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المؤسسة الوطنية لحقوق الإنسان  
National Institution *for* Human Rights



## NIHR Report on Monitoring the Parliamentary and Municipal Electoral Process in the Kingdom of Bahrain 2022





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**"Citizens, both men and women, are entitled to participate in public affairs and enjoy their political rights, including the right to vote and the right to contest for elections, in accordance with the present Constitution and the conditions and principles laid down by law. No citizen shall be deprived of the right to vote or to contest for elections except law".**

**Paragraph (h) of Article 1 in the Constitution of the Kingdom of Bahrain.**

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## **Introduction**

### **The legal framework and regulatory procedures undertaken by the National Institute for Human Rights (NIHR) to monitor the electoral process**

The right to candidacy and voting is one of the most prominent civil and political rights and a pillar of democratic governance based on the principle that the people are the source of all powers. This is because the presence of a transparent and fair electoral process is considered one of the essential guarantees for the existence of a rule of law state. Any denial or obstruction of the exercise of this right undermines the legal foundations upon which such a state is built.

#### **First: The national perspective on the right to candidacy and voting**

1. The Constitution of the Kingdom of Bahrain explicitly guarantees the right of citizens to candidacy and voting. This is clearly stated in Article 1, paragraph (h), which states, "Citizens, both men and women, have the right to participate in public affairs and enjoy political rights, including the right to vote and stand for election, in accordance with this constitution and the conditions and provisions specified by the law. No citizen shall be deprived of the right to vote or stand for election except in accordance with the law."
2. The legislature has also enacted a series of laws that establish detailed regulations governing the exercise and protection of the right to candidacy and voting. These include Decree Law No. 14 of 2002

concerning the exercise of political rights and its amendments, as well as Decree Law No. 15 of 2002 concerning the Shura Council and the Council of Representatives and its amendments. The latter law sets out rules specifying the formation of the Shura Council, its legal term, and the necessary conditions to be considered for appointment as a member. It also stipulates the circumstances under which membership ends, either by expiration or by a member's request for exemption. Additionally, it addresses the formation of the Council of Representatives and the mechanism for its election through a direct secret general election, in accordance with the system of individual elections. It also specifies the duration of the council's term, the conditions and procedures required for candidacy, provisions related to election propaganda, and the circumstances under which membership ends, either by expiration or by resignation. The law also outlines the penalties for violations of its provisions.

3. In addition to the aforementioned laws, there are regulations that govern matters related to the right to participate in public affairs, with the Municipalities Law being of particular importance. This law was issued under Decree Law No. 35 of 2001 and its amendments. According to this law, the Kingdom of Bahrain is divided into several municipalities and a capital governorate, outlining the process of forming and appointing members of municipal councils and the Capital Governorate Council, as well as the necessary qualifications for membership. The law also specifies the powers and responsibilities of municipal councils, their working procedures, the provisions related to their executive body, and the allocated financial resources. Furthermore, Decree Law No. 3 of 2002 concerning the election system



for municipal council members and its amendments outlines the conditions for the election of municipal council members, the circumstances under which a person may be disqualified from exercising this right, and provisions related to voter lists and electoral districts, as well as the election mechanism. The law also establishes penalties for violations of its provisions and sets the minimum voting age at twenty years old.

4. In order to complement the legislative framework governing the exercise of the right to candidacy and voting, several supporting legal instruments have been issued. These include Decree No. 49 of 2022, which determines the electoral constituencies, boundaries, and subcommittees for the elections of the Council of Representatives. Additionally, Decision No. 47 of 2022 specifies the electoral constituencies, boundaries, the number of subcommittees, and the electoral districts for the election of municipal council members. Furthermore, Decree Law No. 14 of 1973 regulates advertising, and Decision No. 141 of 2022 governs electoral propaganda for the elections of the Council of Representatives and municipal councils. These address issues and procedures related to electoral propaganda and the penalties for violations thereof.

## **Second: The International Perspective on the Right to Nominate and Vote**

5. From an international perspective, we find that the right to nominate and vote has found its place in international instruments of human rights, specifically in the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain acceded under Law No. 56

of 2006. Article 25 of the Covenant recognizes that every citizen, without any discrimination, has the right to participate in the conduct of public affairs, either directly or through freely chosen representatives, as well as the right to vote and be elected in periodic, genuine elections conducted by universal and equal suffrage, and by secret ballot, ensuring the free expression of the will of the electors.

6. The relevant international instruments pertaining to the right to nominate and vote emphasize that the exercise of this right should not be subject to any discrimination among citizens based on sex, race, language, religion, political or non-political opinion, national or social origin, wealth, birth, or any other criteria. Furthermore, the direct exercise of political rights by citizens, whether through nomination or voting, must take place within the framework of periodic, genuine, and free elections held at reasonable intervals, under laws that ensure the effective exercise of these rights. Voters must be free to cast their votes for the candidates of their choice, and they should have the freedom to express their opinions and views independently without being subjected to violence, threats, coercion, manipulation, or any attempts to interfere that undermine their independence, regardless of the nature of such interference.
7. These international instruments allow for the inclusion of reasonable restrictions in the legislation governing the electoral process, provided that the purpose of such restrictions is to regulate or define the right to nominate and vote without undermining its essence. One of the regulated restrictions on this right is the permissibility of setting a minimum legal age for the exercise of the right to vote.

8. To ensure the effective exercise of the right to nominate and vote, the state must take effective measures to enable the exercise of this right. This includes maintaining accurate and up-to-date electoral rolls that contain the names and relevant information of eligible voters. Voter registration is an integral part of the electoral process, and the omission of accurate and updated names and information from these lists may deprive a significant number of citizens of their right to participate in elections.
9. Those international instruments also emphasized the need to enable everyone to exchange information and opinions related to the electoral process freely. This entails having a free press and other media outlets capable of commenting on and informing the public about the course of this process transparently. This right is closely linked to the state's obligation to take all necessary measures to ensure the enjoyment of other human rights relevant to the electoral process, such as the right to peaceful assembly, freedom of peaceful public meetings, and the right to form associations, as these constitute essential pillars for the effective exercise of the right to nominate and vote.
10. It is also necessary for the state to establish an independent body to oversee the electoral process and ensure its integrity and proper conduct in accordance with the law. This body should specifically guarantee the secrecy of the vote during the electoral process and protect voters from any form of temptation or coercion that may force them to disclose their electoral preferences. Additionally, this body should ensure the safety of ballot boxes and the counting of votes in the presence of candidates or their representatives. The

decisions made by this body regarding the electoral process should be subject to judicial oversight to ensure the trust of voters and the public in the outcomes of the process.

### **Third: The preparatory measures undertaken by the former National Institute for Human Rights (NIHR) to monitor the electoral process.**

11. In continuation of the reform approach led by His Majesty King Hamad bin Isa Al Khalifa, which included the adoption of the National Action Charter in 2001, the revival of parliamentary life, and the holding of parliamentary and municipal elections for the first time in 2002. Subsequently, elections were held every four years in 2006, 2010, and supplementary elections in 2011, 2012, 2014, 2018, and most recently in 2022, where parliamentary and municipal elections were held on November 12, 2022, followed by runoff elections on November 19, 2022. These elections resulted in the formation of the Council of Representatives and the three municipal councils distributed across the Kingdom's provinces.
12. According to the powers granted to the NIHR under Article 12, paragraph (h) of Law No. 26 of 2014 establishing the NIHR, as amended by Decree Law No. 20 of 2016, the NIHR is tasked with: **"Monitoring cases of human rights violations, conducting necessary investigations, drawing the attention of relevant authorities to these cases, and providing proposals related to initiatives aimed at addressing these situations. When necessary, expressing an opinion on the stance of these authorities and their responses."**

13. This was followed by paragraph (z) of the same law establishing the NIHR, granting it the right to: **"Conduct announced and unannounced field visits to monitor the human rights situation in correctional NIHR, detention facilities, labor gatherings, healthcare facilities, educational institutions, or any other public place suspected of human rights violations."**
14. In accordance with its role in promoting and protecting human rights and fundamental freedoms on the ground, and in response to the necessity of ensuring the enjoyment of these rights and freedoms by all, the NIHR, as an independent body with broad jurisdiction according to its establishing law, has, for the second time since its establishment, monitored the parliamentary and municipal electoral process for the year 2022 in the Kingdom of Bahrain. This monitoring started from the moment of its invitation and the commencement of its procedures, all the way to the final announcement of the election results, including the examination of challenges to the final results.
15. The monitoring was carried out by distributing a number of members of the NIHR's Board of Commissioners and staff members of the General Secretariat to several general and sub-committees for polling and counting. The total number of these committees was 15 general committees and 40 sub-committees. The purpose of this monitoring was to ensure the integrity and fairness of the elections, ensure their proper implementation, and ensure the smoothness of the procedures. It aimed to identify any obstacles that could hinder the electoral process and provide observations and recommendations that would contribute to improving the electoral process and ensuring the participation of as many voters and candidates as

possible, enabling them to exercise their political rights in the upcoming sessions.

16. International customs and principles in this regard have established the importance of allowing the monitoring of the electoral process as an indicator of safeguarding one of the most fundamental political rights of individuals. This is in line with the provisions of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain acceded through Law No. 56 of 2006. Article 25, paragraph (b) of the Covenant stipulates that every citizen should have the opportunity to participate in public affairs, both as a candidate and through voting, in a periodic democratic process conducted by universal suffrage, with equal opportunities for all voters, secret balloting, and without unreasonable restrictions, in order to ensure the free expression of the will of the voters. This is also consistent with the provisions of Article 1, paragraph (h) of the Constitution of the Kingdom of Bahrain.
17. The role of the NIHR in this regard stems from its firm belief that participation in public affairs is one of the essential aspects of democracy and a means to enhance the values of good citizenship. Participating in the electoral process, both as candidates and voters for the membership of the Parliament and municipal councils, is one of the key pillars of the reform project led by His Majesty the King - may God protect him. This project aims to create an advanced democratic system that incorporates and involves individuals in decision-making processes and empowers the people to play their role in shaping policies that serve the public interest.

18. The NIHR believes that monitoring the electoral process can achieve a set of goals centered around enhancing the democratic approach brought about by the reform project of His Majesty the King - may God protect him - and working towards its development. This can be accomplished by providing an objective and independent assessment of the general administration of the electoral process, represented by the Supreme Committee for the Supervision of Election Integrity and its executive committee. The monitoring process can also make the parties involved in the electoral process more accepting of the results. This is because oversight from an NIHR dedicated to promoting and protecting public rights and freedoms is a convincing form of oversight for the public, increasing their enthusiasm for participating in the electoral process and dispelling all concerns. Furthermore, oversight has the potential to enhance national education in society by expanding the scope of civil society and fostering trust among all sectors of society. It also emphasizes the integrity and transparency of elections and enhances the positive image of the state in the international community. Additionally, this oversight provides the legislature with an opportunity to review existing legislation in light of the observations resulting from the monitoring process. Lastly, it ensures that all procedures in the stages of the electoral process adhere to legal principles based on integrity and transparency. It also verifies that candidates and their representatives have respected the regulations governing election campaigns, including adherence to the rules of the electoral silence period.

19. In order to ensure that the observation of parliamentary and municipal elections is based on clear, defined legal and procedural foundations that enable observers to familiarize themselves with the aspects of observation and monitoring in accordance with the provisions of the electoral process law, the NIHR has prepared an electoral process monitoring form specifically designed for election day. This form includes 88 indicators that cover the various stages of the electoral process, starting from its initial stages preceding the opening of the polls for voters to cast their votes, all the way to the commencement and conclusion of the voting process. It also includes the stage of sorting, counting, and announcing the final results. The observer answers these indicators based on the observations they personally made at the polling station. The form also allows for any additional comments or observations that the observer deems relevant and noteworthy in this regard.

**Fourth: The National Institution for Human Rights formed an observation team for the electoral process:**

20. On October 11, 2022, the NIHR communicated with His Excellency the Minister of Justice, Islamic Affairs, and Endowments, in his capacity as the Chairman of the Higher Committee for Supervising the General Integrity of the Elections, expressing its desire to participate in monitoring the 2022 parliamentary and municipal elections. The NIHR requested to obtain the designated cards that allow access to all polling and counting centers. This request came after the completion of filling out the electoral observation forms and adhering



to the rules and ethics of election monitoring, which were signed by the NIHR's monitoring team.

21. Accordingly, an internal working team was formed, headed by the Chairman of the NIHR and consisting of eight members of the Board of Commissioners, to carry out the tasks of monitoring all stages of the electoral process. The team is supported by a working group from the General Secretariat, headed by the Secretary-General and consisting of eleven staff members. Additionally, a technical team was established to prepare a draft report on monitoring the electoral process. The team will submit its report to the Secretary-General, who will then forward it to the Chairman of the NIHR, following the established procedures.
22. In order to build and enhance the capabilities of the NIHR's working team responsible for observation and monitoring, the NIHR organized a workshop on "Monitoring the 2022 Parliamentary and Municipal Elections." The workshop was attended by members of the NIHR's Board of Commissioners, staff from the General Secretariat, and civil society organizations that had previously participated in monitoring parliamentary and municipal elections, as well as those expressing their desire to participate in the elections monitoring for the year 2022. The workshop, which involved more than 150 participants, aimed to shed light on the mechanism of election monitoring and the guarantees established in the Constitution of the Kingdom of Bahrain and relevant national legislation. It also provided an opportunity for the exchange of experiences and best practices related to election monitoring, contributing to ensuring the success of the electoral process by unifying national efforts in this regard.

