and the Committees, and shall coordinate between the Committees and the General Secretariat.
- c. A manual shall be issued by a resolution of the Chairperson subsequent to the approval of the Council of Commissioners. The manual shall include the controls and criteria for receiving the complaints submitted to the Institution, the filed assistance requests, the procedures for examining and following up the complaints, and the mechanism for monitoring the violation of human rights cases.

## Presence and Absence of Members

### Article (46)

- a. Members shall attend the meetings of the Council of Commissioners, the Council Bureau, and the meetings of the Committees regularly. Any member who is assigned to an official task related to the Institution shall be granted permission for absence throughout the period of the assignment.





- b. If any member requires to be absent or to depart the meeting of the Council of Commissioners, the Council Bureau, or the meeting of the Committees before the conclusion of the meeting, the member shall request the permission of the Chairperson, or the Head of the Committee, as the case may be.
- c. The Head of the Committee shall present a periodic report to the Chairperson every three months, which shall include information on the presence and absence of the members of the Committee.

### **Candidate for membership of the Council of Representatives or Municipal Councils**

#### **Article (47)**

- a. Every member of the Council of Commissioners who is a candidate for membership of the Council of Representatives or Municipal Councils shall be granted a full-time leave of absence.
- b. The leave shall commence the day following day after the closure of the candidacy application deadline until the end of the election process.
- c. The member shall submit to the Chairperson the acceptance of his candidacy for membership to the Council of Representatives or the Municipal Councils.
- d. A member who is a candidate during this period may not exercise any of his competencies, chair or participate in the meetings of the Council of Commissioners or Standing Committees or any other Committees within the institution.
- e. The leave prescribed in this Article shall terminate at the end of the election process, either in the first or second rounds, as the case may be.
- f. If the member wins the elections, the Council of Commissioners shall hold a periodic or extraordinary meeting, as the case may be, to consider this matter. If he/she does not win the election, he/she shall complete his/her tenure in the Council of Commissioners from the day following the end of the election process.



## Rights and duties of members

### Article (48)

First: Full-time and part-time members:

Without prejudice to the rights and duties of the member of the Council of Commissioners mentioned in the law or in these regulations, the member shall abide by the following:

- a. Refrain from publically takeout the draft annual report of the institution or the final version approved from the headquarters of the institution, or send by e-mail or any means of social communication, and the member may not discuss or publish in the various media or social media the contents of the annual report before presenting it to the King.
- b. Refrain from circulating the draft special and parallel reports of the institution obtained by the member during or on the occasion of his work, unless approved by the Chairperson.
- c. A member may declare in the various media or in social media information related to his work in a committee or in the reports issued by the institution in coordination with the Chairperson.
- d. The representation of the institution in internal or external activities by members of the Council of Commissioners is subject to a decision by the Chairperson.
- e. The member responsible for representing the institution in an official mission shall write a report within a period of not more than one week from the date of the end of the event, attaching documents and photographs to be submitted to the Chairperson using the approved form, and provide the General Secretariat with copies thereof.

Second: Full-time members:

- a) Subject to the provisions of the Law or these Regulations, full-time member shall:
  1. Not to be committed to any permanent job or profession that is incompatible with the duties of his/her work in the institution.
  2. Presence in the institution whenever needed, and at the request of the Chairperson.
  3. Perform the tasks officially assigned to him/her by the Chairperson.



- b) The full-time member shall inform the Chairperson in writing of his/her desire to leave on annual, sick or other leave, or when there is any obstacle preventing him/her from being in the institution when needed, specifying its duration through the designated form.

## **Conflicts of Interest**

### **Article (49)**

Without prejudice to the rights and benefits of a member of the Council of Commissioners mentioned in the law or in these regulations, the member shall avoid conflicts of interest arising from his/her membership in the institution and his/her transactions with third parties, especially in the following cases:

1. Refrain from receiving any amount of money for the performance of service or work or benefit as a member of the institution through his dealings with others.
2. Refrain from receiving any financial fee for participating in any internal or external events, or contribute to it as a member of the institution, taking into account not to use his/her official position in the organization during such events in which he/she participates in their personal capacity.
3. Refrain from carrying out any activity that would lead to a real or apparent conflict or conflict between the personal interests of the member and his duties as a member of the institution.
4. Refrain from carrying out any activity that would prejudice or harm the reputation of the institution or lead to preferential treatment of the member in his/her dealings with others.
5. Refrain from publishing any information, statements, articles or news about personal participation in internal or external events on the Institution's website and accounts in the media and the social media, that is directly related to the bodies, committees, or organizations affiliated with in their official capacity, in which their names appended by their positions in these bodies appear, or are not directly related to the activities and the work of the Institution, or in which they are not officially assigned to represent the Institution.



6. Refrain from presiding or participating in the membership of special committees within the institution, or representation at external bodies or committees, or follow up issues that the member or a his/her relative to the fourth degree has a direct or indirect relationship.
7. Avoid close or strong relationship with individuals or internal or external entities whose interests depend primarily on the work of the institution.

In all cases, the member shall immediately notify the Chairperson in the event of any conflict of interest or any of the previous cases have been achieved. The Chairperson may present the matter to the Council of Commissioners, if necessary, for the required action.

## **Immunity and Confidentiality**

### **Article (50)**

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

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

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

### **Article (51)**

Members shall be prohibited from disclosing any confidential information or data they receive or see in the course of their work unless otherwise ordered by the Public Prosecution or a Competent Court. This provision shall continue to apply even after the end of the membership.



## **Penalties**

### **Article (52)**

Subject to Article (10) of the Law, and without prejudice to civil or criminal liability, any member found to have violated membership duties or have committed any of the prohibited actions shall be penalized as follows:

- a. Verbal warning.
- b. Written warning.
- c. Termination of membership.

### **Article (53)**

- a. The penalties stated in the provisions of Article (52) of this Rules of Procedure may not be imposed on the member until after presenting the issue to the Council of Commissioners Bureau, which shall decide to listen to his/her statements and verify hearing his/her defense. All the proceedings shall be noted in a report. Subsequently, the issue, together with the proposed penalty, shall be presented to the Council of Commissioners to take the appropriate action.
- b. In order to impose any of the penalties stated in the provisions of Article (52) of this Rules of Procedure, the approval of a two-thirds majority of the members of the Council of Commissioners shall be obtained.

## **Termination of Membership**

### **Article (54)**

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

### **Article (55)**

Subject to the provisions of Article (4), Clauses (a) and (e), and Article (10) of the Law, membership of the Council of Commissioners shall come to an end in any of the following circumstances:

- a. Death or disability preventing the performance of the Member's functions.



