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المؤسسة الوطنية لحقوق الإنسان  
National Institution *for* Human Rights



## Seventh Annual Report of the National Institution for Human Rights in the Kingdom of Bahrain 2019





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**Seventh Annual Report  
of the National Institution for Human Rights  
in the Kingdom of Bahrain  
2019**



**“The National Institution for Human Rights must assume its mandated role and become a beacon of human rights awareness and an expertise and advisory hub in this field.”**

A quote by His Majesty King Hamad bin Isa Al Khalifa,  
King of the Kingdom of Bahrain,  
on the occasion of welcoming the members of the  
Council of Commissioners



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## Introduction:

Given the prominent status of human rights and the importance of having strategies related to protecting, promoting and preserving them, and working towards improving and advancing the principles of human rights in the Kingdom of Bahrain, His Majesty King Hamad bin Isa Al Khalifa, the Ruler of the Country, issued Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016, to be a beacon of human rights awareness and home for expertise and advice, so as to further strengthen the frameworks of democracy and consolidate the pillars of the rule of law.

Pursuant to Article (21) of the Law on the Establishment of the National Institution for Human Rights, which stipulates that, **“The Council of Commissioners shall prepare an annual report on the efforts, work, and other activities of the Institution on human rights in the Kingdom, and any proposals and recommendations it deems suitable within the scope of its mandate, identifying the obstacles to performance and the solutions to surmount and avoid such. The Council of Commissioners shall present its report to the King, the Council of Ministers, the Council of Representatives, and Shura Council, and shall present its report, in parallel, to the public;”** and complementing the consistent and systematic approach that the National Institution for Human Rights has been following towards issuing its annual reports periodically and consecutively, the Seventh Annual Report of 2019 complements the previous reports and chronicles the position of human rights in the civil, political, economic, social, and cultural fields.

The Seventh Annual Report consists of four chapters preceded by an introduction. The First Chapter presents the origin and development of the work of the National Institution for Human Rights (NIHR), and its most prominent achievements and challenges in the field of promoting and protecting human rights on the occasion of the tenth anniversary of its establishment in the Kingdom of Bahrain. The Second Chapter sheds light upon the advisory opinions, which the NIHR has submitted to the constitutional authorities in the Kingdom, while the Third Chapter includes a review of the efforts and activities undertaken by NIHR in the field of promoting and protecting human rights.

The Fourth and final Chapter is devoted to four issues that had an impact on the situation of human rights during the reporting period, namely, reviewing the extent of environmental impact and climate change on human rights, the extent to which the values of tolerance, peaceful coexistence and human rights are linked, the right to equal treatment for the elderly, as well as issues related to protecting the rights of expatriate workers in the Kingdom of Bahrain.

In this respect, the productive cooperation between the NIHR and the ministries and governmental agencies that were approached to obtain relevant information, should be noted. The NIHR has communicated with (11) ministries and governmental bodies, with a total of more than (90) questions and requests of information needed to constitute evidence and provide guidance to be included in the current report.

The NIHR regards this report as a tool to enhance the human rights situation in the Kingdom of Bahrain, in line with the Kingdom's obligations arising from international and regional human rights instruments, or those obligations related to the Universal Periodic Review (UPR) through the Working Group of the Human Rights Council, in order to achieve best practices in the enjoyment of various rights and fundamental freedoms, and to make human rights a way of life.





## Chapter I

### The Tenth Anniversary of the Establishment of the National Institution for Human Rights<sup>(1)</sup>

#### Preface:

Driven by the insights of His Majesty King Hamad bin Isa Al Khalifa - the Ruler of the Country, may God protect him- on the importance of respecting, promoting and protecting human rights in the Kingdom of Bahrain; and complementing His Majesty's comprehensive and enlightened reform project to advance the Kingdom of Bahrain to make it one of the most prominent outstanding democratic regimes in the region; the Royal Decree No. (48) of 2009 to establish the National Institution for Human Rights was issued, amended by Royal Decree No. (28) of 2012, and subsequently Law No. (26) of 2014 on the establishment of the National Institution for Human Rights was issued, amended by Decree-Law No. (20) of 2016.