23. With a deep commitment to ensuring fair competition, a peaceful democratic atmosphere, and promoting electoral awareness and transparency, the Supreme Committee for the General Supervision of Election Integrity held meetings with (11) civil society associations that had applied for election monitoring during the 2022 parliamentary and municipal elections. Additionally, the NIHR participated in these meetings, along with a total of (499) observers.
24. The Executive Administration for the 2022 parliamentary and municipal elections presented a detailed overview of the electoral process, highlighting the various stages under full judicial supervision. Following the presentation, representatives from civil society organizations and the NIHR provided their relevant observations, suggestions, and shared the challenges they faced in previous years while monitoring the electoral process.
25. Representatives from various organizations participated in the meeting, including the Bahrain Bar Society, the Bahrain Center for Human Rights, the Bahrain Transparency Society, the Bahrain Human Rights Observatory, the Bahrain Human Rights Society, the Manama Center for Human Rights, Together for Human Rights Society, the Bahrain Public Relations Association, the Bahrain Society for National Reconciliation and Social Harmony, and the Bahrain Support Society. Additionally, the NIHR was also present.
26. The monitoring team of the NIHR selected a random sample of general and sub-polling stations, taking into account a fair geographic distribution across the four governorates. The purpose of these visits

was to observe and ensure the smooth progress of the electoral process. A total of 11 general polling stations were visited, as follows:

Center Number	Center Name	Total	Number of Observers
1	Al Seef Mall	(11) Public Centers out of (15)	(37) observers
2	Religious Institute		
3	Sutra Mall		
4	Al-Hadd Preparatory School for Girls		
5	Bahrain International Airport		
7	Hamad Town Secondary School for Boys		
8	Ministry of Education Hall		
9	Wadi Al Seel Primary Preparatory School for Boys		
11	Bahrain International Circuit (Sakhir)		
13	University of Bahrain		
14	Muharraq Sports Club		

27. The subsidiary centers were visited as follows: (30) centers:

Governorate	Center Number	Center Name	Total	Number of Observers
<b>The Capital</b>	1	Rabia Al-Adawiya Primary School for Girls	(6) Sub-Centers out of (10)	(10) Observers
	2	Hatin Primary School for Boys		
	3	Al-Sanabis Intermediate School for Girls		
	4	Umm Al-Hasam Primary School for Boys		
	7	Al-Wafa Secondary School for Girls		
	8	Sutra Primary School for Girls		

Governorate	Center Number	Center Name	Total	Number of Observers
<b>Muharraq</b>	1	Al-Busaytin Intermediate School for Girls	(7) Sub-Centers out of (8)	(22) Observers
	2	Al-Busaytin Primary School for Girls		
	3	Al-Muharraq Secondary School for Girls		
	4	Hassan bin Thabit Primary School for Boys		
	5	Ruqayyah Primary School for Girls		
	7	Al-Khwarizmi Primary School for Boys		
	8	Al-Hadd Secondary School for Girls		

Governorate	Center Number	Center Name	Total	Number of Observers
<b>Northern</b>	1	Kirana Primary School for Girls	(11) Sub-Centers out of (12)	(25) Observers
	2	Jaber ibn Hayyan Primary School for Boys		
	3	Sheikh Mohammed bin Khalifa Al Khalifa Preparatory Primary School for Boys		
	4	Jidhafs Preparatory School for Boys		
	5	Sar Primary School for Boys		

Governorate	Center Number	Center Name	Total	Number of Observers
	6	A'ali Primary School for Boys		
	7	Sar Secondary School for Girls		
	8	Madinat Hamad Primary School for Boys		
	9	Ghazi Al-Qusibi Secondary School for Girls		
	10	Al-Ahd Al-Zahir Secondary School for Girls		
	11	Ibn Tufail Primary School for Boys		

Governorate	Center Number	Center Name	Total	Number of Observers
<b>Southern</b>	1	Madinat 'Isa Preparatory Primary School for Boys	(6) Sub-Centers out of (10)	(9) Observers
	2	Madinat 'Isa Secondary School for Girls		
	4	East Riffa Preparatory School for Girls		
	6	'Uqbah ibn Nafi' Primary School for Boys		
	7	West Riffa Secondary School for Girls		
	9	Al-Zallaq Preparatory Primary School for Boys		



28. Therefore, the report of the NIHR mentioned above is based on all the stages that the electoral process went through, starting from the stage of calling for elections and nominations, followed by the stage of registration in the voters' lists and objections to them. This was followed by the stage of receiving nomination applications and objections, as well as the judicial appeals submitted, leading to the stage of electoral campaigning and the electoral silence.
29. Then, the NIHR monitored the proceedings of the voting day, starting with the pre-voting stage, followed by the actual voting stage, and concluding with the stage of sorting and announcing the results. Finally, the NIHR's report concludes with a set of observations and final recommendations aimed at ensuring the full enjoyment of the right to candidacy and voting, as well as the smoothest, fairest, and most transparent electoral process possible.

## **CHAPTER I:**

### **Monitoring the parliamentary and municipal electoral process in the period preceding the start of voting**

Chapter one of the report will address the legal framework and practical realities of the period preceding the start of voting. This includes the stage of calling for elections and nominations, followed by the stage of voter registration and objections thereto. It also covers the stage of receiving candidacy applications and objections, as well as the judicial appeals submitted during that stage. Additionally, the chapter will not overlook the stage of election campaigning and the electoral silence preceding the voting day. These aspects will be discussed in four consecutive main sections.

#### **Section I:**

##### **The Stage of Call for Elections and Nominations**

1. Article 1, paragraph (h) of the Constitution of the Kingdom of Bahrain states: "**Citizens, both men and women, have the right to participate in public affairs and enjoy political rights, including the right to vote and nominate, in accordance with this Constitution and the conditions and provisions specified by the law. No citizen shall be deprived of the right to vote or nominate except as provided by law.**" This was followed by Article 42, paragraph (a) of the same Constitution, which states: "**The King shall issue orders to hold**

**elections for the Council of Representatives in accordance with the provisions of the law."**

2. The Decree-Law No. 14 of 2002 regarding the exercise of political rights and its amendments regulate the provisions of this stage. Article 15 of the law states that: **"The date for the general elections for the Council of Representatives shall be determined by a royal order, and the order must be issued at least forty-five days before the designated date for conducting the elections. The date for supplementary elections shall be determined by a decision from the Minister of Justice and Islamic Affairs, and the decision must be issued at least thirty days before the designated date for conducting the elections. The order or decision must include the date of opening and closing the nomination process..."**. Furthermore, Article 16 of the same law states that: **"The royal order or ministerial decision calling voters to participate in the referendum or elections shall be announced by publishing it in the Official Gazette."**
  
3. In accordance with constitutional and legal procedures, a royal decree was issued by His Majesty the King, may God protect and preserve him, numbered (26) for the year 2022, regarding the determination of the date for elections and nominations for the membership of the Council of Representatives. The first article of the decree stated: **"The registered voters whose names are listed in the voter rolls, in accordance with the provisions of Decree-Law No. 14 of 2002 regarding the exercise of political rights, are invited to attend the polling and counting stations to elect members of the Council of Representatives on Saturday, 12/11/2022, from 8:00 AM to 8:00 PM. In cases where a re-election is required, it will take place on**

**Saturday, 19/11/2022, from 8:00 AM to 8:00 PM. Elections will take place at Bahraini embassies, consulates, and diplomatic missions abroad on Tuesday, 8/11/2022, and in cases where a re-election is required, it will take place on Tuesday, 15/11/2022."**

4. It is worth noting that the aforementioned royal decree was issued on September 8, 2022, and was published in the official gazette in its issue number (3627) issued on September 8, 2022, in accordance with the provisions of Article (16) of Decree-Law No. 14 of 2002 regarding the exercise of political rights and its amendments.
5. As for municipal affairs, Article 13 of Decree-Law No. 3 of 2002 regarding the election system of municipal council members and its amendments states that: **"The date for the election of municipal council members shall be determined by a decision of the Prime Minister, including the date for the opening and closing of the nomination process. This decision shall be published in the official gazette at least thirty days prior to the specified election date."**
6. In accordance with the aforementioned provision, a decision was issued by the Deputy Prime Minister (Minister of Infrastructure) with the number 46 of 2022 regarding the determination of the date for the election and nomination of municipal council members. Article 1 of the decision states that: **"Registered voters, according to the provisions of Decree-Law No. 3 of 2002 concerning the election system of municipal council members, are called upon to attend the polling and counting stations to elect municipal council members on Saturday, 12/11/2022, from 8:00 AM to 8:00 PM. In cases where a**

**re-election is required, it will take place on Saturday, 19/11/2022, from 8:00 AM to 8:00 PM."**

7. It is worth mentioning that the decision of the Deputy Prime Minister, as mentioned earlier, was issued on September 8, 2022, and published in the Official Gazette, issue number (3627), issued on September 8, 2022, in accordance with the provisions of Article 13 of Decree-Law No. 3 of 2002 concerning the election system of municipal council members and its amendments.
8. Based on the above-mentioned constitutional and legal texts and provisions, the NIHR believes that the royal decree specifying the election and nomination schedule for the membership of the Council of Representatives, as well as the decision of the Deputy Prime Minister determining the election and nomination schedule for the membership of the municipal councils, have been issued within the prescribed constitutional and legal timeframes. This reaffirms once again the sincere and committed intentions of the political leadership at the highest level to enhance further democratic life since the inception of the reform project under the auspices of His Majesty the King - may Allah protect and preserve him - in respect of the constitutional provisions as the highest document in the legal system of the Kingdom of Bahrain.
9. In accordance with Article 17 of Decree Law No. 14 of 2002 concerning the exercise of political rights and its amendments, which states that: **"The Kingdom of Bahrain is divided into several electoral constituencies, each of which includes a number of electoral districts. One member is elected from each electoral district. A**

decree is issued to determine the electoral constituencies, districts, and their boundaries, as well as the necessary number of subcommittees for conducting the voting and counting processes. Each mentioned committee is composed of a chairman selected from among members of the judicial body or legal professionals working in government ministries, authorities, and public institutions, and two members, one of whom assumes the position of the committee's secretary. The Minister of Justice and Islamic Affairs issues a decision to appoint the chairpersons and members of the committees and determine their headquarters. This decision also specifies the person who replaces the chairman in his absence or in case of any impediment preventing him from performing his duties, provided that the substitute meets the conditions for the chairman's position. These committees are supported by a number of employees appointed by the Executive Director of Elections according to the needs of each committee..."

10. According to Article 18 of the aforementioned law, it states that: "**The Minister of Justice and Islamic Affairs shall chair a supreme committee for the general supervision over the integrity of the referendum and the election of members of the Council of Representatives throughout the Kingdom and decide on all matters referred to it by the committees specified in Article 7 of this law. The supreme committee shall include a sufficient number of judges and advisors, who shall be appointed by a decision of the Minister of Justice and Islamic Affairs. The supreme committee is assisted by the Central Statistical Organization, which is responsible for the preparation and organization of the referendum, election,**

**nomination, and supervision of all necessary technical tasks related to it."**

11. Therefore, Decree No. (49) of 2022 was issued regarding the determination of electoral regions, constituencies, boundaries, and subcommittees for the election of the Council of Representatives. According to this decree, the Kingdom of Bahrain has been divided into several electoral regions. The Capital region has been divided into (10) electoral constituencies, the Muharraq region has been divided into (8) electoral constituencies, the Northern region has been divided into (12) electoral districts, and the Southern region has been divided into (10) electoral constituencies. The boundaries of each electoral region are determined by the governorate in which they are located, resulting in a total of (40) sub-electoral districts.
12. Under the provisions of Decree No. 49 of 2022, regarding the determination of electoral constituencies, districts, boundaries, and subcommittees for the election of the Council of Representatives, Decision No. 122 of 2022 was issued to specify the locations of the general polling and counting centers for the election of members of the Council of Representatives. The total number of general polling and counting centers amounted to 15 centers, distributed across the different governorates of the Kingdom. Registered voters listed in any of the election rosters in the Kingdom have the opportunity to vote at these centers to elect any of the registered candidates in their respective district.
13. In implementation of Article 18 of Decree Law No. 14 of 2014 concerning the exercise of political rights and its amendments, the

Chairman of the Supreme Committee for General Supervision over the Integrity of the Election of Members of the Council of Representatives issued Decision No. 120 of 2022 regarding the appointment of committee members. The committee consists of 7 members, including judges and advisors. The Supreme Committee is responsible for the general supervision over the integrity of the election of members of the Council of Representatives in all electoral constituencies and districts in the Kingdom. It is also responsible for the final announcement of the general election results and notifying the winners of their membership in the Council of Representatives.

14. Regarding municipal affairs, Article 5 of Decree Law No. 3 of 2002 concerning the system of electing municipal council members and its amendments states: **"The Kingdom of Bahrain is divided, for the purposes of implementing this law, into a number of municipal electoral areas, whereby each governorate constitutes a municipal electoral area formed by a number of electoral constituencies. One member is elected from each electoral constituency."**
15. Meanwhile, Article 18 of the aforementioned law states: **"Each electoral constituency shall have one or more committees called the 'Polling and Counting Committee,' which is responsible for conducting the voting process in the constituency and counting its votes. These committees are formed by a decision of the Minister of Justice and Islamic Affairs and consist of a chairperson and several members, one of whom acts as the committee's secretary. The decision also specifies the locations of these committees and designates a replacement for the chairperson in case of their absence or any impediment preventing them from carrying out their duties."**



16. Therefore, Decision No. 47 of 2022 was issued regarding the determination of municipal electoral areas, electoral constituencies, their boundaries, and sub-committees for the election of municipal council members. According to this decision, the Kingdom of Bahrain was divided into several municipal electoral areas. The Al-Muharraq Governorate was divided into (8) electoral constituencies, the Northern Governorate was divided into (12) electoral districts, and the Southern Governorate was divided into (10) electoral constituencies. The boundaries of each municipal electoral area are determined by the respective governorate in which they are located, totaling (30) sub-electoral districts, which are the same as the sub-centers designated for the election of members of the Council of Representatives in the mentioned governorates.
17. Furthermore, the general polling and counting centers for the municipal election process are distributed across the various governorates of the kingdom, totaling (15) general centers. These general centers are the same as those designated for the election of members of the Council of Representatives, as stated in Decision No. 125 of 2022, which specifies the locations of the general polling and counting centers for the municipal council elections.
18. Furthermore, Decision No. 135 of 2022 was issued by the Chairman of the Supreme Committee for the General Supervision of the Election of Members of the Council of Representatives, which formed the polling and counting committees for the election of Council of Representatives members. Additionally, Decision No. 136 of 2022 was issued by the Minister of Justice, Islamic Affairs, and Endowments, which formed the polling and counting committees for the election of

municipal council members. These decisions appointed the heads, secretaries, and members of the polling and counting committees distributed across the governorates of the kingdom. Moreover, the decisions also named the heads, secretaries, and reserve members for these committees, totaling (55) committees for polling and counting, comprising both general and sub-committees.