- b. Resignation.
- c. Loss of Bahraini nationality.
- d. A final sentence has been issued for a felony or freedom restraining punishment in a crime against honor or trust, unless exonerated.

### **Article (56)**

Subject to the provisions of Clause (d) of Article (4) and Article (10) of the Law, membership of the Council of Commissioners may be brought to termination before the end of its term by a Royal Order promulgated pursuant to a recommendation of the Council of Commissioners passed by a two-thirds majority of its members in any of the following circumstances:

- a. If the member has violated the provisions of the Law, the regulations, or the resolutions promulgated in implementation thereof.
- b. If the member takes on a position that is inconsistent with the goals of the Institution or obstructs the performance of its tasks and competencies.
- c. If the member fails to attend five meetings of the Council of Commissioners or the Council Bureau or the Committees without an excuse acceptable to the Chairperson despite a written notice to this effect.
- d. If the member no longer maintains the dignity of the membership by failure to uphold the condition of being of good conduct and reputation.

### **Article (57)**

If the position of one of the Members of the Council of Commissioners becomes vacant for any of the circumstances stated in Articles (55) and (56) of this Rules of Procedure, another member shall take over (his/her) place and the new member shall complete the term of (his/her) predecessor.

## **Code of Conduct**

### **Article (58)**

The members of the Council of Commissioners shall have a Code of Conduct issued by a Resolution of the Chairperson subsequent to the approval of the Council of Commissioners.



## **Remuneration**

### **Article (59)**

- a. The remuneration of the Chairperson, Vice Chairperson, full-time and part-time members shall be set by Royal Order.
- b. Subject to the provisions of Article (46) and Clause (c) of Article (56) of this Rules of Procedure, the remuneration shall be reduced by the number of absences from attending the meetings of the Council of Commissioners or the Council Bureau or the meetings of the Committees without an excuse approved by the Chairperson.

## **Travel Allowances and Miscellaneous Expenses**

### **Article (60)**

The Council of Commissioners shall set up a regulation on organizing the mechanism, controls, and the amount of the total and reduced travel allowances for the members and the Secretary General assigned on official duties related to the competencies of the Institution, in addition to the controls over payment of miscellaneous expenses. The regulation shall be issued by a resolution of the Chairperson with the consent of the Council of Commissioners.

### **Article (61)**

The Institution shall not bear the member's participation fees, travel and accommodation expenses, or allowances in the case when the member receives an invitation to participate in an event taking place inside or outside the Kingdom in his/her personal capacity.

## **General Secretariat**

### **Article (62)**

The administrative body of the Institution shall consist of the Secretariat General which shall act as its executive organ, and shall be composed of a sufficient number of consultants, experts, and researchers and other employees of the Secretariat. The personnel statute shall specify the mechanism and conditions for the selection and appointment of employees, and shall be issued by a resolution of the Chairperson.



## Article (63)

The Secretary General shall be appointed by a resolution of the Chairperson on the basis of the agreement of a majority of the members for a period of four years, renewable for similar terms. The candidate shall be an individual known for his/her competence, integrity, and independence. For a candidate to be qualified for the position of the Secretary General, he/she shall have obtained at least a bachelor's degree or equivalent and has relevant experience, in addition to satisfying the conditions required of the members stated in the provisions of Article (5) of this Rules of Procedure.

## Article (64)

The Secretary General shall supervise and oversee the affairs and work of the General Secretariat, and shall report directly to the Chairperson for the performance of these duties. In particular, the Secretary General shall undertake the following tasks:

- a. Overall supervision over the General Secretariat, the affairs of the employees, and the financial and administrative matters in accordance with the Law and the rules and regulations promulgated in implementation of the Law.
- b. Attending the meetings of the Council of Commissioners Bureau, without having the right to vote, following up its proceedings, and providing it with the requirements for assuming its competencies.
- c. Attending the meetings of the Council of Commissioners, implementing its resolutions, without having the right to vote, as well as drafting periodic reports every three months that incorporate the activities of the Institution and the progress of work of the General Secretariat, including the work that has been completed according to set plans and programs.
- d. Attending the meetings of the Committees, without having the right to vote, following up on their work, and providing them with the requirements to enable the Committees assume their competencies.
- e. Presenting proposals for activating the competencies of the Institution, achieving its objectives, and developing relevant plans and programs.
- f. Coordinating and following up with the ministries, official and non-official bodies and institutions in the Kingdom, as well as with the international and





regional bodies and organizations concerned with implementing plans and programs for advancing, promoting and protecting human rights, and submitting reports in this regard to the Council of Commissioners.

- g. Instructing the General Secretariat staff to attend courses and to represent the Institution in local, regional, and international forums and events relevant to its functions.
- h. Preparing the draft annual budget and the final accounting statement of the Institution.
- i. Making observations and recommendations concerning the donations and aid received by the Institution and submitting them to the Council of Commissioners for its decision.
- j. Performing the other competencies set out in the Institution's regulations and resolutions.
- k. Conducting any other work delegated to the Secretary General by the Chairperson, the Council of Commissioners Bureau, or the Council of Commissioners.

The Secretary General may delegate, in writing, some of his/her tasks and competencies to any member of staff of the General Secretariat as he/she deems fit.

## **The Institution Financial Resources**

### **Article (65)**

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

- a. Financial resources allocated to the Institution in a separate ledger on the general state budget that is issued by law.
- b. Unconditional donation and aid, which are in line with the Institution's objectives that the Council of Commissioners decides to accept, in accordance with the laws and regulations in force in the Kingdom.

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



## Executive Regulations

### Article (66)

The Institution shall have Executive Regulations, which comprises the regulations organizing the work of the General Secretariat, and includes but not limited to the following:

- a. The Personnel Regulation, the Organizational Structure of the General Secretariat, and the Ranks, Salaries, and Benefits Table guided by the relevant laws and regulations in force in the Kingdom.
- b. The Financial and Administrative Regulation organizing the financial, accounting, and administrative affairs of the General Secretariat, and includes the controls over the use of external audit firms accredited in the Kingdom to conduct regular audits of the Institution's accounts.
- c. Regulation on Information Technology.
- d. Any other regulations approved by the Council of Commissioners.

The Executive Regulations shall be issued by a resolution of the Chairperson pursuant to the approval of the Council of Commissioners.

\* \* \*



# 5

## **Code of Conduct for National Institution for Human Rights' Members of Council of Commissioners**

\* Issued under the Council of Commissioners' Resolution No. 13 of the year 2016.