On the occasion of the tenth anniversary of the issuance of the Royal Decree No. (48) of 2009 to establish the National Institution for Human Rights, and regarding the efforts made by the NIHR in the field of promoting and protecting human rights in the Kingdom of Bahrain, it has deemed appropriate that this Seventh Annual Report includes a special chapter dedicated for its human rights achievements and the challenges it encountered during the past ten years by presenting the legal basis of its work, the extent of NIHR's compliance with the relevant Paris Principles, and its broad mandate in the field of human rights contained in Section One of Chapter I.

Section Two of Chapter I demonstrates the role of the NIHR in the field of promoting human rights regarding the advisory opinions it submits to the constitutional authorities, the preparation of its annual, special and parallel reports, its strategies and action plans, interaction with international events and days, publications in the field of human rights, cooperation with the relevant national and regional bodies, and its training and educational activities on human rights.

Section Three is dedicated to presenting the role of the NIHR in the area of human rights protection regarding receiving complaints and providing legal aid, preparing and publishing a special complaints procedure manual, monitoring situations and allegations of human rights violations, its efforts in conducting announced and unannounced field visits to any place suspected to be a site of human rights violation, and to showcase the relevant awareness raising initiatives and campaigns.

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(1) This chapter of the report is dedicated to presenting the most prominent activities and efforts undertaken by the NIHR during the past ten years. Chapter III of the report describes the NIHR's efforts and activities in the field of promoting and protecting human rights in 2019; therefore, there may be repetition of some information and data, as a summary of some of the 2019 activities are listed in Chapter I, the Tenth Anniversary, and detailed in Chapter III, the 2019 NIHR's efforts. It is necessary to note the intended repetition.

## Section One

### Origin and development of the NIHR's work during ten years

#### First: Legal basis of the National Institution for Human Rights

1. As part of the commitment of the Kingdom of Bahrain to its voluntary pledges made to the Human Rights Council during the Universal Periodic Review (UPR) in April 2008, which included that the Kingdom **“is committed to establishing a national human rights institution at the earliest possible date, taking into consideration the relevant United Nations resolutions, in particular the Paris Principles; in November 2007, the Council of Ministers issued a decision regarding the establishment of a national human rights body, which is expected, after its establishment, to draw up a national plan to promote and protect human rights in the Kingdom”**<sup>(2)</sup>.
2. Royal Decree No. (46) of 2009 was issued to establish the National Institution for Human Rights, to be a beacon of human rights awareness and home for expertise and advice. The Royal Decree included, in addition to the preamble, (15) articles that dealt with the establishment of an independent body called the “National Institution for Human Rights” that would perform its duties freely, impartially and with full independence.
3. In order to ensure the consistency of the Institution's work with the “Paris Principles” relating to the status of national institutions in the promotion and protection of human rights, Royal Decree No. (28) of 2012 was issued amending certain provisions of the Royal Decree No. (46) of 2009 establishing the National Institution for Human Rights. The amendments included revising the membership of the Institution and proposing the special mechanisms and means required to achieve its goals and build its capacities relevant to human rights, including technical development and training for staff working in national institutions concerned with public liberties, political, cultural, social and economic rights and law enforcement in order to enhance their skills and competencies. The amendment also granted the authority to appoint the Secretary General to a resolution of the Chairperson of the NIHR based on the approval of the majority of its members.
4. To assert the importance of supporting the work of the NIHR as the independent body in the Kingdom of Bahrain relating to the promotion and protection of human rights, a law was issued giving a real safeguard and autonomy to the Institution, while granting it more authorities and competences in line with the “Paris Principles” related to the status of national institutions in promoting and protecting human rights.

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(2) Initial National Report of the Kingdom of Bahrain submitted to the Human Rights Council during the First Session held from 7 to 18 April 2008 - Document No. (A/ HRC/WG.6/1/BHR/1).