19. It is worth mentioning that the tenth general committee for polling and counting, responsible for the election of members of the Council of Representatives and municipal councils, has designated a facility at the Bahrain International Exhibition and Convention Centre (Manama) to accommodate voters infected with COVID-19. The committee has enlisted a number of doctors and medical staff to facilitate the voting process from the moment the voter enters the center until they complete the voting process and leave. Additionally, a designated area has been allocated for the press and supervisory institutions interested in attending and monitoring the electoral process.
20. The NIHR believes that the legal framework for the electoral process, whether parliamentary or municipal, is characterized by precise and clear organization, leaving no room for ambiguity regarding the various procedures and conditions preceding the polling day. This organization is achieved through legislative regulations as well as executive administrative decisions. Moreover, these administrative decisions are issued with sufficient time before the start of the polling day, which enhances the transparency of the electoral process in both legal and organizational aspects.

## Section II:

### The Stage of Registration in Voter Lists and Objections

1. Given the utmost importance of the registration phase in the voter lists and the process of objecting to them, as it enables both voters and candidates to exercise their right to vote and candidacy, the laws and regulatory decisions have provided precise and clear provisions that clarify the mechanism for preparing these lists and filing objections against them.
2. Article 2 of Decree Law No. 14 of 2002 on the exercise of political rights and its amendments stipulates the conditions that must be met by a citizen to be eligible to exercise political rights, which are as follows: **"1. The citizen must have reached the age of twenty years on the day of the referendum or election. 2. The citizen must have full legal capacity. 3. The citizen must have a regular residence within the electoral constituency as indicated in their population card. In the case of residing abroad, their last place of residence in the Kingdom of Bahrain shall be considered their electoral constituency. If the citizen does not have a residence in the Kingdom, their family's place of residence shall be considered in this case."**
3. The law prohibits certain categories of individuals from exercising the right to vote and prevents other categories from running for membership in the Council of Representatives. Article 3 of the aforementioned law states that: **"The following individuals are prohibited from exercising the right to vote: 1. Those who have been**

**convicted of a felony or a crime involving dishonor or breach of trust, until their status is restored. 2. Those who have been sentenced to imprisonment for one of the electoral crimes specified in this law unless the sentence is suspended or their status has been restored."**

And it is prohibited for the following individuals to run for the Council of Representatives: **1. Those who have been convicted of a felony, even if they have been granted a special pardon or their status has been restored. 2. Those who have been sentenced to imprisonment for intentional crimes for a period exceeding six months, even if they have been granted a special pardon. 3. Leaders and members of dissolved political associations by final judgment for committing a serious violation of the provisions of the Kingdom's constitution or any of its laws. 4. Anyone who intentionally causes harm or obstructs the functioning of constitutional or parliamentary life by terminating or abandoning parliamentary work in the Council or having their membership revoked for the same reasons.**

4. The law, in Article 4, has given the Public Prosecution the responsibility of informing the Ministry of Justice, Islamic Affairs, and Endowments of the final judgments that result in the deprivation of political rights. This should be done within fifteen days from the date the judgment becomes final. Furthermore, Article 6 of the same law stipulates that every citizen who has the right to exercise political rights shall be registered in the voters' lists.
5. The law, in Article 7, assigned the task of preparing the voters' lists, receiving and examining nomination applications, and considering objections and requests to the Committee for Supervising the Integrity

of Referendums and Elections. The article also specified the number of committee members, the conditions for membership, and the method of appointment. It stated that: **"In each electoral district, a committee called the (Committee for Supervising the Integrity of Referendums and Elections) shall be formed by a decision of the Minister of Justice and Islamic Affairs. The committee shall consist of a chairman from the judicial or legal body in the Kingdom and two members, one of whom shall serve as the secretary. This committee is responsible for preparing the voters' lists, receiving and examining nomination applications, preparing candidate lists, and considering requests and objections related to any procedure or decision issued by the committee. In general, it is responsible for supervising the integrity of referendums or the election of members of the Council of Representatives within its jurisdiction."**

6. In accordance with the provisions of Article 7 mentioned above, the Minister of Justice and Islamic Affairs and Endowments issued Ministerial Decision No. 123 of 2022, which established the Committees for Supervising the Integrity of the Election of Members of the Council of Representatives and outlined their assigned responsibilities, especially those related to preparing the voters' lists, receiving and examining nomination applications, preparing candidate lists, and considering requests and objections concerning any procedure or decision issued by them.
7. It is worth noting that the Committees for Supervising the Integrity of the Election of Members of the Council of Representatives are distributed across the four governorates in the Kingdom as follows: the committee for the Capital Governorate is located at Khawla Secondary

School for Girls, the committee for Muharraq Governorate is located at Al-Hudaifiyah Al-Khalifiyah Secondary School for Boys, the committee for the Northern Governorate is located at Yathrib Preparatory School for Girls, and the committee for the Southern Governorate is located at Al-Mustaqbal Primary School for Girls.

8. Moreover, the law has stipulated conditions and regulations that the supervisory committees must adhere to when preparing voter lists for the electoral districts within their jurisdiction. Article 8 of the aforementioned law emphasizes the following requirements: **"1. The lists must be arranged in alphabetical order based on official records and documents, in coordination with the Population Register Administration at the Central Statistics Agency. 2. The lists should include the names of eligible voters who meet the conditions specified in Article 2 of this law, taking into account their previous participation in the electoral process based on records. The voter should not be deprived of or exempted from exercising political rights during the preparation of the lists or the specified period for their correction. The registration should include the voter's name, personal identification number, and regular place of residence. 3. Two copies of the lists are prepared for each electoral district, signed by the committee's chairman mentioned in the previous article and the secretary. The committee retains one copy, while the second copy is submitted to the Ministry of Justice and Islamic Affairs. 4. The names of the voters in each electoral district should be displayed for at least seven days in designated locations in public places determined by the Minister of Justice and Islamic Affairs, at least forty-five days before the scheduled election."**

9. Furthermore, Article 11 of the same law states: **"No amendments shall be made to the voter lists after the call for the referendum or election, except for corrections to the lists in accordance with decisions and rulings issued regarding objections to the registration, or based on notifications of final judgments or decisions resulting in the deprivation of exercising political rights."**
10. As for the mechanism of objection for voters whose names are not included in their designated lists, Article 12 of the aforementioned law outlines the procedural process for such objection. It states: **"Anyone whose name is not included in the voter list or whose registration data contains errors may request from the Supervisory Committee for the Integrity of the Referendum and Election, as stipulated in Article 7 of this law, to have their name registered or their registration data corrected. Likewise, anyone whose obstacles have been removed after the list is prepared may request the inclusion of their name or the correction of their registration data. Any voter whose name is listed in one of the voter lists may request the inclusion of a name that was wrongfully omitted or the removal of a name that was wrongfully included, or the correction of registration data, in relation to the voter list of the electoral district where the applicant's name is listed. The request for registration or correction must be submitted during the period of displaying the lists. The committee shall issue a decision on the request within three days from the date of its submission. Failure to issue a decision within this period shall be considered an implicit rejection. In case of a decision rejecting the request, the concerned individual has the right to appeal this decision to the Supreme Civil Appeals Court within a maximum period of three**

**days from the date of its issuance. The court shall rule on these appeals within seven days from the date of filing the lawsuit, and its judgment shall be final and non-appealable."**

11. Regarding municipal affairs, the provisions of Articles 2, 3, 7, 8, 10, and 11 of Decree Law No. 3 of 2002 concerning the election system for municipal council members and its amendments contain the same regulations governing the electoral process for members of the Parliament.
12. In practical terms, the NIHR has observed and monitored the efforts made by the Supreme Committee for General Supervision over the Election Integrity. These efforts have been communicated through various media outlets and social media platforms. Their aim is to facilitate and streamline the electoral process, both at the parliamentary and municipal levels, particularly regarding the registration phase in the voter lists and the objection process. The time constraints for receiving requests to change or correct addresses have been established, and several methods have been made available to verify voter names and electronically update addresses through the supervisory committees' website. These measures ensure that citizens can effectively exercise their rights in line with relevant international standards and obligations.
13. The NIHR has also noted the official statement issued by the Executive Directorate for Parliamentary and Municipal Elections, which stated that the total number of citizens who reviewed their data in the voter lists reached 265,138. This occurred since the start of the legal period for displaying the voter lists on the website and the supervisory



committees, which lasted from September 15<sup>th</sup> to September 21<sup>st</sup>, 2022.

14. The NIHR believes that these numbers reflect the high level of awareness, political consciousness, and civic rights among citizens. It demonstrates their desire to engage in political participation and contribute to the public affairs management in the Kingdom. It also signifies their commitment to further enhance democratic life and support the progress of political development in the country.
  
15. In the same context, the NIHR noted the official statement issued by the Executive Directorate for Parliamentary and Municipal Elections, urging voters to review the electoral rolls to verify the listed data and submit any requests to update them, especially for those who did not participate in the previous elections. This coincided with the institution also monitoring cases of failure to include the names of a number of voters within the lists in the various governorates of the Kingdom. This was justified, according to what was circulated on social media, by their failure to vote in two consecutive elections.
  
16. Therefore, the NIHR sees the importance of the relevant authorities in the future verifying and investigating the reasons for the absence of some voters' names from the electoral rolls. The failure of some voters to vote in two consecutive elections should not result in the removal of their names from those lists, as it raises suspicions of infringing upon individuals' rights to exercise their political rights, represented by voting and candidacy. In all cases, the essence of organizing this right

should not be compromised, as affirmed by Article (31) of the Constitution.

17. According to the official statements of the Executive Administration for Parliamentary and Municipal Elections, the electoral bloc eligible to exercise the right to vote amounted to (344,713) voters. The electoral bloc in the capital governorate, which comprises ten electoral districts, consisted of (66,148) voters. In the Muharraq governorate, which includes eight electoral districts, the electoral bloc amounted to (81,637) voters. As for the Northern governorate, which encompasses twelve electoral districts, the electoral bloc reached (121,581) voters. The Southern governorate, with its ten electoral districts, had an electoral bloc of (75,347) voters.
18. Therefore, this announcement of the electoral bloc comes after the completion of the Supreme Civil Appellate Court's consideration of all appeals submitted by voters against the decisions issued by the four supervisory committees distributed across the kingdom's governorates, as it is the competent court according to the law.

**A table illustrating the total electoral bloc in the parliamentary and municipal elections for the year 2022, compared to the electoral bloc in the same elections in 2018, distributed across the four governorates.**

<b>Governorate</b>	<b>Electoral Bloc (2018)</b>	<b>Electoral Bloc (2022)</b>	<b>The Difference</b>
<b>The Capital</b>	81,892	66,148	<b>-15,744</b>
<b>Muharraq</b>	79,213	81,637	<b>+2,424</b>
<b>Northern</b>	125,870	121,581	<b>-4,289</b>
<b>Southern</b>	78,492	75,347	<b>-3,145</b>
<b>Total</b>	365,467	344,713	<b>-20,754</b>

### Section III:

#### The Stage of Receiving Nomination Applications, Objections to them, and the Submission of Judicial Appeals

1. Decree Law No. (14) of 2002 on the exercise of political rights and its amendments regulates matters related to receiving nomination applications. Article 15 of the decree states that: **"The date of the general elections for the Council of Representatives shall be determined by a royal order, and the issuance of the order shall be at least forty-five days before the designated date for conducting the elections. The date of supplementary elections shall be determined by a decision of the Minister of Justice and Islamic Affairs, and the issuance of the decision shall be at least thirty days before the designated date for conducting the elections. The order or decision must specify the date of opening and closing the nomination period..."**
2. Article 3, in its second paragraph, of the same law, prohibits certain categories from nomination, as follows: **"The following are prohibited from running for the Council of Representatives: 1) Those convicted of a felony, even if they have been granted a special pardon or had their punishment commuted. 2) Those sentenced to imprisonment for intentional crimes for a period exceeding six months, even if they have been granted a special pardon or had their punishment commuted. 3) Leaders and members of dissolved political associations by a final ruling for committing a serious violation of the provisions of the Kingdom's Constitution or any of its laws. 4) Anyone**

**who deliberately causes harm or hinders the functioning of the constitutional or parliamentary life, by terminating or abandoning parliamentary work in the Council, or having their membership revoked for the same reasons."**

3. In addition to the aforementioned provisions related to nomination, Decree Law No. 15 of 2002 concerning the Shura and Representatives Councils and its amendments further establishes the necessary conditions for individuals who nominate themselves for membership in the Council of Representatives. Article 11 states the following: **"Without prejudice to the provisions stipulated in the Law on the Exercise of Political Rights, the following conditions must be met by those who nominate themselves for membership in the Council of Representatives: a) They must be Bahraini nationals and have resided in Bahrain for at least ten years, and not hold any other nationality, except for those holding the nationality of one of the member states of the Gulf Cooperation Council, provided that their Bahraini nationality is original and that they enjoy all their civil and political rights. b) Their name must be listed on the electoral roll of the district in which they nominate themselves. c) They must be at least thirty years old on the day of the election. d) They must be able to read and write in Arabic. e) Their membership in the Shura or Representatives Council has not been revoked by a decision of the council to which they belong due to loss of trust or consideration, or due to a breach of membership duties. However, those whose membership has been revoked may still be eligible for nomination if the legislative session during which the revocation decision was issued has ended, or if a decision is issued by the council in which they were a member,**

**canceling the impediment preventing nomination resulting from the revocation of membership after the end of the session in which the revocation decision was issued. f) Their membership in the Council of Representatives has not been terminated due to resignation, during the legislative term in which they submitted their resignation."**

4. Regarding municipal elections, Decree-Law No. (3) of 2002 on the system of electing municipal council members and its amendments regulates the provisions for candidacy. Article 14 of the decree-law states that: **"Those who wish to nominate themselves for membership in the municipal council shall submit a written candidacy application to the committee specified in Article 7 of this law, accompanied by the endorsement of ten electors from the electoral district. The application should specify the district in which the candidate is running, and a voter is not allowed to endorse more than one candidate..."**
5. To ensure the right to candidacy, whether for membership in the Parliament or the municipal council, the law guarantees that anyone who applies for candidacy but is not included in the prepared list by the Election Oversight Committee has the right to have their name added to the list of candidates or to object to the inclusion of any candidate's name during the display period of the lists. In all cases, the law allows the interested party to appeal the committee's decision before the Civil Supreme Appellate Court, as stipulated in Article 13 of Decree-Law No. 15 on the Shura and Parliament Councils and its amendments. The same provision applies to membership in the municipal councils, as regulated by Article 15 of Decree-Law No. 3 of 2002 on the system of electing municipal council members and its amendments.