# Code of Conduct for National Institution for Human Rights' Members of the Council of Commissioners

## Article (1)

### Preamble

Whereas the National Institution for Human Rights (NIHR) is an independent institution established under Law No. (26) of 2014 with the purpose of addressing human rights in a responsible manner, setting out policies related to enhancement, development and protection of human rights in the Kingdom of Bahrain, as well as consolidating human rights values and raising awareness of human rights, disseminating human rights culture, in collaboration with the competent bodies charged with education, upbringing, media and cultural affairs, introducing the means available for safeguarding the human rights, issuing newsletters and publications related to its objectives and competencies.

Given the nature of the role and task assigned to the NIHR, this Code of Conduct aims to secure, regulate and ensure good conduct of the members of the Council of Commissioners, leading eventually to providing public services which are in harmony with the objectives of the NIHR for constitutional authorities in the Kingdom, citizens and residents, in accordance with standards governed by accuracy, objectivity, integrity, neutrality and diligence, without discrimination on the basis of gender, origin, language, religion, creed, belief or political affiliation...etc.

## Article (2)

### Objectives

This Code of Conduct aims at establishing ethical standards, consolidating values and principles related to membership on the NIHR's Council of Commissioners, through shedding light on ethics of members' performance of their duties and rights associated with such membership.



## Article (3) Values and Principles

This Code of Conduct is based on seven key principles which represent the core ethical duties of the conduct of the Council of commissioners' members during their membership term in the NIHR or following its expiration. These key principles are:

1. **Respect for Law:** Compliance with the legal provisions regulating work at the NIHR in accordance with the laws and legislation or regulations and instructions issued in implementation thereof and in force in the Kingdom of Bahrain.
2. **Neutrality:** Complete neutrality in dealing with the public, avoidance of discrimination, interests and personal gains upon providing the services.
3. **Integrity:** It is necessary to maintain and enhance the necessary trust of the constitutional authorities and the public, and assert the integrity of NIHR. It is vital strive to enhance the public interest, and not to use membership for matters other than their designated objectives. It is also necessary to give preference to the interest of the NIHR over personal interests in the event of conflict of interests.
4. **Equality:** Providing all services rendered by the NIHR to citizens and residents, without discrimination on the basis of gender, origin, language, religion, creed, belief, political affiliation...etc.
5. **Diligence:** Demonstrate full keenness on performing the work accurately, honestly and faithfully, impartiality from any considerations which may undermine it, while abiding by the values of transparency and integrity, performing all duties dictated by the nature of work, in addition to the requirements of laws, regulations and instructions of NIHR.
6. **Confidentiality:** Abide by professional confidentiality in respect of work secrets or privacy of service beneficiaries that come to their knowledge on account of their job, and not to disclose or use these secrets informally other than what is provided for in the law.
7. **Effectiveness:** To ensure that the NIHR's funds are not wasted, or misused for objectives other than their designated objectives, with the necessity of procuring all forms of available resources in a way which leads to safeguarding public revenues, while ensuring that services are provided in high effectiveness and quality.



## Article (4) Members' Duties

1. A Member of the Council of Commissioners shall observe due respect for the State's constitutional institutions on the one hand, and for the public on the other hand, doctrines of tactfulness with his colleagues and chairpersons of sessions of the Council of Commissioners, office of the Council or committees.
2. A Member of the Council of Commissioners may not act within or outside the Council of Commissioners, office of the Council or committees in violation of the applicable laws, regulations, by-laws and instructions.
3. A Member of the Council of Commissioners shall regularly attend meetings of the Council of Commissioners, office of the Council or committees, and a member who is assigned with official tasks related to the NIHR shall be deemed on permission throughout the duration of these tasks.
4. If a matter arises warranting a member's absence from the meetings of the Council of Commissioners or committees before the end of the meeting, he/she shall solicit permission from the NIHR's Chairperson or committee chairperson, as the case may be.
5. The committee chairperson shall submit a periodic report every three months which contains information about the presence and absence of committee members.
6. It is prohibited for a member of the Council of Commissioners to abuse his capacity for illegally acquiring special benefits.
7. In no event may a member of the board of commissioners abuse his position for personal purposes, objectives or benefits.
8. A member of the Council of commissioners shall give preference to public interest of NIHR over personal interests in the event of conflict of interests.
9. It is prohibited for a member of the Council of commissioners to misuse the powers granted to him under the law, regulations, bylaws, instructions or resolutions of the NIHR in all forms.
10. A member of the Council of Commissioners may not express or opinions or make statements that contradict the overall or declared



policy of the NIHR or use his position to express such opinions without prior approval of the NIHR's Chairperson.

11. It is prohibited for a member of Council of Commissioners to represent the NIHR in national, regional or international events or in its relations with third parties without a relevant authorization from the NIHR's Chairperson.
12. A member of the Council of Commissioners may not address Governmental and non-Governmental bodies outside NIHR on a matter related to NIHR's objectives and competencies except through the NIHR's Chairperson.
13. A member of the Council of Commissioners shall, upon discussing any issue submitted to a department of NIHR in respect of personal interest for him or any of his relatives up to the fourth degree or any of his clients, shall notify Chairperson of Council of Commissioners of this prior to any discussion.
14. A member of the Council of Commissioners shall comply with the provisions of laws, regulations, bylaws, instructions and resolutions related to the NIHR's work.

## **Article (5)**

### **Immunity and Confidentiality**

1. A member of the Council of Commissioners shall not be penalized for any opinions or ideas he/she expresses on matters which fall within the NIHR's competencies, and no investigation may be conducted with him unless the NIHR Chairperson's approval is obtained beforehand, and in the presence of a representative of Council of Commissioners.
2. The NIHR's headquarters may not be inspected without a court order, and in the presence of a representative of the public prosecution, provided that the Chairperson of the NIHR is notified and a representative for him is invited to attend the inspection.
3. It is prohibited for members of the Council of Commissioners to disclose any information or data which may come to their knowledge or possession on account of their positions, except on an order issued by the public prosecution or a competent court, and such prohibition shall remain in effect even after expiration of membership.





## **Article (6)**

### **Acceptance of Gifts and Benefits**

Members of the Council of Commissioners are prohibited from requesting, accepting or taking, directly or indirectly, any gifts in return for performing or abstaining from performing any of their respective duties, or any benefits which may affect carrying their tasks or performance of their duties or the resolutions they issue. In addition, the members shall not accept a promise for any similar benefit, and they shall abstain from incurring any financial obligation or otherwise which may have such effect.

## **Article (7)**

The Chairperson and members of the Council of Commissioners shall implement the provisions of this Resolution, and it shall enter into force as of its issuance date.