5. Commensurate with the constitutional procedures in this regard, His Majesty the King issued on 24 July 2014 Law No. (26) of 2014 for the Establishment of the National Institution for Human Rights after its approval by the legislature, to enter into force after its publication in the Official Gazette on 7 August 2014.

## **Second: Statement of compliance with the Paris Principles relating to the status of national human rights institutions**

6. For the NIHR to become a member of the Global Alliance of National Human Rights Institutions (GANHRI), it must first obtain an accreditation rating, by which it can actively participate in the sessions of the Human Rights Council, meetings of the Treaty Bodies, Special Procedures, sub-committees, groups and task forces, and has the right to speak as an official Institution of the Kingdom concerned with the promotion and protection of human rights.
7. Accordingly, on 16 July 2015, the NIHR submitted an application for accreditation to the Subcommittee on Accreditation (SCA) of the Global Alliance (GANHRI), which has the mandate to receive accreditation applications from national institutions. The application of the NIHR was accepted on 25 November 2015 and the date for examining it was set on 9 May 2016 during the formal meeting of the SCA, which requested from the NIHR to submit the report entitled "Statement of compliance with the Paris Principles relating to the National Human Rights Institutions", to include specific information on its establishment, independence, structure, organizational infrastructure, methodologies, competences, general responsibilities, and its relationship with human rights bodies and organizations.
8. The NIHR submitted the Statement of Compliance with the Paris Principles to the Sub-Committee (SCA) four months prior to the date set for considering its application based on the requirements for submitting the accreditation application. The Sub-Committee, on its part, issued a brief report on the Statement of Compliance in which it identified a number of issues to focus on and incorporate in the applicable law to comply with the accreditation requirements. On the day scheduled for considering the accreditation application in May 2016, the SCA communicated with the NIHR's Council of Commissioners by phone to clarify a number of points.
9. In the light of the information provided by the NIHR, and the discussions that took place between the Council of Commissioners and the Sub-Committee, the SCA issued its final report, which was officially issued on 2 August 2016, containing its recommendations according to which the NIHR was awarded 'B' status accreditation.
10. Though the NIHR is convinced that its current law, compared to other laws for establishing other institutions, is very advanced, it is nevertheless committed to develop it to be a model law constituting a prominent addition that asserts the status of human rights in the Kingdom of Bahrain

and its remarkable leadership. Proposed amendments of the Law were submitted affirming that the Kingdom of Bahrain is going forward in providing everything needed to protect and enhance the status of human rights by supporting the NIHR to attain an advanced position among its counterparts in the international community.

11. The essence of the recommendations put forward by the SCA is drawn upon the importance of incorporating a stipulation in the NIHR's Establishment Law whereby the building shall be made accessible to and usable by, persons with disabilities. In addition, a provision should be incorporated whereby the members of the legislative authority do not constitute the majority or that their membership can affect the independence of the NIHR to avoid any conflict of interest. Moreover, the NIHR's consultation and appointment processes must be broad and transparent, and include clear and standardized criteria for assessing the merit of all eligible candidates, as the SCA considers it essential to formalize the selection and appointment processes of the decision-making body of the NIHR.
12. The SCA emphasized in its recommendations that the NIHR's Establishment Law provides that full-time members should be among the members of its decision-making body as this helps the independence of the Institution without actual or perceived conflicts of interest, achieves stability during the members' tenure, attains systematic and appropriate guidance of its workers, and guarantees consistent and effective implementation of the functions of the NIHR.
13. Concerning the NIHR's competence in the field of the promotion and protection of human rights, the SCA recommended that the NIHR's Establishment Law should provide for conducting unannounced visits to detention centers or any other similar place to monitor, investigate, and submit reports on human rights conditions in an effective and timely manner, and to carry out regular follow-up activities.
14. The SCA, while recognizing the NIHR's efforts and interaction with civil society organizations, recommended that the NIHR should cooperate with these organizations through regular and constructive interaction with all the relevant stakeholders. The SCA stressed the need to incorporate a provision on dealing with the competent ministries and parliamentary committees, as well as to clarify the process of submitting and approving the NIHR's budget while affirming that financial control over it does not limit its independence. Regarding the NIHR's annual reports, the SCA recommended that the reports include a statement on the human rights situation in the Kingdom, as this has a direct impact on the promotion and protection of human rights in the State's system.
15. On 9 October 2016, Decree-Law No. (20) of 2016 was issued amending certain provisions of the Law on the Establishment of the National Institution for Human Rights in accordance with the recommendations of the SCA of the Global Alliance of National Human Rights Institutions (GANHRI), to strengthen the NIHR and grant it additional powers to achieve the objectives