6. Accordingly, the law has stipulated the procedures that candidates must follow in order to exercise their right to candidacy, whether for membership in the Parliament or the municipal council. Among the most important of these procedures is submitting a written application to the Election Oversight Committee at the supervisory centers distributed across the four provinces of the kingdom, after fulfilling the conditions specified in the law, as mentioned earlier.
7. The law grants the right to anyone whose name is not included in the candidate lists to request the inclusion of their name in those lists. It also grants them the right to object to the inclusion of any candidate's name. The law stipulates that the committee must issue its decision within a period of three days from the date of submission. Failure of the committee to issue its decision within that period is considered an implicit rejection. In such cases, the applicant may appeal to the Supreme Civil Appeals Court within a period of three days from the date of the decision. The court will then adjudicate the appeal within seven days from the date of filing the lawsuit, and its ruling shall be final and not subject to further appeal.
8. On the other hand, the law grants the candidate the right to withdraw their nomination, as stated in Article 15 of Decree Law No. 15 of 2002 regarding the Council of Representatives and Shura Council and its amendments. This provision ensures the individuals' right to freely exercise their political participation. Similarly, the law grants the candidate the same right regarding nominations for municipal councils, as stated in Article 17 of Decree Law No. 3 of 2002 regarding the system of electing members of municipal councils and its amendments. Additionally, the law grants the candidate the right to receive the voter

lists pertaining to the district in which they are running, as well as the right to choose a representative, provided that they are registered in the election list of the candidate's district.

9. In compliance with the law and to ensure citizens' right to candidacy, the NIHR has monitored and followed the efforts made by the Supreme Committee for General Supervision of Election Integrity. This has been done through various media and social communication channels to facilitate and streamline the electoral process for both parliamentary and municipal elections. These efforts aim to enable citizens to effectively exercise their rights in line with relevant international standards and obligations. The NIHR's efforts include reviewing the applicable legislation, providing guidance and educational instructions, clarifying procedures and requirements, setting dates, times, and locations for carrying out these procedures, receiving requests for corrections and objections to lists, as well as regularly monitoring all requirements of this stage. The NIHR also ensures public awareness and timely dissemination of information, in addition to issuing a guide that aims to inform candidates about their rights and acquaint them, along with their agents and campaign leaders, with the legal rules and regulations governing the various stages of the electoral process.
10. In the practical stage of the nomination process, the NIHR monitored the opening of the nomination period, which started on October 5, 2022, and ended on the 9th of the same month. The locations for submitting nomination applications were designated across the four provinces of the Kingdom. The Executive Director of the 2022 Parliamentary and Municipal Elections announced that the total number of nomination applications for the parliamentary and



municipal elections reached 561 applications. There were 369 applications for membership in the Council of Representatives, including 83 from women, and 192 applications for membership in municipal councils, including 24 from women. According to official statistics, this is the highest number of candidates since 2002. Afterwards, the lists of candidates were displayed, and requests for corrections and objections were received at the supervisory committees. This phase lasted for three days from October 10th to October 12<sup>th</sup>, 2022.

**Table showing the total number of candidates for the 2022 parliamentary and municipal elections compared to the total number of candidates for the same elections in 2018.**

<b>Electoral Process</b>	<b>Parliamentary Elections</b>	<b>Municipal Elections</b>
<b>Year</b>	<b>2018</b>	
<b>Total Candidates</b>	346	160
<b>Total</b>	506	
<b>Year</b>	<b>2022</b>	
<b>Total Candidates</b>	369	192
<b>Total</b>	561	
<b>The Difference</b>	<b>+55</b>	

11. The NIHR also noted the rejection of a number of nomination requests for reasons including the applicants' affiliation with a dissolved political association, criminal records, failure to complete the required procedures, or failure to meet the eligibility criteria. All rejected applicants were granted the right to appeal before the supervisory committees and then before the competent judiciary. The NIHR sees this process as a means of protection and oversight to ensure the proper exercise of the right to candidacy.
12. Therefore, the final number of candidates for membership in the Council of Representatives reached 333 candidates, including 73 women. The Northern Governorate had 103 candidates, the Capital Governorate had 91 candidates, and the Muharraq Governorate had 72 candidates. The Southern Governorate had 67 candidates.
13. The number of candidates for membership in the municipal councils of the Northern Governorate reached 72 candidates, while the Southern Governorate had 55 candidates, and the Muharraq Governorate had 46 candidates, making a total of 173 candidates, including 20 women.

**Table illustrating the final total of the number of candidates for the parliamentary and municipal elections in 2022, distributed across the Kingdom's provinces.**

<b>Governorate</b>	<b>The Number of Candidates in the Parliamentary Elections 2022</b>	<b>Number of Candidates in the Municipal Elections 2022</b>
<b>Capital</b>	91	
<b>Muharraq</b>	72	46
<b>Northern</b>	103	72
<b>Southern</b>	67	55
<b>Total</b>	<b>333 candidates</b>	<b>173 candidates</b>

14. In a step that allows candidates to exercise their right to campaign, the NIHR noted the announcement of the Executive Director of the Parliamentary and Municipal Elections 2022, presenting the final lists of candidates for the parliamentary and municipal elections on October 24, 2022, ahead of the scheduled date of October 26, according to the

timeline, and after the legal period for considering appeals by the Court of Appeals has ended. This early presentation is based on the completion of the court's review of all appeals before the designated date.

15. With the closure of the withdrawal period for parliamentary and municipal elections on November 2, 2022, one candidate withdrew from the parliamentary elections in the third district of the capital, in accordance with Article 15 of the Decree-Law of 2002 regarding the Shura and Parliament Councils and its amendments. However, there were no withdrawals from the candidacy for municipal council membership.
16. In the practical context related to the stage of receiving nomination applications, objections, and filing judicial appeals, the NIHR has observed the launch of a guiding manual by the relevant authorities. This manual provides guidance on how to file judicial appeals before the competent court regarding the decisions of the supervisory committees on the integrity of the referendum and elections. The manual includes a mechanism for electronically submitting such appeals through linking this service to the electronic portal's website. This enables stakeholders to submit their appeals without the need to personally attend. The manual also includes some illustrative images that facilitate the appellant in presenting their appeal in accordance with the legal and established procedures.
17. The NIHR commends the dedicated efforts and keen attention shown by the relevant authorities in facilitating the electoral process in general and specifically in facilitating the filing of judicial appeals. They

have demonstrated their commitment to keeping pace with the intellectual and technological advancements in this field.

18. However, through the NIHR's monitoring of this stage and the news and information gathered from media outlets and social media platforms, it has noticed some difficulties faced by individuals in the procedures of filing appeals through electronic channels. Despite the efforts made by the guidance manual to facilitate these procedures through illustrative images, it is recognized that these procedures have a legal aspect that may be challenging for everyone to fully understand and comprehend, especially regarding the requirement to submit a written statement through the website. The NIHR hopes that these procedures can be further simplified, allowing individuals to input the relevant information in a pre-designed electronic format without the need for written submissions by the appellants.
19. Regarding the legal period from October 10<sup>th</sup> to October 25<sup>th</sup>, 2022, which is the period during which the Supreme Civil Appellate Court considers the appeals filed against the decisions of the supervisory committees, the NIHR has observed a number of unofficial general news reports published in daily newspapers, which discussed some of the appeals submitted by candidates and the procedures involved. However, the NIHR, through its thorough investigation of this important and sensitive stage of the electoral process, has not come across any official news or statements regarding the total number of appeals submitted against the decisions of the supervisory committees and the actions taken in relation to them. This includes appeals that were accepted by the court and upheld the decisions of those committees, as well as other appeals that were formally rejected due

to being submitted after the deadline or not following the prescribed legal procedures, or appeals that were accepted by the court and resulted in the candidates being reinstated on the candidate lists.

20. Therefore, we emphasize the importance of the relevant authorities in the electoral process publishing such information and data to ensure - once again- the effectiveness of judicial oversight over these elections and to firmly protect them against any doubts or questioning regarding their integrity.
21. On another note, the NIHR has been monitoring a number of appeals filed by candidates against their competitors in the same electoral district. While acknowledging that the law has granted this right to enhance the best democratic practices in line with relevant ethical experiences, the NIHR would like to emphasize that such a right should not allow the appealing candidate to interfere in the privacy of the candidate being challenged. This includes monitoring, eavesdropping, or capturing their image in a manner that violates the provisions of the law.

## Section IV:

### The Stage of Electoral Campaign and the Electoral Silence

1. Electoral campaigning is considered one of the most important aspects of democratic practice in the electoral process, due to its significant role in the election campaigns of candidates from various affiliations and their efforts to influence public opinion and create a specific stance on issues related to the general situation and the concerns of voters. This is done through various modern means of communication, including audio, visual, and written methods, especially through modern social media platforms.
2. Decree-Law No. (15) of the year 2002, concerning the Shura Council and the House of Representatives and its amendments, regulates electoral campaigning in Chapter Three. Article No. (22) and subsequent articles outline the provisions and guidelines for electoral campaigning. One of the most important principles is the requirement for electoral campaigning to be conducted freely, with candidates adhering to a set of guidelines during their campaign. Foremost among these guidelines is the commitment to the provisions of the constitution, respect for the rule of law, and the preservation of the freedom of opinion and thought of others.
3. This is followed by Article No. (23) of the same law, which establishes regulations for candidates' advertisements, including posters and electoral statements, as well as designated locations and equal spaces for candidates. The aim is to ensure the neutrality of the state towards electoral campaigns. The same law, in Article No. (24), prohibits



government employees, public bodies and institutions, municipal council heads and members from engaging in electoral campaigning for any of the candidates in their workplaces, whether directly or indirectly.

4. Furthermore, Article No. (25) of the same law prohibits any candidate from receiving funds for electoral campaigning from any source, whether within or outside the kingdom. Additionally, the law mandates in Article No. (26) that all visual, auditory, and printed media, among others, must treat candidates equally in their media coverage to ensure their neutrality and impartiality towards any of the candidates.
5. Finally, the law stipulates in Article No. (27) the cessation of all electoral campaigning activities throughout the kingdom 24 hours before the designated voting time. This period is known as the "electoral silence period," during which no candidate is allowed to appear in the media to discuss any matters related to the elections or engage in any activity or actions that fall within the scope of election promotion and campaigning to gain the favor of voters, especially gathering in tents and electoral headquarters.
6. In continuation of the legal provisions concerning electoral campaigning, Decree Law No. (14) of 1973 on Advertisement Regulation stipulates the requirements for obtaining necessary licenses for electoral advertising. It prohibits advertisements from violating public security, public morals, religious beliefs, or obstructing traffic movement. Additionally, advertisements should be harmonious and aim to beautify the area.

7. Ministerial Decision No. (141) of 2022 on the Regulation of Electoral Campaigning for the Elections of Members of the Parliament and Municipal Councils emphasizes the commitment of each candidate for the Parliament and Municipal Councils to adhere to civilized codes of conduct in their electoral campaigns. This includes refraining from harming or defaming other candidates, directly or indirectly questioning their competence, and complying with other regulatory matters related to electoral campaigning.
8. The decision also includes the prohibitions that every candidate for the Parliament and Municipal Councils must avoid, such as organizing and holding meetings, delivering electoral speeches, and placing posters and advertisements inside, outside, or on the following places and facilities: mosques, funeral, and other places of worship, ministries and their affiliated departments and attached entities, government buildings, public institutions, and entities, public places designated for public services, universities, scientific institutes, government and private schools, memorials and their bases, historical buildings and surrounding walls, electricity, lighting, telephone poles, traffic signs, and signals, the headquarters of supervisory committees, polling and sorting committees, bridges, tunnels, roundabouts, street islands, sidewalks, and trees, public transport, and public vehicles. Furthermore, the establishment of festivals and electoral gatherings within a distance of less than two hundred meters from all sides of the headquarters of supervisory committees and polling and sorting committees is prohibited. In all cases, electoral campaigning should not jeopardize public security, public morals, religious beliefs, or prevailing societal traditions. Additionally, the ministerial decision has banned

placing electoral advertisements of all types on 23 main streets distributed across the various provinces of the Kingdom.