# 6

## **Guide on Receiving Complaints and the Provided Legal Assistance**

\* Issued pursuant to the Council of Commissioners Resolution No. (41) of 2018





## Introduction

The National Institution for Human Rights (NIHR) is one of the national mechanisms for ensuring the full protection of the rights of citizens and residents alike, as well as participating in the development of policies related to the promotion and development of human rights in the Kingdom of Bahrain.

The role of the NIHR is based on two main pillars: First, to promote human rights through the dissemination of the culture of human rights, instilling its values, raising awareness of these rights, and ensuring they are practiced freely and independently; Second, to protect human rights by receiving complaints and monitoring of the places suspected of being a site of human rights violation; drawing upon, as a legal reference for activating such protection, on NIHR Establishment Law No (26) of 2014 as amended by Decree-Law No. (20) of 2016.

Accordingly, Article (12) Paragraph (f) of the Law clarifies that, in order for the NIHR to achieve its objectives, it has the right to comment on any human rights issue and to address any human rights situation, as it deems appropriate; and stipulates that the NIHR is competent to undertake the following:

“To receive, examine and research complaints related to human rights and refer them, if necessary, to the relevant authorities with effective follow-up, or enlightening those concerned with most-follow procedures and help them to implement them, or assist in the settlement with relevant authorities.”

On that basis, the NIHR has developed its vision, mission and objectives; and hence, the Guide on Receiving Complaints and the Provided Legal Assistance constitutes the implementation of the NIHR's Strategy and Plan of Action. The Guide is a standard and a reference for handling complaints and evaluating their issues, best ways of intervention and treatment in accordance with best practices. It is also a guiding tool that enables individuals and entities to deal effectively with the complaint mechanism to achieve the goal sought by the NIHR , that is, the protection of human rights in the Kingdom.

The follow-up of complaints is one of the mechanisms of an effective complaints system and may be the only way to end the complaint with



a satisfactory outcome. This requires building bridges of cooperation based on acknowledging the efforts of the NIHR and the concerned body for safeguarding and protecting human rights, pursuant to Article (12) Paragraph (g) of the Law Establishing the NIHR, which stipulates that the NIHR is competent to undertake the following:

“To perform announced and unannounced field visits, to monitor human rights situation in Correction institutions, detention centers, labor calls gathering, health and education centres, or any other public place in which it is suspected that human rights violations are taking place.”

The Law also grants the NIHR the right to request information, as stipulated in Article (14):

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



## Section I

### General Principles

**First:** Concepts and terms

In this Guide, the following words and phrases shall have the following meanings, unless the context otherwise requires:

**Law:** Law No (26) of 2014 on the Establishment of the National Institution for Human Rights as amended by Decree-Law No. (20) of 2016.

**Institution:** The National Institution for Human Rights.

**Council of Commissioners:** The Council of Commissioners of the Institution.

**Chairperson:** Chairperson of NIHR Council of Commissioners.

**Vice Chairperson:** Vice Chairperson of NIHR Council of Commissioners.

**Committee:** Complaints, Monitoring, and Follow-up Committee at NIHR.

**Chair of the Committee:** Chair of the Complaints, Monitoring, and Follow-up Committee at NIHR.

**General Secretariat:** The Secretariat of the Institution.

**Secretary General:** The Secretary General of the Institution.

**Department:** Legal Affairs and Training Department at the Secretariat.

**Director:** The Director of the Legal Affairs and Training Department at the Secretariat.

**Unit Head:** The Head of the Complaints and Monitoring Unit at the Legal Affairs and Training Department.

**Unit:** The Complaints and Monitoring Unit at the Legal Affairs and Training Department.

**Electronic system:** The electronic system adopted by the Institution to register received complaints, record legal assistance provided, and determine the monitoring cases carried out by the Institution throughout media and social media.

**Institution's Branch:** Branch of the National Institution for Human Rights at the Expatriate Workers Protection Center of the National Commission for

Combating Trafficking in Persons, or any other branch.

**The Recipient of a Complaint:** The person in charge, or authorized, to receiving the complaint and interviewing the complainant, whether such person is an employee of the General Secretariat or a person or entity authorized by the Institution to do so.

**Complaint:** Any allegation of any violation of one or more of the fundamental rights and freedoms guaranteed by national legislation or international conventions and covenants committed by the State's Ministries, institutions and apparatus or its staff.

**Complainant:** Any natural person - individual or group - who has been subjected to a violation of any of his rights, or the rights of his first or second degree relative, his or her caretaker or guardian. The complainant may be a legal person such as the various civil society organizations. The complaint may be an individual action by a person in respect of the violation of any of his/her rights or a collective action by a number of persons concerning the violation of any of their rights.

**Violation:** Any infringement of a human right and fundamental freedoms guaranteed by national legislation or international human rights conventions and covenants committed by the State's ministries, institutions or apparatus or by a public official, whether through suppressing the right or preventing the actual enjoyment of practicing it.

**Legal assistance and counseling:** To elucidate the due process to be followed by providing legal advice and counseling to individuals, whether upon filing a complaint, which is later identified as beyond the area of the competencies of the Institution, or when individuals first request such advice.

**Follow-up:** A process of communication between the Institution and the concerned authorities in the Kingdom, on incidents of receiving complaints to request clarification and resolving such, whether the process of communication is in writing or by any other means.

**Coordinator:** A member of one of the relevant bodies who is in charge of the coordination and follow-up of all communications received from the Institution concerning receiving complaints, and informing the Institution of the actions taken on the subject of the complaints.

**Relevant bodies:** Constitutional institutions (legislative, executive, judicial) or other non-governmental entities.





## **Second:** Code of conduct

Considering that the Institution works to protect human rights and fundamental freedoms of citizens and residents alike by receiving complaints, taking the necessary administrative and legal measures to address such complaints, and providing legal assistance and advice to those in need; and in view of the nature of the Institution's role and mission; the Code of Conduct aims to establish and codify a number of legal and ethical controls related to the professional conduct of those employees working in the Unit in order to ensure the proper functioning of the Unit and to provided distinguished, high quality humanitarian services under fair, expeditious, efficient, and functional standards without distinction as to gender, origin, language, religion, or belief, or for any other reason.

Therefore, employees receiving complaints must follow the following rules:

1. Be considerate and patient and not engage in matters that may give rise to controversy and confusion when dealing with the complainants, the applicants for legal assistance and counseling, and all the beneficiaries of the Institution's services related to the work of the Unit. Avoid retaining the original copies of any document, report, paper, or letter relating to the complaint; and do not make any copies. Such copies should only be used when necessary.
2. Take utmost care to perform the work accurately, honestly, and conscientiously, and be free of any considerations that may cause prejudice, while respecting transparency and integrity values, and carry out all the duties imposed by the nature of the work, in addition to the requirements imposed by the Institution's Law, regulations, and instructions.
3. Maintain strict neutrality in dealing with the public, and avoid factiousness, and special interests and concerns when providing the services, and take into account the time factor for the rapid handling and follow-up of complaints.
4. Be fair in providing the services of the Unit to all citizens and residents, without discrimination on grounds of race, origin, language, religion or creed, political or partisan affiliation, or any other grounds.
5. Respect professional confidentiality in relation to work confidential information or the privacy of the beneficiaries of the services of the



Unit, which are accessed by virtue of work, and not to disclose such information or use them informally other than as is stipulated by the Law.