for which it was established and raise its international classification, in a way that reflects the Kingdom's commitment to safeguarding human rights.

16. The above-mentioned amendments incorporated in Decree-Law No. (20) of 2016 clarifies, in Article (4) thereof, the provisions for membership, permitting the selection of the members of the Council of Commissioners from among the members of the legislative authority, provided that they do not constitute a majority in the Council of Commissioners and that they can participate in the discussions as non-voting members. The same Article stipulates that the mechanisms, procedures and controls for the selection of the members of the Council of Commissioners shall be issued by a Royal Decree to enhance the transparency of the consultations and appointments.
17. Article No. (5) of the same Decree-Law clarifies that the Royal Decree appointing the members of the Council of Commissioners must specify the full-time members, to be able to fulfill their mandates in the NIHR and not be committed in any employment or profession while performing the duties of their membership. The Royal Decree must also specify the part-time members, who fulfill their mandate in the NIHR besides their commitment to perform another employment or profession, provided that the Chairperson and the Vice Chairperson are full-time members.
18. The amendments contained in Article (12) of the Decree-Law granted the NIHR the mandate to conduct announced and unannounced field visits to monitor the situation of human rights in correction institutions, detention centers, labor calls gatherings, health and education centers, or any other similar public place. The same Article established the importance of holding joint meetings and activities, cooperation, coordination and consultation with relevant civil society organizations, non-governmental organizations, various other groups, and human rights defenders; it also emphasized the need to communicate directly with those claiming exposure to any form of abuse and report back to the Council of Commissioners.
19. Article No. (14) of the Decree-Law grants the NIHR the power to request any information, data, or documents, which it deems necessary to achieve its objectives or to perform its functions from the relevant ministries and bodies in the Kingdom. The Article obligates these ministries and bodies to assist the NIHR in pursuing its tasks, facilitate the conduct of its functions, provide it with the information/ data/ documents requested in this regard, and prepare responses and comments to the recommendations contained in the NIHR's reports, in accordance with the relevant laws and regulations in force in those agencies.
20. With respect to conflict of interest, Article (5-bis) of the Decree-Law stipulates that, except for the rights and benefits allocated to a member of the Council of Commissioners stipulated in the law, the member is prohibited from receiving any financial fee in exchange for performing any service or work - in his/her capacity as a member of the NIHR. Article (10) stipulates that members of the Council of Commissioners are not subject to dismissal, and that their membership terminates only in cases and in accordance with the procedures set forth in the Law.

21. Regarding the financial resources of the NIHR, Article (20), after the amendment, stipulates that in order for the NIHR to carry out the duties and perform the functions entrusted to it in the best way, it may have the financial resources that it needs to be allocated in a separate item on the state's general budget issued by law. In addition, the NIHR shall independently manage and control its financial resources; its financial accounts are subject to the supervision of the National Audit Office.
22. Article (21), after the amendment, stipulates that the Council of Commissioners shall produce an annual report on the efforts, activities, and work of the NIHR, including a section showing the level of progress in the situation of human rights in the Kingdom, as well as any suggestions and recommendations within the scope of its competence, identifying performance obstacles and the solutions adopted to remove such. The Council of Commissioners presents the report to the King, the Council of Ministers, the Council of Representatives and the Shura Council; in parallel, it also presents the report to the public.

