

Law No. 26 of 2014

Establishing the National Institution for Human Rights

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

Having perused the Constitution;

Human rights treaties and conventions to which the Kingdom of Bahrain has acceded or ratified; and

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

Taking into account the Paris Principles on National Institutions for the protection and promotion of human rights, adopted by the General Assembly of the United Nations Resolution 48/134 of 20 December 1993;

The Shura Council and the Council of Representatives have ratified the following law, which we have enacted and promulgated:

Article 1

In this Law, the following words and phrases shall have the meanings assigned next to them, unless the context otherwise requires:

- a. **NIHR:** The National Institution for Human Rights.
- b. **Council of Commissioners:** NIHR Council of Commissioners.
- c. **Chairperson:** Chairperson of NIHR Council of Commissioners.
- d. **Vice Chairperson:** Vice Chairperson of NIHR Council of Commissioners.
- e. **Member:** Member of NIHR Council of Commissioners.
- f. **Members:** Members of NIHR Council of Commissioners.
- g. **Committees:** NIHR standing and *ad hoc* committees.
- h. **Secretary General:** NIHR Secretary General.

Article 2:

An independent Institution is established named the "National Institution for Human Rights" responsible for promoting, developing and protecting human rights, consolidating its values, disseminate a culture awareness and contributing to securing its practice, and will be located in the city of Manama.

NIHR shall have a corporate personality that is financially and administratively independent, and shall conduct its mandates freely, neutrality and independently.

Article 3

NIHR shall have a Council of Commissioners consist of eleven members, including the Chairperson and Vice Chairperson, from dignitaries reputed for their competence and integrity to be selected from consultancy firms, academic organisations, civil society organisations, unions, social, economic and professional institutions, provided that women and minorities representation shall be observed appropriately.

Article 4

The Members of the Council of Commissioners shall meet the following conditions:

- a. To be a Bahraini national;
- b. To have completed at least thirty calendar years;
- c. To have knowledge of and concern with human rights issues;
- d. To be of good conduct and reputation; and
- e. Not to have been convicted by a final decision with a criminal punishment or a freedom constraining punishment in a crime against honor or honesty, unless the Member has been rehabilitated.

Article 5

- a. Members of the Council of Commissioners shall be appointed by a Royal Decree for a similar renewable period of four years. Appointments shall take place after consultation with relevant civil society organisations and various other groups. The Members shall act in their personal capacity.
- b. The Council of Commissioners shall convene its first meeting under the Chairmanship of the most senior member in terms of age. The Council shall elect a Chairperson and Vice Chairperson from amongst them for four years. Election shall be carried out by a relative majority of the members present. If more than one member acquires this majority, members shall be elected by drawing of lots. If there are no nominees except the required number, the nominees shall be elected by acclamation.
- c. The Chairperson shall represent NIHR before the judiciary and in its relations with third parties. The Chairperson may delegate some of his powers to other Members. The Vice Chairperson shall replace of the Chairperson in exercising all of his competences in the event of his absence or inability to act.

Article 6

- a. The Council of Commissioners shall meet once every three months, upon notice by the Chairperson. The Chairperson, or upon the request of the majority of Members, may convene the Council of Commissioners to an extraordinary meeting at any time.
- b. The meetings of the Council of Commissioners shall be valid in the presence of the majority of its members, provided that the Chairperson or Vice Chairperson is present. The resolutions of the meetings of the Council of Commissioners shall be passed by the majority of the votes of the present members. In the event of equal votes, the Chairperson of the meeting shall have a casting vote.
- c. The Council of Commissioners may invite to its meetings any person it deems fit to solicit his opinion or experience on any issue tendered for discussion or deliberation, without having the right to vote.