6. Ensure that the information that is obtained during working, or after leaving work, is not used to attain special interests.
7. Comply with providing information on legal assistance and counseling in a detailed manner and respond to any queries from citizens, residents or any other entity.

## Section II Competencies

**First:** The complaints which the Institution has jurisdiction to consider

1. Individual or collective complaints involving a violation of human rights and fundamental freedoms, provided that such violation is committed by an official body or such body is connected to the violation, within the territorial boundaries of the Kingdom of Bahrain or outside it, whenever the violator is an official body of the Kingdom.
2. Complaints that the Institution decides to accept for certain considerations, such as the complaints that form a public opinion or a collective violation.

**Second:** The complaints that the Institution does not have jurisdiction over, or which it decides not to consider

1. If one year has passed since the violation took place, unless such violation is ongoing.
2. If the subject matter of the complaint is pending before a judicial or administrative inquiry body, is before the judiciary, or judgment has been delivered, unless it concerns the violation of the right to fair trial guarantees.
3. If the Institution has previously dismissed the complaint on the grounds of lack of evidence or because it was not made in earnest, unless something arises that warrants reconsideration.



4. The complaints involving harm in a way that offends an official body or a public figure.
5. The complaints involving disputes between individuals or private entities.
6. The complaints that are associated with the provision of humanitarian assistance by official bodies, unless the reason for not providing such assistance is due to discrimination by these bodies in granting them on grounds of sex, religion, race, colour, political affiliation, or disability.
7. Failure to exhaust all national means of recourse or the existence of a body that possesses the inherent jurisdiction over the subject matter of the complaint.

### **Section III**

#### **Procedures for Receiving the Complaint**

**First:** Who has the right to file a complaint

- The Institution receives complaints from any entity that has a legitimate interest or standing in submitting it, or from one of the concerned relatives up to the second degree, or by its legal representative pursuant to a power of attorney, whether such entity is a natural or legal person, civil society organization, and other competent bodies.
- Complaints are also accepted from children below the age of 18, provided that parents or the person having custody of the child, or the guardian or the legal representative of the child is duly notified.
- In the absence of standing or interest, the complaint may be accepted and presented to the Head of the Unit and the Director of the Department, and recorded as a monitoring case.

**Second:** Means of filing (submitting) a complaint

When a complaint is submitted to the Institution, one of the following methods can be selected:

1. Submission of the complaint at the Headquarters of the NIHR:

The complaint may be submitted at the Institution's Headquarter in a room



designated to receive complaints, by the complainant in person or by someone authorized to submit it on his/her behalf, in accordance with the established procedures. If the complainant is unable to come to the Institution's Headquarter in person for reasons such as illness, disability, or any other impairment, and if no authorized person is available to submit the complaint on the complainant's behalf, the person in charge of receiving the complaints (the Recipient of Complaints) may be accessible to the complainant.

2. Submission of the complaint at the branches of the NIHR:

Expatriate Workers may submit the complaint at the Institution's branch at the Expatriate Workers Protection Center of the National Commission for Combating Trafficking in Persons, or any other branch to be determined in the future.

3. Submission of the complaint through the NIHR's Hotline:

The complaint can be received by phone, in cases where the complainant or his/her representative cannot attend, by calling the complaints toll-free number (80001144).

4. Online submission of the complaint via NIHR's website:

Complete the required information in the e-complaint form via the NIHR's website ([www.nihr.org.bh](http://www.nihr.org.bh)).

5. Receiving the complaint by e-mail or fax:

Complete the required information in the complaint form available on the NIHR's website in PDF format, send it by e-mail to ([complaint@nihr.org.bh](mailto:complaint@nihr.org.bh)) or print it out and send it by fax (17111600).

6. Submission of the complaint via mobile phone application (NIHR Bahrain):

Complete the data in the application, and attach the required documents.

In all cases, the complainant, or his/her authorized representative, shall be contacted and requested, in accordance with the established procedures, to come to the Institution's Headquarters to complete the procedures and sign the documents, which officially authorize the Institution to follow up the complaint and play the role of mediator with the official bodies. If the complainant has serious reasons to prevent



him/her, or his/her authorized representative, to come to the Institution in person, this condition may be waived.

**Third:** Procedure for dealing with complaints

1. The complainant start by presenting the issue of the complaint in detail, and the Recipient of the Complaint notes his/her observations about the complaint. The Recipient of the Complaint shall not interfere with or express his/her views regarding the expected outcome or influence the complainant in a way that may change its course, unless the complainant elaborates on matters that are irrelevant to the subject matter of the complaint.
2. The complainant is asked to fill out the complaint submission form (the application) in Arabic or English languages and is assisted in completing the requested information, while making sure that all supporting and substantiating documents of the allegation of violation are provided.
3. If the complaint submission form cannot be completed by the complainant because of lack of command of the languages, inability to write, bad handwriting, health issue, disability, or any other reason, the form will be completed by the Recipient of the Complaint, provided this is noted in the comments section on the form.
4. The complaint shall be given a reference number indicating the year in which it was submitted, for documentation and follow-up purposes.
5. The complainant undertakes to:
  - a) The complaint shall be dealt with in accordance with Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights as amended by Decree-Law No. (20) of 2016 and the NIHR's main objectives and scope of its work contained therein.
  - b) All information provided is true, accurate, and correct.
  - c) The NIHR shall use such information, which may include private and confidential information, to deal with the complaint effectively.
  - d) The NIHR may need to exchange information regarding the complaint with the concerned authority or authorities, or any other



relevant body or organization.

- e) Communicate with the complainant to inform him/her of the latest developments or to request additional information related to the complaint.
  - f) Examples of the complaint may be published, with due consideration to respect privacy and maintain the confidentiality of personal information.
6. Upon the complainants' request, the NIHR shall submit to him/her a statement containing his/her data and a summary of the issue of the complaint, its date and number; a copy thereof shall be attached to the original complaint.