### Third: the broad mandate of the National Institution for Human Rights

23. The "Paris Principles" affirmed that **"national institutions are to be vested with competence to promote and protect human rights,"** and that **"national institutions be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence"**<sup>(3)</sup>. This is the same as the general observations of the Sub-Committee on Accreditation (SCA), which affirmed the need for the Establishment Law to entrust the NHRI with specific functions in order to "promote" and "protect" human rights.
24. Whereas, the Sub-Committee on Accreditation (SCA)<sup>(4)</sup> recognizes that the concept of "promotion" includes the functions that national human rights institutions seek to perform in the area of dissemination of information and knowledge, training, education and provision of advice on human rights to the general public, or to specific target groups, for the purpose of inculcating a societal culture based on transforming knowledge of human rights into practical skills to be practiced on the ground; and that the concept of "protection" proceeds to its quasi-judicial authority to receive complaints related to human rights, monitor everything that affects the right of individuals to enjoy their established rights and public freedoms, as well as conducting field visits to places where human rights violations are likely to take place. The mandate of the national institution should be interpreted in a broad, free, and purposeful manner to promote a progressive definition of human rights that guarantees all the rights stipulated in international, regional and national human rights instruments.

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(3) Paris Principles Concerning the Status of National Institutions for the Promotion and Protection of Human Rights- Powers and Responsibilities - Paragraphs (1) and (2).

(4) The general observation of the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI): (1-2) Human Rights Mandate adopted on 6 March 2017.

25. Returning to the provisions of Law No. (26) of 2014, it is noticed that Article (2) of the Law grants the NIHR a broad mandate in the area of human rights stipulating that **“An independent Institution shall be established named the “National Institution for Human Rights” responsible for promoting, developing and protecting human rights, consolidating its values, disseminating awareness of these rights, and contributing to securing the exercise of such rights; the Institution’s headquarters shall be located in the city of Manama. Its building shall be accessible to persons with disabilities. The Institution shall have a legal corporate personality that is financially and administratively independent, and shall conduct its functions freely, neutrality and independently.”**

26. In addition to the provisions of Article (12) of the same Law, which grants the NIHR, in order to achieve its objectives, the freedom to comment on any issue pertaining to human rights and to address any human rights case as it deems appropriate, the NIHR enjoys the following competencies:

- Participate in developing and implementing a national plan to promote and protect human rights in the Kingdom.
- Examine human rights legislation and regulations in force in the Kingdom, recommend amendments that it deems appropriate, in particular with regard to the consistency of such legislation with the international obligations of the Kingdom in the area of human rights, and recommend issuing new legislation related to human rights.
- Review the compatibility of legislation and regulations with regional and international treaties related to human rights issues, and make proposals and recommendations to the competent authorities in any matter that promotes and protects human rights, including on accession to regional and international conventions and treaties concerning human rights.
- Submit parallel reports, participate in the drafting and discussion of the reports, which the Kingdom undertakes to submit periodically in the application of regional and international conventions concerning human rights, make comments thereon, and publish such reports in the media outlets.
- Monitor cases of human rights violations, conduct the necessary investigation, draw the attention of the competent authorities to such violations, provide proposals on initiatives aiming to put an end to such violations, and, if necessary, pronounce on the attitude and reactions of those entities.
- Receive, examine, and consider human rights complaints, and refer them, as the NIHR deems appropriate, to the competent authorities; follow-up such complaints effectively, or advise those concerned on the procedures to be followed, assist them in doing so, or help to resolve complaints with the authorities concerned.