9. In the practical implementation during this stage, and in adherence to the relevant laws and decisions concerning electoral propaganda, the Supreme Committee for General Election Oversight has been observed carrying out its responsibilities. This has been done through various media channels and social media platforms under its supervision, including its official electronic account. The legal regulations governing electoral propaganda were presented, and an invitation was extended to the candidates stressing the importance of adhering to these regulations. Among these regulations are commitments to the constitution, respecting the rule of law, freedom of opinion and expression for others, preserving national unity, security, and stability, and refraining from anything that may incite division or sectarianism among citizens. Additionally, candidates are urged not to violate the period of electoral silence. Furthermore, efforts made by relevant authorities to organize electoral propaganda in various provinces of the kingdom were monitored in accordance with the provisions of the law.
10. In the same context, the NIHR observed that some candidates did not adhere to the regulations governing electoral propaganda. They conducted their campaign in locations prohibited by the law, placed their advertisements in a manner that threatened individuals' safety or obstructed traffic flow, or displayed advertisements that could damage the green areas along public roads. Furthermore, these advertisements were sometimes placed in close proximity to supervisory centers, polling stations, and counting centers.

11. The NIHR has observed a video clip on social media platforms that shows a candidate in the parliamentary elections at a school, accompanied by an individual conducting electoral propaganda for that candidate in the presence of a crowd. The Committee for Investigating Electoral Crimes, established by the decision of the Attorney General, received a notification from the Electronic Crimes Department of the General Directorate for Combating Corruption, Economic Security, and Electronics at the Ministry of Interior regarding the incident. The candidate and the second individual implicated in the video were summoned and confronted with the evidence of their engagement in electoral propaganda that violates the law. This is a preliminary step towards expediting their trial.
12. The NIHR, through social media platforms, has observed the exploitation by a candidate of places of worship for indirect electoral campaigning by distributing plastic bottles of water that contain images of that candidate. The institution considers this a clear violation of the electoral propaganda regulations, which prohibit the placement of posters and advertisements inside mosques, mausoleums, and other places of worship.
13. In addition, the NIHR has been following a statement issued by the head of the committee investigating electoral crimes at the Public Prosecution, indicating that the committee has initiated an investigation into a complaint filed by one of the candidates in the parliamentary elections in the Northern Province. The complaint pertains to an individual who took photos of the candidate's residence and sent them to an account on a social media platform abroad. Subsequently, the account posted the photos with derogatory

comments about the candidate, including expressions and words that undermine their behavior and ethics.

14. The NIHR also followed another statement issued by the head of the committee investigating electoral crimes, stating that the Public Prosecution received a report from the Directorate of Security in the Northern Province. The report was submitted by the son of one of the candidates and indicated that a small part of his father's campaign tent was set on fire by four suspects. The informant managed to apprehend one of them, who was found to be a 17-year-old child, as he attempted to flee the crime scene. The police also arrested another adult suspect near the scene of the incident. As a result, the Public Prosecution ordered the pretrial detention of the adult suspect pending further investigation and handed over the child to his legal guardian, taking the necessary precautions for his well-being. The child will be brought before the judicial authorities when requested. The Public Prosecution also issued warrants for the arrest of the fugitive suspects in preparation for their criminal trial.
15. The NIHR also observed, through social media platforms, a video clip that appeared to show a fire at one of the electoral headquarters of a candidate. Another video showed a deliberate fire targeting a number of election advertisements in a public street. Additionally, the institution documented a series of other photos showing intentional damage to some candidates' advertisements.
16. The institution emphasizes that freedom of opinion and expression is a guaranteed right for all, provided that it does not infringe upon the rights and freedoms of others as protected by law and the constitution.

This includes the right to candidacy and the exercise of political rights in an atmosphere that ensures the integrity and transparency of the electoral process, in accordance with legal regulations that prevent any encroachment on their freedoms, whether in speech or action. This should be upheld within an electoral campaign based on fair and honest competition.

17. According to Article 27 of Decree Law No. 15 of 2002 regarding the Shura and Parliament Councils and its amendments, which states: "**All electoral campaign activities in the kingdom shall cease twenty-four hours before the designated voting time,**" the NIHR observed that some candidates directly or indirectly continued their electoral campaigning during the electoral silence period - both in the initial round and runoff elections. This was done by promoting themselves through promotional accounts on various social media platforms that were not designated specifically for their personal use. Additionally, individuals working within their campaign teams engaged in campaigning for these candidates. Moreover, some candidates relocated their campaign billboards in proximity to the polling and counting centers. All of these actions constitute violations of the provisions of the law and regulations governing the electoral process.
18. The NIHR emphasizes in this regard that the philosophy of electoral silence and its associated practices related to electoral campaigning lies in allowing freedom for the voter to determine their choices and avoiding any disruption or influence. This is because voters experience psychological pressure in the hours leading up to the voting process, which can affect their electoral decisions. Therefore, the law establishes the electoral silence period and prohibits certain practices

in electoral campaigning to ensure that voters are not influenced or pressured. This enables them to make their own decisions and vote for the candidate they believe is deserving of their support, free from any manipulative voices that may attempt to sway their votes in a particular direction.

## CHAPTER II:

### Observing the Parliamentary and Municipal Elections on Polling Day

1. Considering the importance of polling day, which constitutes the cornerstone of the electoral process in its entirety, and in order for the NIHR to monitor the elections objectively and professionally based on relevant international standards, it has adopted a special questionnaire prepared for this purpose consisting of more than (88) indicators, which together constitute comprehensive criteria that cover every moment of all aspects of the election day towards achieving transparent, free and fair elections.
2. This chapter will thus review the proceedings before and during the polling day up until the counting, sorting and announcement of the elections results, by reviewing the most important indicators adopted by the NIHR in the monitoring process and clarifying the practical reality related thereto in three consecutive main sections.

#### Section I:

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

1. Article No. (19) of Decree-Law No. (14) of 2002 regarding the Exercise of Political Rights and its amendments stipulates that: **“It is the duty of the**



**chairman of the committee mentioned in this Law to maintain order in the premises of the headquarters of the committees if need arises with the help of the public security forces. These forces are not to enter the premises of the committees except at the request of the chairman of the committee. Candidates or their agents may enter the premises of the sub-committees.”** This was followed by Article (20) of the same Law stating that: **“The secretary of the committee shall take down the minutes and decisions of the committee to be signed by the chairman and secretary of the committee”**.

2. Article (21) of the same Law states that: **“The referendum or voting process continues from 8:00 am until 8:00 pm. However, if in any district there are voters who have not cast their ballots and wish to do so, then voting continues for these voters only. If all the voters registered in the schedules cast their votes ahead of the time set for ending the referendum or election, the chairman announces the end of the voting process after the last voter casts his ballot.”**
3. Article No. (27) of Decree-Law No. (15) of 2002 regarding the Shura Council and the Council of Representatives, as amended, stipulates that: **“All election campaigning throughout the Kingdom shall cease twenty-four hours before the date set for polling”**, whereas the second paragraph of Article No. (4) of Ministerial Resolution No. (141) of 2022 on the Organization of Electoral Campaigning for the Election of Members of the Council of Representatives and Municipal Councils, provides that: **“... it is prohibited to hold election festivals and rallies at a distance of less than two hundred meters from all directions of the headquarters of supervisory committees and polling and counting committees. In all**

**cases, election propaganda shall not compromise security, public morals, religious beliefs, or prevalent traditions of the society”.**

4. Concerning municipal affairs, the provisions of Articles No. (19), (20), and (21) of Decree-Law No. (3) of 2002 regarding the System for Electing Members of Municipal Councils, as amended, has the same provisions regulating the election process of the members of the Council of Representatives.

**Indicator: Are there signboards to facilitate the access of voters to the polling and counting center?**

5. Through field monitoring of the polling and counting centers by the NIHR’s team during the first election round and the second round run-off election of the members of the Council of Representatives and municipal councils, it was observed that signboards were located at adequate distances from a number of polling centers to facilitate access of voters, whereas for the other polling centers, the NIHR’s team was not able to confirm the presence of such signboards, or that possibly they were located only a few meters away from the centers, hence, the voters were not able to know the location of the center until approaching it.

**Indicator: What time did the polling and counting center open?**

**Indicator: What time were you allowed to enter the polling and counting center?**

**Indicator: Were all the members of the polling and counting committee present before initiating the procedures for opening the ballot box?**

**Indicator: Was the ballot box opened and displayed before the start of the voting process to verify it was empty?**

**Indicator: Were you allowed to monitor the procedures for opening the ballot box and starting the process of casting votes without imposing any restrictions?**

**Indicator: What time did the chairman of the polling and counting committee invite voters to enter the polling room?**

6. The NIHR monitoring team noticed that all the visited polling centers started the polling process at exactly eight o'clock in the morning without exception. In addition, the NIHR's observers were allowed into the polling center before the start of the polling process upon presenting the cards designated for that purpose. It was evident that all members of the polling and counting public committees and sub-committees were present well in advance before the beginning of the polling process. Moreover, observers were allowed to witness the procedures for opening the parliamentary and municipal ballot boxes prior to the start of the election, which showed that they were empty.

**Indicator: Was the media allowed to be inside the voting hall at the polling and counting center?**

7. The NIHR's monitoring team noted that there was a visible presence of the media in several polling centers, especially local media correspondents, whereas in other polling centers their presence was limited to specific hours only.

**Indicator: Did the committee count the ballot papers before the attendees prior to the start of the voting, sorting, and counting processes?**

**Indicator: Was a hardcopy and electronic list of voter schedules available in the polling booth?**

8. The observer team of the NIHR noticed that the chairman of the committee in several polling centers counted and shuffled the ballot papers, whereas in other polling centers the observer team was unable to verify whether this procedure was performed or not. In addition, it was not clear if hardcopy or electronic voters' schedules were available in the latter centers through which the voter can verify his/her eligibility to vote prior to entering the polling center.

**Indicator: Is the ballot box placed in a location that allows the attendees to monitor the process of inserting the ballot paper?**

**Indicator: Was there a special stamp affixed to the passport to prove voting?**

9. Mostly, the place assigned for the NIHR's monitoring team in the polling and counting centers allowed the observers to track the voter from the moment he/she enters the center, casts his/her vote, up until leaving the

center. However, in a few polling centers and due to the limited available space, the observers were unable to closely establish whether the voters inserted their ballot papers in the designated place or not and whether the centers' organizers stamped the voters' passports to indicate casting their votes the moment they received the ballot paper and before actually voting.

**Indicator: Were the ballot boxes transparent?**

10. The NIHR's monitoring team found that all the ballot boxes were transparent and had colored covers, where the boxes with the red cover were assigned for the election of the members of the Council of Representatives and the boxes with the green cover were for the election of the members of municipal councils.

**Indicator: Were voting booths secluded so that voters could secretly cast their ballot?**

11. In all the polling stations that the NIHR's team has visited, the requirements for secrecy and privacy of voting were preserved in the places designated for casting the ballots (voting booths).

**Indicator: Were any manifestations of election propaganda seen in front of or inside the polling and counting center?**

12. Despite the significant organizational efforts undertaken by the competent authorities, it was noticed that there was strikingly obvious electoral propaganda before and during the start of the balloting process, especially in the polling and counting provincial centers. This was exemplified by posting candidates' election posters, signboards, and advertisements, or by the presence of individuals, mostly children, wearing items of clothing emblazoned with candidates' faces and distributing leaflets or water bottles bearing candidates' photos or other publicity images, or the presence of others electioneering for one candidate or another, or by making direct phone calls to voters to persuade them to vote for a particular candidate on the morning of polling day.
13. In this respect, the NIHR calls on all contesting candidates to respect the provisions of the law regulating electoral campaigning and to refrain from exploiting children in their election campaign activities in the streets and public roads as this practice has negative impacts on children and exposes them to danger in a way that is not suitable for their age group, in the best interests of the child.

## Section II: The polling stage

1. Article No. (9) of Decree-Law No. (15) of 2002 regarding the Shura Council and the Council of Representatives, as amended, stipulates that: **“The election of the members of the Council of Representatives shall comply with the regulations of the individual candidate elections,”** while Article No. (22) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, stipulates that: **“Every voter must submit to the sub-committee when casting his/her vote proof of his/her identity by presenting a passport or any approved official document. He shall put a mark on the voters’ schedule, manually or electronically, indicating that the voter has cast his vote, or any other means denoting casting his/her vote approved by the Chairman of the Supreme Committee set out in Article Eighteen of this Law”**.
2. Article No. (23) of the same Law followed to stipulate that: **“The referendum and election shall be held by direct secret universal ballot. The vote in the referendum or election shall be carried out by marking a prepared ballot card in the polling booth. A voter may not cast his/her vote more than once in a single referendum or election. Illiterate voters or blind voters or others with special needs who cannot themselves cast their votes on the referendum or election ballots, can cast their votes verbally before the chairman of the committee, in the presence of one of its members, who marks the voter’s choice on the ballot and inserts it in the ballot box.”**

3. Regarding municipal affairs, the provisions of Articles No. (22) and (23) of Decree-Law No. (3) of 2002 regarding the System for Electing Members of Municipal Councils, as amended, have the same implications as the provisions regulating the election process of the members of the Council of Representatives.

**Indicator: Does the polling and counting committee verify the identity of the voter?**

4. Through field monitoring of the counting and polling centers by the NIHR's team during the first round and the run-off round of the elections of the members of the Council of Representatives and municipal councils, it was observed that the organizing party (examiners) checked and verified the voters' identities in all the centers by requesting them to present their passports and identity cards or any other officially recognized document, such as the elections cards issued by the Ministry of the Interior to holders of lost, damaged, retained or procedurally deposited passports to another party.