## Section IV

### Mechanism and Stages of Dealing with Complaints

#### **First:** Evaluation of incoming application

After receiving the application, the Unit shall examine and ensure that all related formalities are in order and that all required documents have been attached. The Unit shall communicate with the applicant (complainant) to provide any incomplete data or documents within five business days. After receiving all the supporting and substantiating documents, the application is classified as either a complaint or a request for legal assistance, and is filed in the electronic system (recorded in the complaints log).

#### **Second:** Review the complaint, provide a legal opinion, and propose recommendations

After receiving all the substantiating documents, the complaint shall be examined by the Unit and the legal opinion on the violated right - if any - shall be prepared, supported by legal provisions from national legislation, or international human rights agreements and covenants, or resolutions, regulations and general comments of the treaty bodies, or the comments of special rapporteurs; recommendations shall be made to take a specific action and presented to the Director of the Department to be adopted. Such recommendations shall be submitted to the Chair of the Committee through the Secretary General.



**Third:** The complaint that calls for urgent intervention

If the issue of the complaint relates to a violation that requires prompt intervention and it is feared that harm will occur if the ordinary course of procedures is followed, and after verifying that the violation has been committed, and the Institution, in its opinion, decides it has jurisdiction over such violation, the Chair of the Committee shall be notified, briefed on the issue of the complaint and the proposed recommendation; then, the Chair of the Committee shall take such action as he/she considers appropriate. The procedures related to the complaint shall be completed later.

## **Section V**

### **Complaint Follow-up**

**First:** Communication with the concerned body

Communication with the concerned body can take place in several ways, as follows:

#### 1. Direct Communication:

The Chair of the Committee may communicate with the concerned body directly by telephone, or meet with its representative and discuss the issue of the complaint and work together to resolve it, and act as mediator to resolve such complaint.

#### 2. Communication in writing:

The concerned body shall be addressed in writing on the issue of the complaint in the form of a request of information, enquiry, clarification, verification, or a request to take the required procedures in this regard, with attaching the substantiating documents supporting the issue of the complaint.

#### 3. Conduct a visit or immediately go to the place of the violation:

The Institution may request an urgent visit, or to immediately go to the place of the violation, as the case may be, if it is believed that the violation is committed in a correctional institution, place of detention, labor gathering, health and educational institutions, or any other public place suspected of being a site of human rights violation.



## **Second:** Procedures follow-up

### 1. Follow-up with the Coordinator:

After addressing the concerned body, the Unit shall follow-up with the Coordinator to find out the measures taken concerning the issue of the complaint and actions taken to deal with it.

### 2. Receiving the response of the concerned body:

Upon receiving the response of the concerned body, the Unit shall enter the information contained in the response into the electronic system, clarify the actions taken with respect to the complaint, and propose the appropriate recommendation thereon, and submit it to the Director of the Department for appropriate action.

### 3. Re-address the concerned body:

- a) The concerned body shall be communicated again, in writing: if the response of the concerned body is not convincing or insufficient in order to request further investigation or clarification, or in the case where a matter arises regarding the issue of the complaint.
- b) If the concerned body does not respond to the Institution's "letter" within one month from the date of sending such first "letter".

### 4. No response from the concerned body despite re-addressing:

The Institution, pursuant to Paragraph (b) of Article (14) of the Law, may inform the competent authorities in case the ministries and entities fail to cooperate and provide the Institution with the requested information, data, or documents or prevent it from examining them in order to enable the Institution to fulfill its role regarding the complaint. The Institution may take a step-by-step action as follows:

- a) Meet the representative of the concerned body.
- b) Meet the representative of the competent constitutional authority to which such ministries and entities are subject to.
- c) Hold a press conference or issue a statement.
- d) Mention the lack of cooperation of the concerned body in the annual report of the Institution.





**Third:** Notification of the complainant

The complainant shall be informed verbally of any action taken in respect thereof, and it shall be recorded in the complaint file in the electronic system.

## Section VI

### Discontinue Proceedings and Retain the Complaint

**First:** Cases of suspension (discontinuance) of complaint procedures

The complaint procedures shall be suspended in the following cases:

1. At the request of the complainant, his/her written consent.
2. The complainant did not make the complaint in earnest (lack of seriousness) or his/her failure to provide required data and documents after five working days from the date of filing the complaint.
3. The complainant has initiated procedures related to the issue of the complaint before an administrative or judicial investigation body.
4. If the subject matter of the complaint is deemed to be illogical or malicious.

In all cases, the complainant shall be informed verbally of the action taken in respect of the complaint.

**Second:** Retain the complaint

The complaint shall be dismissed based on the following:

1. Achieving the outcome by the cessation of the case of violation or by the actions taken by the competent authority.
2. There is no violation of a right as it turns out by examining the subject matter of the complaint and the evidence and documents attached thereto.
3. Lack of jurisdiction, being considered before a judicial or administrative body, or, in the opinion of the Institution, the existence of a body that



possesses the inherent jurisdiction over the subject matter of the complaint.

4. The complainant did not follow-up the complaint in earnest (lack of seriousness) or his/her failure to complete the required data and documents related to it.
5. Lack of evidence, and not providing proof of the violation being committed.
6. The complaint may be dismissed for the lack of cooperation of the concerned body.

In all cases, when the complaint procedure is suspended or dismissed, the Chair of the Committee shall explain and provide reasons for such action. This shall be recorded in the electronic system.

**Third:** The appeal against the decision taken regarding the complaint

The complainant may lodge an appeal in writing against the decision taken to dismiss (retain) the complaint, or to suspend it, or for lack of jurisdiction, within five working days from the date of notifying the complainant. The following procedures must be observed:

1. The appeal against the decision shall be submitted to the Chair of the Committee via the electronic system.
2. The appeal against the decision shall be presented to the Committee to consider and take necessary action.
3. The complainant shall be notified of the decision.

**Fourth:** Re-open the complaint

The complaint may be re-opened and followed up again if reasons to do so arise - such as provision of evidence, proof of seriousness of the complainant, or other grounds - in which case the justification for re-opening the complaint are determined and the procedure for examining the complaint is followed.



## Section VII

### Provision of Legal Assistance

The Institution shall provide legal assistance to individuals or any entity, on the filing of a complaint that turns out to be beyond the Institution's competencies, by making the complainant aware of due process, assisting him/her to take action, and providing him/her with information on the subject matter of the complaint or the request under consideration.

The complainant shall be made aware of the procedures to be taken before resorting to the Institution, and the need to first exhaust all administrative or legal remedies and grievances as the case may be, or to submit a communication to the competent security authorities, or to seek the help of another body with inherent jurisdiction in the consideration of the complaint.

In addition, the Institution has the right to provide assistance to cases that do not constitute a violation in the actual sense, but are not consistent with the Kingdom's obligations under international instruments.