- Conduct announced and unannounced field visits to monitor the situation of human rights in correction institutions, detention centers, labor call gatherings, health and education centers, or any other public place in which it is suspected that human rights violations are being committed.
- Initiate cooperation with the competent entities concerned with cultural, media, and educational affairs, and submit proposals and recommendations in all aspects of disseminating and promoting a culture of awareness to respect human rights.
- Cooperate with national bodies and regional and international organizations, as well as relevant institutions in other countries that are concerned with the promotion and protection of human rights.
- Hold meetings and joint events; cooperate, coordinate, and consult with the relevant civil society organizations, non-governmental organizations, various other groups, and human rights defenders; communicate directly with those claiming to be subjected to any form of human rights violations and submit reports to the Council of Commissioners.
- Convene conferences, organize seminars, conduct educational and training workshops, and perform research and studies in the field of human rights.
- Participate in national and international forums, as well as in the meetings of regional and international organizations concerned with human rights issues.
- Issue newsletters, publications, data, and special reports, and upload them on the NIHR website. The NIHR is in a position to address public opinion directly or through the media.

27. Hence, the NIHR, pursuant to its Establishment Law No. (26) of 2014, has a broad mandate in the area of human rights, including civil, political, economic, social and cultural rights, which on the whole, feed into the promotion and protection of human rights, for both citizens and residents, regardless of their different legal status.

#### **Fourth: Organizational structure of the National Institution for Human Rights**

28. Article (3) of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights stipulates that **“a) The NIHR shall have a Council of Commissioners consisting of eleven members, including the Chairperson and the Vice Chairperson, who are prominent figures of proven competence and integrity. b) Members of the Council of Commissioners are chosen from consultancy firms, academic organizations, civil society institutions, unions, social, economic and professional bodies, and human rights defenders, provided that the representation of women and minorities shall be observed appropriately. The members may be selected from among the members of the legislative authority provided that they do not constitute a majority in the Council of Commissioners, and they participate in the**

**deliberations without having a counted vote". Article (5) of the same Law followed stipulates that "a) Members of the Council of Commissioners shall be appointed by a Royal Decree for a period of four years, renewable for similar periods. Appointments shall take place after consultation with the relevant civil society organizations and various other groups. The Royal Decree shall specify the full-time and part-time members. The members shall exercise their duties in their personal capacity".**

29. In view of this, and since the establishment of the NIHR, the total number of the members of the Council of Commissioners in the various sessions has reached (50) members, being former representatives working in the private and public sectors, representatives of the legislature, representatives of national companies, human rights defenders, representatives of civil society institutions, diplomats, educators, media professionals, academics, consultants, and physicians. Women membership accounted for 45% of the total members.
30. Pursuant to the Law establishing the NIHR, the Council of Commissioners meets once every three months. The number of ordinary meetings held during the past decade amounted to (51) ordinary meetings and (14) extraordinary meetings. The meetings of the Bureau of the Council of Commissioners, which consist of the Chairperson and the Vice Chairperson in addition to the heads of the standing committees of the NIHR, are held once every two months, totaling (32) meetings during the same period. The members of the Council of Commissioners are divided into (3) committees in the conduct of their work, namely: Complaints, Monitoring and Follow-up Committee, the General Rights and Freedoms Committee, and the Rights of Persons Deprived of Liberty Committee, which convenes on a monthly basis at least or whenever the need arises. The number of the meetings of the NIHR's standing committees has reached more than (250) meetings during the past ten years.
31. Whereas Article (15) of the same Law on the Establishment of the NIHR stipulates that **"the NIHR's administrative body shall be composed of a general secretariat that serves as its executive organ. The Secretariat shall have a sufficient number of consultants, experts, researchers and other staff of the Secretariat, who shall be appointed by a resolution of the Chairperson based upon the recommendation of the Secretary General".** Article (16) follows to stipulate that **"The Secretary General shall be appointed by a resolution of the Chairperson based on the approval of the majority of the Members 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, shall have at least a bachelors degree or its equivalent, and must have relevant experience, in addition to fulfilling the conditions required for the Members under Article (4) of this Law".**

32. Hence, the General Secretariat, which has a sufficient number of employees and is headed by the Secretary General, assists the Council of Commissioners to perform its mandated functions in the area of human rights promotion and protection. Three (3) general secretaries have been appointed during the ten years.
33. The percentage of women working in the General Secretariat is (58%) of the total number of employees. The NIHR's General Secretariat has been keen to develop, enhance, and refine the skills of its employees and provide them with scientific and practical experiences. The General Secretariat has provided the staff with more than (500) internal and external training programs in the various disciplines and sectors; perhaps the most important training programs are the trainings on human rights topics, international humanitarian law, language acquisition, know-how of new developments in the field of information technology, finance and accounting, mechanism for dealing with the public, self-development, and improvement of general skills.

