

Decree-Law No. (20) of 2016
on Amending certain provisions of Law No (26) of 2014
on the Establishment of the National Institution *for* Human Rights

We Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain,
After reviewing the constitution, particularly Article 38 thereof,
And Law no. (26) of 2014 on the Establishment of the National Institution for Human Rights,
And based on the proposal of the Prime Minister,
And the approval of the Cabinet,

We decreed the following law

Article One

Articles (3), (5) items (a) and (b), (6) item (b), (11), (12) item (f), (20) item (a) in the first paragraph and the second paragraph, and (21) in the Law no. 26 of 2016 on the Establishment of the National Institution for Human Rights, shall be replaced with the following texts:

“Article (3):

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

“Article (5) items (a) and (b):

- a) Members of the Council of Commissioners shall be appointed by Royal Decree for a period of four years, renewable for similar terms. Appointments shall take place after consultation with relevant bodies of civil society and various other

organizations. The Royale Decree shall identify the full-time and part-time members. The members shall practice their work in their personal capacity.

- b) The Council of Commissioners shall convene its first meeting under the chairmanship of the most senior member to elect a Chairperson and vice Chairperson from amongst them. They shall be full-time members, for a similar period of their appointment. The position shall be elected by a relative majority of members present. If no one achieves a relative majority, the selection shall be done by casting lots. If the number of the candidates is not in excess of the number required, election will be declared by acclamation.”

“Article (6) item (b):

- b) Taking into account the provision of clause (b) of Article (3) of this Law, The Council of Commissioners meeting shall be considered valid if attended by the majority of its members, provided the Chairperson or Vice Chairperson is present. The resolutions of the Council of Commissioners shall be passed by the majority votes of members present, and in case of a tie, the Chairperson of the meeting shall have a casting vote.”

“Article (11):

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

“Article (12) item (f):

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

“Article (14) item (a):

- a) The Institution may request any information, reports or documents which it considers necessary for the attainment of its goals or the performance of its functions from the ministries and relevant bodies in the Kingdom. These ministries and bodies shall cooperate with the Institution in the pursuit of its tasks and facilitate the conduct of its competency and provide it with what it requests, and to prepare the responses and comments on the recommendations contained in the reports of the institution, in this regard in accordance with the relevant laws and regulations.”

“Article (20) item (a) first paragraph and second paragraph:

First paragraph, item (a):

a) Financial resources allocated to the Institution in a separate ledger on the general state budget that is issued by law

Second paragraph:

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

“Article (21):

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

Article two

(Rules of Procedure) shall replace (Executive Regulation) in Article (8), and the (Executive Regulation) in Second, item (c) in Article (10) in the Law no. (26) of 2014 on the Establishment of the National Institution for Human Rights. Also (Executive Regulation) shall replace (Rules of Procedure) in Article (18) from the establishment law.

Article Three

New items (i) and (j) shall be added to Article (1) in the Law no. (26) of 2014 on the Establishment of the National Institution for Human Rights, new phrases to be added to the end of the first paragraph of Article (2), new article (5 bis), and new paragraph numbered “First” to article (10). The remaining paragraphs shall be renumbered. A new item (j) shall be added to article (12) and renumber the remaining paragraphs of this article as following:

“Article (1) items (i) and (j):

(i) **Full-time member:** a member who works full-time to fulfill his/her mandate in the Institution and is not committed to work in other profession while performing membership tasks.

(j) **Part-time member:** a member who is fulfilling his/her mandate in the Institution besides performing a work in any other profession.”

“Article (2) (new phrases to be added to the end of the first paragraph):

The building shall be accessible for persons with disabilities.”

“Article (5 bis):

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

“Article (10) first paragraph:

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

“Article (12) item (j):

j) Holding meetings and joint activities, cooperation, coordination and consultation with civil society and non-governmental organizations and various other groups and human rights defenders, and communicate directly with the claims of exposure to any form of abuse, and to report back to the Council of Commissioners.”

Article Four

Titles to be added to each article of the Law no. (26) of 2014 on the establishment of the National Institution for Human Rights, respectively, according to the order of articles of the law, as following:

“Definitions, Establishment of the Institution, The Formation of the Council of Commissioners, Membership, The Appointment of the Council of Commissioners and the Representation of the Institution, Conflicts of Interest, Council of Commissioners Meetings, Standing Committees, Rules of Procedures, Immunity, Termination of Membership, Members Remuneration, Institution Competencies, Study Issues Referred to the Institution, Secretariat General, Secretary General,

Responsibilities of the Secretary General, Executive Regulations, Confidentiality of the information, The Institution Financial Resources, Annual Report.”

Article Five

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

**King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa**

**Prime Minister
Khalifa bin Salman Al Khalifa,**

*Issued at Riffa Palace,
On: 5 Muharam, 1438 Hijra,
Corresponding to: 6 October 2016*