In this regard, the same procedures for reviewing and dealing with complaints shall be followed, or suspend such cases and retain them, as provided in sections: IV, V and VI of this Guide

## Section VIII

### Procedures for Amending the Guide on Receiving Complaints and the Provided Legal Assistance

**First:** Who has the right to amend the Guide

The Secretary General of the Institution, the Chair of the Committee, at his request, or the request of one or more members of the Committee supported by the Chair of the Committee, as well as Members of the Council of Commissioners may request to amend this Guide after stating the reasons and justifications for such amendment.

**Second:** Procedures to amend the Guide

a) Amendments shall be presented to the Council of Commissioners at its



ordinary or extraordinary meetings, and a decision shall be issued by the Council to adopt the amendments.

- b) Amendments, upon adoption, shall be binding on all employees of the Institution and its clients, and shall be published on the website of the Institution.

\* \* \*



# 7

## **Code of Conduct and Work Ethics for Staff of the NIHR Secretariat-General**

\* Issued under the NIHR Secretariat-General Resolution No. (30) of 2017.





# Code of Conduct and Work Ethics for Staff of the NIHR Secretariat-General

## Preface

The National Institution for Human Rights (NIHR) is an “independent institution” established under Law No. (26) of 2014 amended by Law Decree No. (20) of 2016, which aims to deal responsibly with human rights issues, enhance, develop and protect human rights, promote its values, disseminate awareness thereof and contribute to ensuring its exercise in the Kingdom of Bahrain.

In view of the nature of the role and mission entrusted to the NIHR, this Code of Conduct is developed to ensure the organization and proper functioning of the staff of the NIHR Secretariat- General, in order to provide public services that are consistent with the aims of the NIHR to all citizens and residents, within the parameters of accuracy, objectivity, integrity, impartiality and diligence, and without discrimination on the grounds of gender, origin, language, religion, doctrine, belief, political affiliation or otherwise.

## Article (1)

### Target group

1. The provisions of this Code of Conduct shall apply to all permanent and temporary staff of the NIHR Secretariat- General.
2. This Code of Conduct shall be a basic reference for measuring the professional performance of staff of the NIHR Secretariat-General while carrying out their duties, as it regulates the professional relations inside and outside the NIHR and constitutes the ethical system of its staff at various levels and locations. Any violation of the provisions of this Code shall subject the violator to disciplinary liability as per the NIHR Personnel Affairs List and the amendments and resolutions thereof.



## Article (2)

### Objectives

1. To establish and promote adherence to behavioral and ethical standards and professional values and norms that are consistent with the nature of the NIHR's work.
2. To promote the principle of equal opportunities as well as the values of integrity and credibility.
3. To create a positive and motivating internal work environment that is based upon respect and professionalism.
4. To harmonize with the public national trend that is based upon following the best practices of integrity and transparency.
5. To enhance the confidence of the public and civil society institutions in the NIHR's work.

## Article (3)

### Values and principles

This Code of Conduct is based upon six basic principles that constitute the minimum core of ethical duties of the NIHR Secretariat-General staff conduct, which are:

1. **Respect of laws:** To perform within the framework of the Constitution and relevant laws as well as the Paris Principles relating to the status and functioning of national institutions for the protection and promotion of human rights and to subject to the legal rules governing NIHR's work, pursuant to the laws, rules, regulations and instructions issued by it.
2. **Impartiality:** To observe equality in dealing with beneficiaries of the services provided by the NIHR, to act in accordance with the facts of the raised issues, to ensure that professional decisions will not be influenced by personal opinions or political, intellectual or ideological affiliations and to avoid private interests when providing the services.
3. **Integrity:** To attempt to maintain and strengthen the necessary trust with all society groups and ensure the integrity of the NIHR and to promote the public interest and the non-use of career to achieve personal interest or take illegal advantage of the job capacity.





4. **Diligence:** To ensure that the work is performed with full accuracy, faithfulness and sincerity, to engage in all activities and works that develop cognitive experiences and skills and to attempt to achieve the highest levels of commitment, sufficiency and affordability.
5. **Confidentiality:** To abide by professional confidentiality with regard to the secrets of the work or the privacy of the beneficiaries of services accessed by reason of employment and not to disclose or use them informally other than as provided by law.
6. **Effectiveness:** To ensure that the NIHR's public funds will not be wasted, misused or used for non-assigned purposes and to manage all forms of available resources in such a way that maintains the public revenues while ensuring the provision of efficient and high quality services.

## Article (4)

### Employee rights

Employee rights are guaranteed under the laws and regulations governing the work of the NIHR Secretariat-General. The NIHR administration shall consider the following:

1. To establish specific and clear terms of reference and tasks for each job.
2. To deal with employees in all matters related to their job status on the basis of worth, merit, competence, competition and equal opportunities.
3. To ensure the standards of justice and non-discrimination against employees.
4. To secure adequate working conditions and provide the necessary equipment in order to ensure the completion of the tasks and responsibilities assigned to them.
5. To provide opportunities for employee training and ongoing development in order to improve their performance and develop their skills and capabilities.



## Article (5)

### Employee obligations

In carrying out their duties, employees shall comply with the provisions of the relevant laws and regulations as well as a number of duties, including:

1. To be present at the workplace to perform the functions entrusted to them and to adhere to the official working hours without delay in attendance and leave.
2. To allocate the official working time to perform their job duties and tasks and complete the projects entrusted to them without delay in such a way that achieves good time management without wasting the time in irrelevant matters.
3. Not to be absent from work or leave without permit from their direct superior and to inform their direct superior in case of inability to be present at work on the same day of their absence, if possible.
4. Not to engage during their tenure in any activity, either directly or indirectly, regardless of being for profit or otherwise, which is incompatible with the NIHR's work and activities and affects, either directly or indirectly, the NIHR's independence and impartiality.
5. To be committed during their tenure not to talk in the name of the NIHR, unless authorized to do so, via various local and international media, social media or political and human rights organizations and bodies that are inconsistent with the NIHR's objectives and terms of reference.
6. To strictly obey and carry out the orders and instructions that are issued to them within the limits of applicable laws, regulations and rules.
7. To build a relationship with their superiors and subordinates that is based upon mutual respect.
8. To respond to the training and job performance development programs that are prepared by the NIHR.
9. To perform the work assigned to them by themselves, communicate with their superiors to accomplish the required work with all honesty, accuracy and proficiency.



10. To achieve optimal use of human and financial resources under their supervision or disposal and to preserve public properties, ensure the non-use of them for private interest and maintain public funds.
11. To refrain from accepting any gifts, bonuses, commissions or services, either directly or by means of mediation, or receiving a sum of money for giving a lecture or participating in an activity officially assigned to them by the NIHR, whether during or after the official working hours.
12. Not to provide any service or work to any entity in personal capacity, either during or after the official working hours, except upon prior written consent of the Secretary-General, by virtue of an official application specifying type and nature of the provided work as well as its time duration.
13. To adhere to official wear during the work hours taking into account the public morals in costumes and appearance.