**Indicator: Does the polling and counting committee verify the identity of veiled women?**

5. It was evident for the NIHR's monitoring team that although the organizing party had pre-checked women wearing a niqab (veil) to confirm her identity, the identity matching process in most of the polling stations fell



short of expectations as it was not accurate and organized on the one hand, and it did not consider providing the necessary privacy for the veiled woman on the other hand. Therefore, the NIHR calls for developing a more accurate, rigorous, and seamless unified mechanism to ensure the streamlined entrance of veiled women and to verify their identity match in a manner that takes into account their particular need for privacy in this regard.

**Indicator: Were the voters handed ballot papers stamped with the official seal of the Supreme Elections Committee?**

6. The NIHR's monitoring team found that all the ballot papers were official papers designated for this purpose, where the ballot papers for electing the members of the Council of Representatives had a red background and the ballot papers for electing the members of municipal councils had a green background.

**Indicator: Does the polling and counting committee accept identification documents other than a passport?**

7. The NIHR's monitoring team also noticed that the voting process begins with the voter presenting his/her passport or the election card issued by the Nationality, Passports and Residence Affairs at the Ministry of Interior and the identity card, after which the verifier (examiner) at the polling and counting center verifies the voter's eligibility to vote, and accordingly, is

handed the designated ballot paper and the voter's passport or election card is stamped indicating participation in the voting process.

**Indicator: Does the voter place the ballot paper in the box in full view of the polling and counting committee as well as those present?**

8. The NIHR's monitoring team also noted that in most of the provincial and public polling and counting centers, all ballot papers were placed seamlessly in the designated boxes in a manner that was clearly visible by the polling and counting committee and those present. However, in other centers, the NIHR found that the distance between the ballot boxes and the observers prevented them from following up, tracking, and scrutinizing the conduct of the voting process accurately, an issue which the NIHR hopes to be resolved by providing designated areas for all observers within all polling and counting centers alike, close to the polling and counting committees, to enable them to follow up and monitor the course of the election process on polling day up until sorting, counting, and announcing the final results.

**Indicator: Were candidates or their agents present inside the polling hall?**

9. During the parliamentary and municipal elections for the first and run-off rounds, the NIHR's monitoring team noticed that the candidates or their agents were present inside the provincial polling centers in the area

designated for them, while they were almost not present inside the public polling and counting centers.

**Indicator: Were there any voters present whose names were not registered in the voters' lists?**

**Indicator: Were any voters disenfranchised?**

10. The NIHR's monitoring team witnessed very few cases of preventing voters from casting their votes in the elections (disenfranchised) mostly because their names were missing from the voters' lists; hence, they were asked to check with the supervisory centers of their governorates. In one case, which was monitored by the NIHR via social media, the voter was prevented from entering the center in the Tenth Constituency in the Capital Governorate because he was wearing clothes that were not suitable for the polling and counting center.

**Indicator: Were persons whose names were not registered in the voters' lists allowed to cast their votes?**

**Indicator: Were unauthorized persons allowed into the polling hall?**

11. The NIHR's monitoring team did not observe any cases where non-voters were allowed to enter the polling and counting hall, except for a number of children accompanying their parents, where in some cases, the voters give their children the ballot paper to insert it in the ballot box under their

close supervision and before the eyes of the polling and counting committee. This act was permitted in some committees and prohibited in others.

**Indicator: Were there any attempts inside the polling hall to influence the voter's choice?**

12. The NIHR's monitoring team was able to establish that there were attempts by some candidates who were present inside the polling hall in the provincial polling and counting centers only to indirectly influence the choices of voters through having conversations with them before or after casting their votes. Even though such attempts were limited, and despite the efforts made by the members of the polling and counting committee to prevent them, it would be worthwhile for the candidate and the voter to avoid them for the proper and successful conduct of the elections.

**Indicator: Were the members of the polling and counting committee harassed by any candidate or voter?**

13. The NIHR's monitoring team did not ascertain that the members of the polling and counting committee were subjected to harassment by candidates or voters.

**Indicator: Were there any illiterate voters?**

**Indicator: Did the polling and counting committee help illiterate voters?**

14. Regarding the voting process, it was noticed that there were several illiterate voters during the first and run-off rounds of the parliamentary and municipal elections. In such cases, the center's organizers, after issuing the ballot paper for the illiterate voter, direct him/her to the chairman of the polling and counting center, who then recites the names of the candidates together with showing their pictures so that the voter can choose freely and secretly from among the candidates. However, an observer of the NIHR's monitoring team noticed that one of the center's organizers helped an illiterate voter in making his choice. Although this was only one individual case, it violated the requirements of the relevant rules and provisions.

**Indicator: Is there a special path for people with disabilities to cast their votes?**

15. Regarding people with disabilities and wheelchair bound elderly, the NIHR's monitoring team noticed that the polling and counting center organizers assisted them and facilitated their voting from the moment they entered the center until leaving it. There was a path designated for people with disabilities and wheelchairs in the centers that the NIHR monitored. Although all polling centers were technically prepared and equipped for their participation, the NIHR monitored news on social media to the effect

that a wheelchair was not available for an elderly voter in the Second Constituency in the Southern Governorate.

**Indicator: Is the companion of a person with a disability eligible to vote?**

**Indicator: Were the person with a disability and the person accompanying him told how to mark the ballot paper?**

**Indicator: Did the person with a disability or his/her companion insert the ballot paper in the box in full view of the polling and counting committee?**

**Indicator: Did the members of the polling and counting committee help the persons with disabilities when they had no companion?**

16. In a related context, the organizers of the polling and counting center did not allow the companion of the person with disability to go into the voting compartment, but rather they carried out this process themselves, especially in cases where the companion was not entitled to vote, such as domestic workers. However, in the cases where the disability prevented the person from voting without assistance, the chairman of the center was the one who handled these cases.

**Indicator: Did anyone try to tamper with the ballot box and voters' schedules?**

**Indicator: Did anyone try to impersonate someone's identity to vote?**

**Indicator: Did any voter try to vote more than one time?**

17. The NIHR's monitoring team did not detect any incident where voters or others tampered with the ballot boxes in any way, or impersonated other's identity with the intention of voting, or tried to vote more than one time.

**Indicator: Was an additional transparent ballot box brought in after the first ballot box was full?**

**Indicator: Was the additional ballot box opened and displayed empty before resuming the polling process?**

**Indicator: Were minutes taken by the polling and counting committee to document adding another ballot box?**

**Indicator: Was the full ballot box kept inside the voting booth in a safe and visible location?**

18. The observers of the NIHR's monitoring team established that the polling and counting committees at the provincial and public polling centers that they have visited, opened additional ballot boxes, other than the designated boxes at the start of the polling process, and displayed them to

the observers present at the center to verify that they were empty of ballot papers. The full ballot boxes were placed in plain sight.

**Indicator: Was the chairman or any member of the polling and counting committee replaced during the polling process?**

**Indicator: Were the members of the polling and counting committee allowed to cast their votes?**

**Indicator: Did the chairman of the polling and counting committee specify the time when the members of the committee can cast their votes?**

19. In addition, the NIHR monitored the chairman and members of the polling and counting committee and the organizing team in the public centers exercising their right to vote in the same center, while in the provincial polling and counting centers, they take turns to vote in the centers assigned for them in their electoral constituencies and return to the same center. In all cases, whether it is a public or provincial center, an alternate chairman is always present.

**Indicator: When did the chairman of the polling and counting committee close the ballot boxes?**

20. The polling centers that were monitored by the NIHR closed the ballot boxes at exactly 8:00 pm, as some chairmen of the polling and counting



committees called on the NIHR's team to ensure closing the ballot boxes at the specified time using the lock designated for that purpose.

**Indicator: Were there any objections to the voting process?**

**Indicator: Were voters allowed to object?**

**Indicator: Was evidence presented to support these objections?**

21. During the polling, no objections were submitted by voters, candidates, or others related to the course of the parliamentary or municipal elections, except for the case monitored by the NIHR from a video clip on social media in which one of the candidates questioned the results of sorting and counting. This was followed by a statement issued by the Public Prosecution to the effect that it did monitor a candidate for the parliamentary elections in the Third Northern Constituency, accusing the chairman of the sub-committee supervising the elections of manipulating and falsifying counting and the outcome of the elections in that constituency. Consequently, the complainant was summoned, interrogated, charged with insulting a member of the electoral committee and disseminating false statements about the elections with the intent of influencing its outcome, and referred to criminal trials.

### Section III:

#### The stage of sorting, counting, and announcing election results

1. Article No. (24) of Decree-Law No. (14) of 2002 regarding the Exercise of Political Rights and its amendments stipulates that: **“When the specified time for the referendum or election ends, the chairman of each subcommittee shall announce the end of the voting process after making sure that all the voters present in the headquarters of the committee have cast their votes hitherto; this shall be documented in a report to be signed by the committee’s chairman and secretary, after which the subcommittee begins counting the ballots. Each candidate or his/her agent is allowed to attend the counting process, except for the committee's deliberations.”**
2. Article No. (26) of the same Law stipulates that: **“Votes that are conditional, or votes that are given for more candidates than required, or votes that are cast on papers other than ballot papers prescribed for voting, or voting on papers that carry marks indicating the voter's identity shall be disqualified and void.”**
3. Article No. (27) of the same Law states that: **“The Sub-committee shall decide on all matters related to the referendum or election process and the validity or invalidity of voting. The Committee's deliberations shall be confidential and shall only be attended by the Committee's Chairman and its members, and decisions shall be adopted by the outright majority. Resolutions shall be recorded in writing in the minutes of the Committee.**

**Such resolutions shall be substantiated and signed by both the Committee's Chairman and Secretary.”**

4. **Article No. (28) of the same Law stipulates that: “The Chairman of the Committee stipulated for in Article No. (7) of this Law in each electoral district shall announce the result of the election of the members of the Council of Representatives in all the electoral constituencies under the Chairman’s electoral district and the number of votes obtained by each candidate in the Chairman’s district, after receiving all the minutes of the polling and counting committees and the election papers (ballots) from the sub-committees within the district. A copy of the result, along with the minutes and the election papers (ballots) shall be forwarded to the Supreme Committee stipulated for in Article (18) of this Law, which shall make the final announcement of the general result of the election of the members of the Council of Representatives and inform the winners of their membership. The General Secretariat of the Council of Representatives, after announcing the election result, shall give every winning member a certificate of their membership in the Council of Representatives.”**
5. **Article No. (29) of the above Law stipulates that: “The Chairman of the Supreme Committee stipulated for in Article No. (18) shall announce the result of the referendum upon receiving all the minutes of the sub-committees.”**
6. **Article No. (19) of Decree-Law No. (15) of 2002 regarding the Shura Council and the Council of Representatives and its amendments stipulates that: “If candidates running for membership of the Council of Representatives in a constituency is limited to the fixed number thereof, or if this number**

**remains for any reason whatsoever, the Minister of Justice and Islamic Affairs shall declare that the said candidates have won membership without the need for holding an election in the constituency.”**

- 7. Article No. (20) of the same Law stipulates that: “A Council of Representative member shall be elected by an outright majority of valid votes cast in the election. If no candidate in the constituency receives such a majority, a re-run election shall be held between the two candidates with the most votes. If another candidate has received an equal number of votes as the second candidate, the former shall participate in the second election round (run-off). In this case, the winner shall be the candidate with the most votes. Where there is a tie between two candidates receiving the same number of votes, a winner shall be chosen by draw with the knowledge of the Chairman of the Sub-committee. In all cases, the Sub-committee Chairman shall confirm in the minutes the number of votes received by each candidate in his constituency and shall sign the minutes as well as the secretary. The ballot boxes shall be sealed and sent together with the minutes and the election papers to the Chairman of the Elections Supervisory Committee who shall announce the winning candidate.**
- 8. Concerning municipal affairs, the provisions of Articles No. (23), (24), (25), (26), (27) and (28) of Decree-Law No. (3) of 2002 regarding the System for Electing Members of Municipal Councils as amended, have the same implications as the provisions regulating the election process of the members of the Council of Representatives.**

**Indicator: Were the representatives of civil society organizations and the candidates' agents allowed to observe the counting process?**

**Indicator: Was the ballot box opened in the presence of the candidates or their representatives?**

**Indicator: Did other people attend the counting process besides the members of the committee and the candidates or their representatives?**

**Indicator: Was the sorting and counting process carried out in plain sight allowing observers to follow it clearly?**

9. Accordingly, and through the NIHR's field monitoring of the counting and polling centers during the first round and the run-off round of the elections for members of the Council of Representatives and the municipal councils, which included their presence in some polling and counting centers during the closing of the ballot boxes, the start of the sorting, the counting of ballot papers, and the announcement of the results, it was found that all the provincial and public polling centers were closed at 8:00 pm in full view of the candidates or their agents, civil society organizations, and the NIHR's team who was present. Overall, the process of sorting and counting the votes that was carried out by the organizers of the polling centers, which was performed under the watchful eye of the NIHR's observers, was almost consistent.

**Indicator: Did any staff member join the polling and counting committee to help them in the sorting process?**

10. The NIHR has noticed that, despite the good and prior training of the polling center organizers on the sorting and counting process, the organizers and those in charge of the sorting process were the same organizers of the polling center from 8:00 am until closing it, which took its toll on them, as they looked exhausted and stressed during the sorting of ballot papers, which lasted in some public centers in the first round of elections until late at night.
11. Therefore, the NIHR suggests that the sorting and counting process be undertaken by a team other than the organizers of the polling process, whose work begins by being present at the polling center at 6:00 pm and continues until the closing of the polls and the start of the sorting and counting process until the announcement of the results. This will positively affect the performance of the team, reduce the errors that may occur during the sorting and counting of ballots, and speed up the announcement of the results.

**Indicator: Are cameras and screens installed to allow everyone to see the ballot papers?**

12. In a related context, the NIHR's team noticed that the polling and counting centers did not have surveillance cameras and display screens to allow

observing the process of sorting and counting the ballot papers. However, this process was carried out in the place designated for casting votes in plain sight of those present. During this phase, the presence of the media was limited in some polling centers and absent in others.