Article 7

- a. The Council of Commissioners may form standing committees from its members to exercise NIHR mandates, and may form ad hoc committees, whenever necessary.
- b. The standing committees shall meet at least once every month. A Member of the Council of Commissioners shall undertake the Chairmanship of each committee. The standing committees may seek the experience of any person upon considering the issues that fall within their mandates, provided that person shall not have the right to vote
- c. The committees shall meet upon notice by their respective heads'. The Chairperson may also convene any of the committees to consider an issue he deems important. The Chairperson shall chair the meeting of the committees he attends, and he may also assign any member to consider or investigate a certain issue.

Article 8

The Council of Commissioners shall lay down an executive regulation to organise its meeting and the committees, determine the competence of the committees, as well as any other issues related to the affairs of the Members. The regulation shall be promulgated by a resolution of the Chairperson based on the approval of the majority of the Members.

Article 9

No Member may be reproached for his opinions and ideas concerning the issues that fall within NIHR mandates. No investigation may be carried out with the Member concerned, except with the approval of the Chairperson and in the presence of a representative of the Council of Commissioners.

NIHR premises may not be inspected except by a judicial order and in the presence of a representative of the public prosecution, provided that the Chairperson is notified to this effect and a representative of the Chairperson is notified to attend the inspection.

In any event, any measure that does not comply with these regulations shall be deemed invalid.

Article 10

First: The membership in the Council of Commissioners shall be terminated in any of the following events:

- a. Death or incapacity that prevents the performance of the membership tasks.
- b. Resignation.
- c. If the Member no longer satisfies the conditions set out in Clauses (a) and (e) of Article 4 of this Law.

Second: The Membership in the Council of Commissioners may be terminated before its expiry by Royal Decree upon the recommendation of the Council by the majority of two-thirds of its Members in any of the following events:

- a. If the Member violates the provisions of this Law, or the regulations or the resolutions enacted in implementation of the Law.
- b. If the Member takes up a position that is inconsistent with NIHR objectives or obstructs the performance of its tasks and mandates.
- c. If the Member does not attend five meetings of the Council of Commissioners or the committees without an excuse acceptable to the Chairperson, despite a written notice to this effect in accordance with the provisions of the executive regulation.
- d. If the Member no longer satisfies the condition set out in Clause (d) of Article 4 of this Law.

In any event, if the position of any Member of the Council of Commissioners becomes vacant for any of the events mentioned above, the position shall be filled by another Member in accordance with the provisions set out in this Law. The new Member shall continue the term of office of the former member.

Article 11:

The remuneration of the Chairperson, Vice Chairperson, and Members shall be determined by Royal Decree.

Article 12:

In fulfillment of its objectives, NIHR shall be free to comment on any issue related to human rights, and to address any human rights case, as it deems fit. NIHR shall have the following mandates:

- a. To participate in the production and implementation of a national plan for the promotion and protection of human rights in the Kingdom.
- b. To examine legislation and regulations enforced in the Kingdom which are related to human rights, and recommend amendments as it deems fit, particularly in connection with the consistency of such regulations with the Kingdom's international obligations in the human rights field. NIHR shall be empowered to recommend enacting new legislation related to human rights.
- c. To consider the conformity of legislative and regulatory provisions with regional and international treaties related to human rights issues, and submit proposals and recommendations to the competent authorities in any matter that promote and protects human rights, including recommendations to accession to regional and international conventions and treaties concerned with human rights.
- d. To submit parallel reports, participate in the drafting and discussion of the reports which the Kingdom is obliged to submit periodically for the implementation of regional and international conventions concerning human rights, make remarks thereon, and publish such reports in the media outlets.
- e. To monitor violation of human rights instances, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities.
- f. To receive, examine and consider complaints related to human rights, refer the complaints, which NIHR deems necessary, to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities.
- g. To conduct field visits in accordance with the applicable principles in order to monitor human rights situation in correctional institutions, detention centers,

- labor gatherings, health and education centers, or any other public place in which it is suspected that human rights violations are committed.
- h. To initiate cooperation with the competent authorities concerned with cultural, media and educational affairs, to submit proposals and recommendations in any matter in order to disseminate and promote a culture of awareness and respect for human rights.
 - i. To cooperate with national bodies and regional and international organisations, as well as relevant institutions in other countries that are concerned with the promotion and protection of human rights.
 - j. To host conferences and to organise training and educational events in the field of human rights and conduct research and studies in this regard.
 - k. To participate in national and international forums, as well as in meetings of regional and international bodies concerned with human rights issues.
 - l. To issue newsletters, publications, data and special reports, and upload them on NIHR website. NIHR shall be entitled to address the public opinion directly or through any of the media outlets.