## **Article (6)**

### **Dealing with co-workers in the NIHR Secretariat-General**

In dealing with co-workers, employees shall adhere to the following:

1. To deal with respect, tact and sincerity, to maintain peaceful and amicable relations with all co-workers without discrimination and respect their privacy and to refrain from exploiting any information related to their private lives with the intention of abuse.
2. To cooperate and share opinions professionally and objectively, to provide assistance wherever possible to solve problems in the workplace and to ensure the dissemination of positive attitudes among co-workers in order to assist build-up work performance and improve working environment.
3. To refrain from any immoral behaviors, practices or acts that violate public traditions and ethics.



## Article (7)

### Dealing with the beneficiaries of the service provided by the NIHR

In dealing with beneficiaries of the services provided by the NIHR, employees shall adhere to the following:

1. To deal with transparency, justice, speed and tact reflecting the positive image of the NIHR.
2. To ensure non-discrimination in the provision of services and to adhere to the highest standards of professionalism and impartiality.
3. To take into account the groups that are most needing for care, including people with special needs, elder persons, women, children and patients.
4. Not to directly communicate with the beneficiaries except upon prior approval of the direct official person.
5. To document all correspondences and letters that are directly related to work.

## Article (8)

### Confidentiality and Preservation of Information

In dealing with information and documents relevant to the NIHR, employees shall adhere to the following:

1. To maintain all written and oral information and any materials provided by the NIHR being "confidential information" regardless of the content thereof. The term "confidential information" means all the data and information related to NIHR's work and personnel complaints, including any technological or accounting programs or registered logos that are owned by the NIHR, which are accessed by employees by reason of their work, including any data on individuals or corporations, and to remain committed thereof after termination of their tenure.
2. Not to disclose, provide or make available, either directly or indirectly, to any person, ministry, company, institution, organization, committee, association or any other entity, the information owned and used by the NIHR, and to undertake to maintain thereof.



3. To preserve the methods, practices and procedures through which the NIHR operates.
4. To inform the direct official person in case of being addressed by any entity or required to give any information related to their work.

## **Article (9)**

### **Conflict of interests**

In performing their job, employees shall adhere to a number of points in order to avoid conflict of interests, including:

1. To refrain from engaging in any activity that would lead to a real, apparent or possible conflict between employees' personal interests on the one hand and their job tasks on the other.
2. To refrain from any activity that would prejudice or damage the reputation of the NIHR or lead to preferential treatment of persons in their dealings with the NIHR.
3. To notify their direct superior in writing in the event of conflict between personal and public interests or if they fall under pressures that interfere with their official duties, and in all cases, public interest shall be considered in dealing with such conflict.
4. To avoid establishing close relationships with individuals or institutions whose interests depend mainly upon their decisions or the decisions of the NIHR.

## **Article (10)**

### **General Provisions**

1. Employees shall review this Code of Conduct, understand its content and abide by its provisions in letter and spirit.
2. This Code of Conduct shall be deemed an integral part of the job offer or employment contract at the NIHR.
3. The Secretary-General shall be responsible for supervising the implementation of the provisions of this Code of Conduct.

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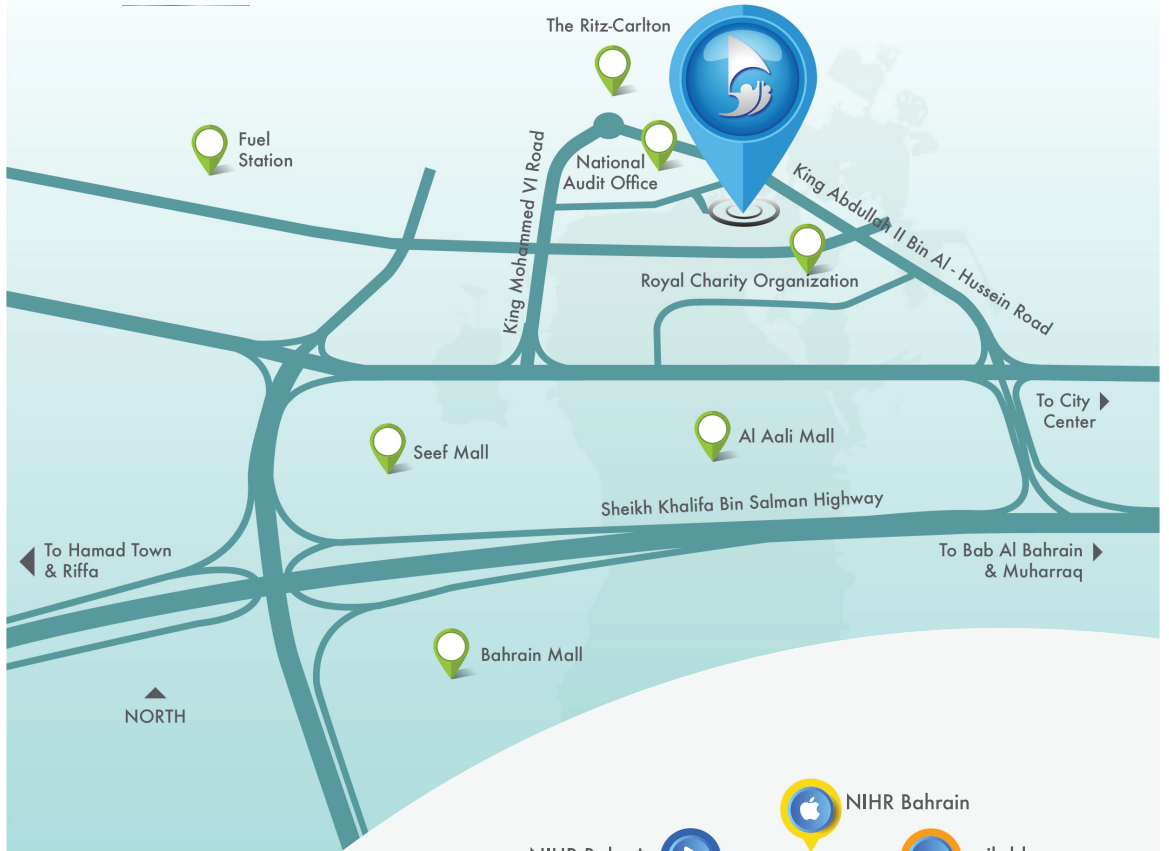




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