**Indicator: Were the results reached by the counting and polling committee recorded in the minutes?**

**Indicator: Were any of the ballot papers contested?**

**Indicator: Was the election result announced in the constituency immediately after the end of the sorting process?**

13. In all the cases, the polling and counting committee in the electoral center prepared minutes containing the name of the winning candidate, the number of votes obtained by each candidate in his/her constituency, and the result; the minutes were signed by the chairman of the committee and its secretary; and the ballot boxes were closed. During this phase and the announcement of the results, the NIHR's monitoring team did not observe any objections at the time.
14. According to official data, the turnout in the first round of the 2022 parliamentary and municipal elections reached a record 73%, the highest since 2002. Six candidates, one of them a female, were able to receive more than (50%) of the votes, qualifying them to win seats in the Council of Representatives from the first round. The second-round run-off election took place in (34) constituencies, in which (9) women candidates

contested, of which (7) women won the membership of the elected Parliament, thus winning a total of (8) Parliamentary seats.

15. Regarding the municipal elections, polling took place in (30) constituencies, in which (7) candidates, one of them a female, won the membership of municipal councils from the first round. The run-off took place in (23) constituencies, in which (6) women candidates contested, of which (2) women won membership in municipal councils, making the total number of women members in municipal councils (3) women.

<b>Total participation percentage<sup>1</sup></b>	<b>73%</b>
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	<b>Parliamentary Elections</b>	<b>Municipal Elections</b>
<b>Number of men candidates in the first round</b>	260	153
<b>The number of women candidates in the first round</b>	73	20
<b>Total</b>	<b>333</b>	<b>173</b>

<sup>1</sup> Statement of Minister of Justice, Islamic Affairs and Endowments, Chairman of the Supreme Committee to Supervise the Safety of Elections – 12 November 2022 - Bahrain News Agency - [Justice Minister: voter turnout stands at 73% \(bna.bh\)](https://bna.bh)



	Parliamentary Elections	Municipal Elections
Number of men winning in the first round	5	6
Number of women winners in the first round	1	1
Total number of winners in the first round (men and women)	6	7

	Parliamentary Elections	Municipal Elections
Number of men candidates in the run-off	59	40
Number of women candidates in the run-off	9	6
Total candidates (men and women)	68	46

	Parliamentary Elections	Municipal Elections
Total number of men winning the election	32	27
Total number of women winning the election	8	3

### CHAPTER III:

#### Observing the Parliamentary and Municipal Elections Following Polling Day

##### (The stage of receiving and adjudicating electoral appeals)

1. Article No. (62) of the Constitution of the Kingdom of Bahrain stipulates that, **“The Court of Cassation shall have jurisdiction to adjudicate appeals relating to elections of the Council of Representatives, in accordance with the governing law.”** Article (21) of Decree-Law No. (15) of 2002 regarding the Shura Council and the Council of Representatives and its amendments stipulates that, **“Every candidate in the electoral district shall be entitled to challenge the result of the election held in his/her constituency before the Court of Cassation within fifteen days from the date of announcing the general result of the election. If this Court establishes - upon examining the documents, hearing the testimonies of the appellant and the appellee whose election is contested and any person the Court deems necessary to hear his/her testimony - that the appeal is valid, it shall nullify the success of the contested elected member. The Court may in this case rule that the candidate whose election is found to be valid wins unless the grounds of the challenge and its circumstances necessitate a re-election. The filing of an election appeal shall not preclude the contested member (appellee) from the exercise of his/her powers at the Council of Representatives during the period preceding the handing down of the Court's ruling on the appeal. The effect of the ruling nullifying the election of a member shall apply to the future without being applicable to the period prior to handing down the judgment.”**

2. Regarding municipal affairs, Article No. (29) of Decree-Law No. (3) of 2002 on the System for Electing Members of Municipal Councils and its amendments bear the same substance as the previous provision on challenging elections in the Council of Representatives.
3. Pursuant to the jurisdiction of the Court of Cassation over elections, this Court has adopted during the past years, from 2002 to 2018, a set of relevant principles to serve as a guide to resort to and be guided by in every new electoral process.
4. The Court of Cassation has stated in several of its successive rulings regarding the integrity and validity of the elections that, **“Integrity of the electoral process is the basis, which means that the elections cannot be annulled unless it is proven with certainty that the electoral process is invalid in a way that affects its results.”**
5. This is one of the basic principles and foundations of the Court of Cassation, as it had made repeated references to it on more than one occasion, starting with its judgment passed on Appeal No. (2) against the municipal elections of 2002 in the session dated 10 June 2002; Appeal No. (13) and No. (102) against the parliamentary elections of 2011 in the session dated 3 October 2011; Appeal No. (104) challenging the parliamentary elections of 2011 in the October 10, 2011 session; Appeal No. (104) against the municipal elections in the session dated 21 December 2014; and Appeal No. (2) against the parliamentary elections in the session dated 20 December 2018.
6. Emphasizing the integrity of the electoral process, the Court of Cassation clarified in its ruling passed on Appeal No. (115) against the parliamentary elections of 2014, in the session dated 27 November 2014, that, **“The**

Bahraini legislator has set bounds to the electoral process with safeguards that ensure its successful completion in integrity and transparency, subjecting it to strict judicial oversight and giving every candidate in the constituency the right to challenge the results of the election held in his/her constituency, and entrusting the Court of Cassation, the apex of the judicial system in the State, with the jurisdiction to consider these appeals.”

7. Regarding the holder of the right to lodge an electoral appeal, the Court of Cassation affirmed that only the candidates have the right to challenge the validity of the election and it excluded the voters in the constituency from such. The Court ruled that, **“The electorate (voters) may not appeal the results of the election as this right is restricted to the candidates in the constituency in which the validity of the election is contested.”** This principle recurred in the Court’s rulings on Appeal No. (19) and Appeal No. (21) against the parliamentary elections of 2002 in the sessions dated 8 November 2002, and 18 November 2002, respectively.
8. In all cases, the Court of Cassation upheld on Appeal No. (16) against the parliamentary elections of 2002, dated 5 November 2002, that, **“The results of the election shall not be challenged on grounds relating to including the name of the winning candidate in the voters’ schedule or in the candidates’ list in the constituency in which the candidate has won the membership of the Council of Representatives, as these are pre-election procedures to be resolved by final decisions or judgments that have binding force in this regard.”**
9. With regard to both the candidate and his agent, the Court of Cassation established that the agent must be one of the voters in the candidate’s

constituency and gave both of them the right to contest all matters that appear before them during the polling and counting process. This was clearly evident in Appeal No. (115) against the parliamentary elections of 2014 on 27 November 2014, where the principle stipulates that, **“Every candidate may choose a voter from among the voters registered in the voters’ schedule in the constituency in which the candidate is running for as his agent to the subcommittee. The candidate shall submit the name of his/her agent to the Ministry of Justice at least seven days before the election day.”**

10. In the same context, the Court of Cassation affirmed in Appeal No. (2) of 2006 dated 29 November 2006, that, **“Each candidate may choose his/her agent in the sub-committee. Both the candidate and his/her agent shall be entitled to contest any observations manifested before them pertaining to the polling or counting process to the chairman of the committee.”**
11. Although the law has granted the candidate or his/her agent the right to attend the polling and counting process, their absence does not impair the course of the elections, as **“The right of the candidate or his/her agent to enter the polling hall and attend the counting process means that it is not required of either of them to be present and that their absence does not affect the validity of the polling or counting process as long as neither of them was prevented from attending.”** This was evident in Appeal No. (3) against the 2006 parliamentary elections dated 4 December 2006.
12. Regarding the polling process, the rulings of the Court of Cassation emphasized the secrecy of the voting process and indicated that the voter has full freedom to choose the candidate he/she deems appropriate, and

that there should be no interference that might influence his/her selection of the candidate. This was affirmed in several principles and rulings of the Court of Cassation, as is evident in the ruling issued on Appeal No. (15) against the parliamentary elections in the session dated 9 November 2002, which stated that, **“The voter is free to make his own decision to elect the candidate of his/her choice, given that the election is by direct, secret, universal ballot, and free of any influences that may dissuade him/her from electing whomever he/she deems fit to represent him.”**

13. Among the predominating principles in the Court of Cassation’s jurisprudence pertaining to the announcement of the results of the elections, is the ruling in Appeal No. (104) against the 2011 parliamentary elections on 10 October 2011, which stated that, **“The polling and counting sub-committee is not able to know the winning candidate in the election; and therefore, it is not authorized to announce the winner, considering that the matter is associated with collecting and compiling all the votes in both the sub-committee and the public committee as well as the committees abroad.”**
14. The Court of Cassation determined in Appeal No. (13) against the parliamentary elections of 2002, on 15 November 2002, that the Chairman of the Supreme Committee for the General Oversight of the Soundness of Elections is responsible for the announcement process, as the principle stipulated that, **“The Chairman of the Supreme Committee for the General Oversight of the Soundness of Elections shall announce the results of the election of the members of the Council of Representatives in all constituencies of his/her region and the number of votes obtained by each candidate in his/her constituency. A copy of such result shall be sent**

**to the Supreme Committee for the General Oversight of the Soundness of Elections, which undertakes the announcement of the final results”.**

15. In a related context, the Court of Cassation established that the final announcement process does not require mentioning the number of votes and that it suffices to declare the names of the winners of the seats in the councils. In Appeals No. (5) and (7) against the parliamentary elections of 2002, on 29 October 2002, it stated that, **“There is no requirement that the statement of the Minister of Justice includes the number of votes received by each candidate; it is sufficient that this statement includes the announcement of the final result and notifies the winners of membership.”**
16. The Court of Cassation required that the appeal be based on valid, serious, and significant grounds, and clear facts and evidence. In Appeal No. (114) against the parliamentary elections of 2014, on 27 November 2014, and Appeal No. (1) against the municipal elections of 2018, on 5 December 2018, the Court ruled that, **“Challenging the result of the elections is conditional as it must be based on serious reasons and evidence suggesting that an error has marred the voting or counting process, meaning that the appeal should not be taken as a pretext for the Court of Cassation to order the re-counting of ballots for the mere suspicion that errors have occurred.”** In addition, the Court established this principle in its ruling in Appeal No. (3) challenging the 2018 parliamentary elections on 20 December 2018, stating that **“The mere fact that a candidate obtained fewer votes than his contestant and not following up on the work of the counting and sorting committee is not considered a sufficient reason to believe that errors have marred the sorting process.”**

17. However, if there were serious and valid reasons and evidence to suggest that an error has marred the voting or counting process, then, the Court of Cassation shall have the right to recount the ballots itself. This was established in the Court's statement in Appeals No. (2), (9), and (11) on 28 October 2002, for the first appeal, and on 30 October 2002 for the other two appeals, that, **"The Court of Cassation is entitled to access the electoral ballot papers to ensure their integrity and conformity with the results of the elections that have been announced."**
18. Regarding the practical aspect, the NIHR monitored news reported in the local daily newspapers that the Court of Cassation - in its capacity as the competent court - has brought the curtain down on the appeals presented before it on the outcome of the results of the parliamentary and municipal elections. The Court ruled on all the appeals presented before it, (5) appeals pertaining to the parliamentary elections and (3) appeals on the municipal elections, submitted by the candidates on the results of the elections' first round in their constituencies, on 17 November 2022, by rejection.
19. In addition, the NIHR followed up on the rulings pertaining to the elections that were published on the website of the Supreme Judicial Council and found only one Court of Cassation's ruling on 29 November 2022, No. (7) of 2022, rejecting the appeal submitted before it.
20. The NIHR appreciates the significant role of the Court of Cassation as the body mandated by the Constitution to consider electoral appeals, which underscores the great interest in the impartiality, transparency, and integrity of the electoral process. Therefore, the highest courts in the Kingdom were given the task of observing the course of the elections and



adjudicating electoral appeals, due to the competence and extensive experience of its members, making them the most capable and efficient to carry out this responsibility, and they were worthy of such.

## **CHAPTER IV: Concluding Recommendations**

### **Section I:**

#### **Follow-up on the concluding recommendations contained in the NIHR's report on the observations of the 2018 parliamentary and municipal elections**

##### **1) Text of the recommendation and summary of the response of the concerned authority:**

Give urgency to the referendum and election crimes prescribed in Article No. (30) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, and establish a competent and temporary court to consider and adjudicate these crimes.

##### **Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

- a. The competent authority stated that Law No. (14) of 2002 on the Exercise of Political Rights, as amended, and Decree-Law No. (3) of 2002 on the System for Electing Members of Municipal Councils and its amendments, comprise several provisions sanctioning acts that would compromise the course of the election process. Article No. (34) of the Law on the Exercise of Political Rights also stipulates that the criminal proceedings of the crimes

mentioned in the Law shall expire six months after the announcement of the results or from the date of the last judicial procedure therein.

- b. At the commencement of the elections stage, the Attorney General issues a decision forming a committee specialized in electoral crimes composed of an adequate number of members of the Public Prosecution office who are specialized in investigating electoral crimes. Specialized courts of the Supreme Judicial Council consider those crimes to ensure prompt resolution of these cases. From the foregoing, the competent authority believes that the recommendation on giving urgency to referendum and election crimes has been achieved on the ground without the need for any legislative amendment.

**2) Text of the recommendation and summary of the response of the concerned authority:**

Issue a new law on organizing media and electoral propaganda for the elections of the members of the Council of Representatives and the municipal councils, to include all the issues related to the organization of such propaganda, allocated funds, means of exercising it, and the related prohibitions. In addition, the new law must include deterrent penalties that prevent the violation of its provisions. The said law must also provide for provisions that regulate the issue of funds and campaign spending, in particular, provisions setting maximum limits to spending and financial expenditures on electoral campaigns.