Article 13

The King and any of the constitutional authorities of the State may decide to refer to NIHR any issues which are related to its mandate for consideration and expressing its opinion thereon.

Article 14

- a. NIHR may request any information, reports or documents which it considers necessary for the attainment of its goals or the performance of its mandates from the ministries and relevant bodies in the Kingdom. These ministries and bodies shall cooperate with NIHR in the pursuit of its tasks, facilitate the conduct of its mandates and provide it with its requests in this regard in accordance with the laws and regulations applicable by these bodies.

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

Article 15

NIHR administrative body shall be composed of a secretariat, which shall act as NIHR executive organ. The Secretariat shall have a sufficient number of consultants, experts, researchers and other staff of the Secretariat, who shall be appointed by resolution of the Chairperson upon recommendation of the Secretary General.

Article 16

The Secretary General shall be appointed by resolution of the Chairperson based on the approval of the majority of the Members. The Secretary General shall be appointed for a period of four years, which may be renewed for similar periods. The candidate to the Secretary General position shall be of proven competence, integrity, and independence who has obtained at least a bachelor's degree or its equivalent and who has relevant experience, in addition to fulfilling the conditions required for Members under Article 4 of this Law.

Article 17

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

- a. General supervision over the Secretariat, the affairs of the employees, and financial and administrative matters in accordance with the Law and the rules and regulations promulgated in implementation of the Law.
- b. Attending the meetings of the Council of Commissioners, following up its proceedings, and providing anything necessary for performing its mandates, without having the right to vote.

- c. Attending the meetings of Committees, following up on their work and providing anything that is necessary to enable the Committees to pursue their mandates, without having the right to vote.

The Secretary General may delegate in writing any of his duties and powers to any of the Secretariat staff.

Article 18

NIHR shall have an internal regulation promulgated by a resolution of the Chairperson based on the approval of the majority of the Members. The internal regulation shall include, in particular, the organisational structure of the Secretariat and it shall regulate the affairs of its employees, according to the relevant laws and regulations in force in the Kingdom.

NIHR shall also have a financial regulation organising its accounting and financial affairs.

Article 19

The Members of the Council of Commissioners and the Secretariat personnel shall be prohibited to disclose any information or data to which they had access in the course of performing their duties, except based on an order issued by the public prosecution or the competent court. This prohibition shall survive the termination of membership or service.

Article 20

NIHR shall have sufficient financial resources to enable it to undertake its mandates and the tasks assigned to it to the best of its ability. These resources shall consist of:

- a. Financial resources allocated to NIHR in a separate item of the state budget; and
- b. Unconditional donation and aid which are in line with NIHR objectives and which are decided to be accepted by the Council of Commissioners in accordance with the laws and regulations in force in the Kingdom.

NIHR shall manage and control its financial resources with complete independence. NIHR accounts shall be subject to the supervision of the Financial and Administrative Audit Court.

Article 21

The Council of Commissioners shall prepare an annual report on NIHR efforts, activities, and other works related to human rights in the Kingdom, and any recommendations and proposals within its mandate. The Council of Commissioners shall determine performance obstacles and any approved solutions to avoid such obstacles. The Council of Commissioners shall present its report to the King, the **Cabinet of Ministers**, the Council of Representatives, and the Shura Council, and shall present in parallel its report to the public opinion.

Article 22

The Royal Decree No. 46 of 2009 on the Establishment of the National Institution for Human Rights, as amended by Royal Decree No. 28 of 2012, shall be revoked, as well as all provisions contravening the provisions of this Law.

Article 23

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

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

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