### **Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

- a. The competent authority reported that the legislative system in the Kingdom of Bahrain has abundant provisions regulating issues pertaining to media and electoral campaigning. Decree-Law No. (15) of 2002 regarding the Shura Council and the Council of Representatives regulates the controls that the candidate must adhere to during his candidacy period and the prohibited acts that must be avoided during the electoral campaign, while imposing the requirement of equality among candidates on the media during electoral campaigns and imposing penalties of fines and imprisonment on any person who violates the provisions set forth in the aforementioned Law.
- b. Law No. (60) of 2014 regarding Information Technology Crimes contains provisions criminalizing the various types of crimes committed using means of communication and other electronic means. Decree-Law No. (47) of 2002 also organizes the various provisions pertaining to printing, publishing and the press and criminalizes acts committed by publishing in newspapers. Pursuant to the Law, the Minister of Works, Municipal Affairs and Urban Planning is responsible for issuing the necessary decisions regarding the regulation of advertisements.

**3) Text of the recommendation and summary of the response of the concerned authority:**

Make available ballot papers in Braille for the blind to enable them to participate actively in the electoral process.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority reported that the Kingdom of Bahrain has always been keen to provide care for the persons with disabilities, facilitate all aspects of their lives, and guarantee all their rights so that they are effectively integrated into society. In that sense, there are facilities for voters with disabilities who cannot cast their votes by themselves on ballot papers, as they can choose their candidate verbally and the chairman of the committee marks the voter's choice on the prepared ballot paper and inserts it in the ballot box in the presence of one of the committee's members. As for the recommendation on printing ballot papers in Braille for the blind, it is believed that it may lead to uncovering the identity of the voter when counting the votes.

**4) Text of the recommendation and summary of the response of the concerned authority:**

Amend the provisions of Articles No. (60) and No. (69) of Law No. (37) of 2012 on the Child Law, to criminalize the use of children in the elections

and to propose appropriate and deterrent penalties for such dangerous criminal acts, focusing on the best interest of the child.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the necessary legislative protection has been applied to the child to grow up in a healthy environment that is suitable for his/her development. From this standpoint, Law No. (4) of 2021 on Restorative Justice for Children and their Protection from Maltreatment was issued containing several provisions to protect the child from all forms of ill-treatment and incitement to deviate by criminalizing all acts that involve ill-treatment or exploitation of a child in any activity that violates the law.

**5) Text of the recommendation and summary of the response of the concerned authority:**

Amend the provisions of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, so as to allow the candidate to choose more than one agent to follow up on the electoral process, provided the number of agents does not exceed the maximum number of the public electoral centers.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the Bahraini legislator in the Law on the Exercise of Political Rights and its amendments made sure to establish the

necessary balance between ensuring the presence and participation of the candidate and his/her agent in the proper conduct of the elections. From this standpoint, the number of agents for each candidate was limited to one as it achieves the purpose of the idea of the agency itself, that is to represent the candidate in attending and following up the procedures. Therefore, allowing more than one agent will lead to confusion and overcrowding inside the electoral headquarters, which will affect the flow of the organizational process at the polling station.

**6) Text of the recommendation and summary of the response of the concerned authority:**

Pay more attention to increase the awareness of voters on the need to ensure that their names are on the voters' lists during the period prescribed by the law, thus avoiding being prevented from casting their votes on polling day, through all forms of media and social media, well before the due date set by the law.

**7) Text of the recommendation and summary of the response of the concerned authority:**

Pay more attention to increasing the awareness of the individuals, whose names are not registered on the voters' lists, on the need to head to the supervisory centers of their governorate on polling day, using all the forms of media and social media. Such individuals were not aware of this procedure until after they went to the provincial or public centers to cast

their votes. Thus, they went through the trouble of reaching those centers and had to wait there for a while.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the substance of the two recommendations is achieved, because the awareness-raising process begins with the issuance of the Royal Order calling for elections. An integrated media and awareness plan is prepared and implemented prior to the commencement of the electoral process with the participation of the various concerned authorities. Accordingly, the voters are informed of their rights and duties and the need to ensure that their names are listed in the voters' schedules before going to the polling stations, and that if their names are not included, they must go to the supervisory centers of their place of residence on the day of polling. On the other hand, the Supreme Committee always intensifies efforts and diversifies the sources and forms of media messages so that they reach all voters easily and clearly and that voters know their status and destination on polling day.

**8) Text of the recommendation and summary of the response of the concerned authority:**

Conduct the counting and sorting process by a team other than those involved in the organization of the voting process. Such proposed team begins its work at the electoral center starting at 6:00 pm and continues until the polling is closed and the counting process commences until the



announcement of the final results. This shall have a positive impact on the performance of the said team and reduce the likelihood of any potential errors that may arise during this process, as well as accelerate the announcement of the results.

### **Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority explained that all participants in organizing the elections are subjected to intensive theoretical and practical training on the mechanism of supervision, coordination, sorting and counting, so that they are qualified and ready to undertake these tasks in accordance with best practices while adhering to the principles of impartiality and integrity, and exercising due diligence.

### **9) Text of the recommendation and summary of the response of the concerned authority:**

Use modern electronic technologies that ensure more accuracy in the counting and sorting of ballot papers. In addition, provide polling and counting centers with surveillance cameras and display monitors to allow the candidates and their agents as well as the observers of the conduct of the electoral process to follow up the process of sorting and counting ballot papers.

### **Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the candidates and their agents can be present at the election headquarters during the sorting and counting process to closely monitor its course and integrity. As for using modern electronic technologies in the sorting and counting process, the matter might be considered.

#### **10) Text of the recommendation and summary of the response of the concerned authority:**

Pay more attention to training and qualifying law enforcement personnel on controlling and tracking electoral crimes, especially those committed through modern means of communication, and bringing perpetrators to justice in order to ensure the proper conduct of the electoral process.

#### **11) Text of the recommendation and summary of the response of the concerned authority:**

Pay more attention to the training aspect of the organizers of the polling and counting process in the electoral centers. In addition, issue a code of conduct to regulate their work, which includes that they must refrain from expressing their opinion, explicitly or implicitly, or promoting one of the candidates, or interfering in the choices of the voter during the

ballot. The neutrality and independence of the organizers at the polling and counting centers reflects the integrity of the entire electoral process.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

- a. The competent authority stated that all relevant judicial enforcement officers, especially those working in the Anti-Cyber Crime Department and those involved in organizing the electoral process, are subjected to continuous training that keeps pace with the developments and adaptable to the changes in the manner and means of committing electoral crimes and includes all practical and legal aspects pertaining to the stages of the course of the electoral process, its procedures, the organization and management of polling stations, as well as the nature of electoral crimes in terms of their legal structure, punishment, arresting procedures and referring them to the competent judicial authorities.
- b. In addition, before the commencement of the electoral process, clear and detailed instructions are issued on the duties and obligations of all the participants in the organization of the electoral process, especially those participating in the sorting and counting process, emphasizing the principles of integrity and impartiality, making sure that they read all the instructions and understand the nature of the role assigned to them and the degree of competence and professionalism required of them.

**12) Text of the recommendation and summary of the response of the concerned authority:**

Call for the establishing of a clearer, precise, and seamless mechanism that secures the smooth entry of veiled women, ensures that their faces match their identity documents, and takes into account their privacy in this regard.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority explained that, in practice, the identity of veiled women is verified by a female staff in polling centers designated for this purpose and is carried out in a designated place, without compromising the duty to verify the identity of the female voters as required by the law.

**13) Text of the recommendation and summary of the response of the concerned authority:**

Call for paying greater attention to civil society institutions and human rights defenders concerned with monitoring the electoral process by providing them with dedicated spaces within all polling and counting centers, close to polling and counting committees, enabling them to monitor and observe all stages of the electoral process on polling day, until counting of the ballots and announcing the final results.

### **Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the principles of justice and integrity to which the Kingdom of Bahrain has adhered are the motivation for providing the representatives of civil society institutions with sufficient opportunity to attend and observe the electoral process and its proceedings on the ground inside and outside polling stations. The previous years were the best witness to the above, as their representatives and observers were inside the election headquarters, and they were allowed to monitor and register observations in a manner that did not impede the seamless movement of the organizers and participants.

#### **14) Text of the recommendation and summary of the response of the concerned authority:**

Pay more attention to the ongoing media coverage of the electoral process by the Supreme Committee for the General Oversight of the Soundness of Elections through prompt and continued updating of the information, data, and statistics posted on its website and electronic accounts, including the decisions and judicial rulings related to the electoral objections and appeals. Such will become the source of information and database for professionals, researchers, academics, and the public.

**15) Text of the recommendation and summary of the response of the concerned authority:**

Continue the efforts of the Ministry of Information Affairs in raising awareness of the electoral process using infographics to include all stages of the electoral process, as well as the rights and duties of voters and candidates, owing to their clear impact in promoting the concepts of the electoral process and delivering such in a simplified form, easy to understand by all.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority stated that the Executive Committee for Elections - based on a comprehensive plan and strenuous efforts - formulates, prepares, and implements awareness campaigns on the electoral process using various design tools and visual and printable media, to reach all segments of society. The campaigns are continuously developed, and more care and attention extended to intensify them to include all relevant statistics and provisions in a manner suited to the nature of media content at the present time.

**16) Text of the recommendation and summary of the response of the concerned authority:**

On-going follow up by the chairs of the provincial and public electoral centers and their employees, to verify the adequacy of the remaining

ballot papers to ensure that they do not run out, which influences the flow of the electoral process, so as no voter misses his/her right to vote.

**Summary of the response of the Ministry of Justice, Islamic Affairs and Endowments:**

The competent authority explained that the continuous follow-up through direct communication channels between the Supreme Committee for the General Oversight of the Soundness of Elections and the Chairs and employees of polling centers is the key to ensuring the smooth conduct of the electoral process without any obstacles, such as the continuous verification of the availability of ballot papers and other related issues, which contributes to the success of the electoral process.

## **Section II:**

### **Concluding recommendations of the NIHR resulting from observing the 2022 parliamentary and municipal elections**

- (1) Call for launching inclusive national consultations aimed at examining the feasibility of establishing a standing high commission for elections affairs that enjoys financial and administrative independence and undertakes managing, organizing, and monitoring of the electoral process in cooperation with the judiciary, while benefiting from the relevant international and regional experiences.
- (2) Issue a new law on organizing the election campaign and the use of media outlets for the elections of the members of the Council of Representatives and the municipal councils, to contain all the issues related to organizing such propaganda and the allocated funds, practices and related prohibitions, and deterrent penalties that prevent the violation of its provisions, especially in cases where children are exploited in electoral campaigning in a manner that endangers them, provided that this law includes provisions regulating the issue of electoral expenditure and money, in particular, provisions setting maximum limits on spending and expenditure on electoral campaigns.
- (3) Amend the provisions of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, to allow the candidate to choose more than one agent to follow up on the electoral process, provided that the number of agents does not exceed, as a maximum, the number of the public electoral centers at a minimum.



- (4) Call for a clear and specific judicial interpretation based on an objective and appropriate criteria regarding the meaning of the phrase (actual leaders and members of political societies dissolved by a final ruling for committing a gross violation of the provisions of the Constitution of the Kingdom or any of its laws), contained in Decree-Law No. (14) of 2002 on Exercising Political Rights, as amended, as it is one of the impediments to standing for election to the Council of Representatives, especially since the definition of banning from contesting, in practice, includes all members registered in the records of political societies dissolved by judicial rulings.
- (5) Conduct the counting and sorting process by a team other than those involved in the organization of the polling process. Such proposed team begins its work at the electoral center starting at 6:00 pm and continues until the polling is closed and the counting process commences up until the announcement of the results. This shall have a positive impact on the performance of the said team and reduce the likelihood of any potential errors that may arise during this process, as well as accelerate the announcement of the results.
- (6) Use modern electronic technologies that ensure more accuracy in the counting and sorting of ballot papers. In addition, provide polling and counting centers with surveillance cameras and display monitors to allow the candidates and their agents as well as the observers of the conduct of the electoral process to follow up the process of sorting and counting ballot papers.

- (7) Pay more attention to the training aspect of the members of the polling and counting committees and the organizers working in such committees in the electoral centers, together with issuing a special code of conduct to organize their work and establishing standardized procedures and controls that are applicable in all the provincial and public centers alike.
- (8) Establish a new easy-to-use mechanism that enables all stakeholders, at different levels, to lodge electoral appeals through the available electronic channels, by providing a pre-prepared electronic template that can be easily filled out by the appellant - and without the need for a lawyer - which includes the information that must be submitted to the competent court without having to submit written pleadings in accordance with the legal formalities.
- (9) Call for establishing a clearer, precise, and seamless mechanism that secures the smooth entry of veiled women and ensures identity match, while considering their privacy.
- (10) Call for paying greater attention to civil society institutions and human rights defenders concerned with monitoring the electoral process by providing them with dedicated spaces within all polling and counting centers, close to polling and counting committees, enabling them to monitor and observe all stages of the electoral process on polling day, until counting of the ballots and announcing the final results.
- (11) Consider allowing Gulf or Arab civil society institutions, at least, to monitor and observe the course of the electoral process during a pilot phase and according to suitable controls, in parallel with the participation of the local civil society institutions, given that the democratic experience

in the Kingdom of Bahrain has exhibited good practices to be a role model for other experiences.

- (12) Call on the Executive Administration of Elections to update the database and information published on its official website, so that researchers, specialists, interested parties, and the public are able to access all numbers and statistics related to the electoral process and during all its stages, as this lends the course of election full transparency on the one hand, and limits the spreading of unreliable or untruthful information on the other hand.

**“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article (2) and without unreasonable restrictions:**

**...**

**(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”**

**Paragraph (b) of Article No. (25) of the  
International Covenant on Civil and Political Rights**