#### **Fifth: Awards and certificates obtained by the National Institution for Human Rights**

34. Corresponding to its efforts and accomplishments in promoting human rights, the NIHR was awarded the Chaillot Prize for the Promotion of Human Rights in the Gulf Cooperation Council (GCC) region in 2014 based on the nomination and support of the embassies from the European Union States accredited to the Kingdom of Bahrain, to acknowledge and honor its distinguished role and determined efforts to advance the status of human rights in the Kingdom of Bahrain.
35. In addition, the General Secretariat of the NIHR was able to acquire the Quality Management System (ISO) certification in its updated version (ISO 9001: 2015) issued by the International Organization for Standardization (ISO), thus becoming the first certified national human rights institution at the regional level.
36. The General Secretariat of the NIHR has also joined the United Nations Global Compact initiative as a partner. The NIHR is the first non-profit institution in the Kingdom of Bahrain to be accepted in this initiative as a result of its commitment to the ten principles of the UN Global Compact, which are based on respect for human rights, the environment, workers' rights and combating corruption.

## Section Two

### The most notable achievements of the National Institution for Human Rights in the field of promoting human rights during ten years

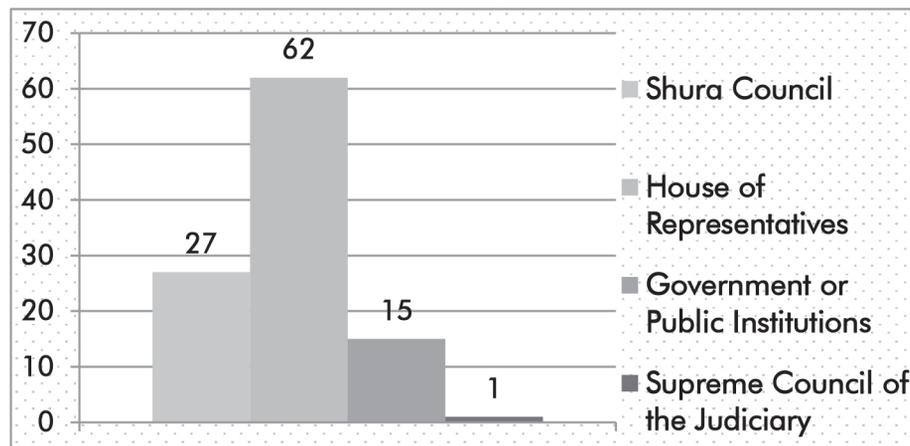
#### First: Advisory opinions submitted by the National Institution for Human Rights to the constitutional authorities

1. During the years (2013-2019), the NIHR provided (105) advisory opinions and suggestions on a number of national laws to demonstrate their compatibility with international and regional human rights instruments as well as the relevant international and regional obligations of the Kingdom, upon a request from the Council of Representatives or the Shura Council. In addition, the NIHR submitted - on its own initiative - proposals to amend or introduce new laws that are more compatible with human rights standards on a number of topics, such as the Penal Code, Criminal Procedure Law, Citizenship Law, Correction and Rehabilitation Institution Law, Juveniles Law, Law on Protecting Society from Terrorist Acts, Traffic Law, Law on Prohibition and Combating of Money Laundering and Terrorist Financing, Public Meetings Law, Processions, and Gatherings, Trade Union Law, Law on Welfare, Rehabilitation, and Employment of Persons with Disabilities, Legal Profession Law, Domestic Workers Law, DNA Law, Judicial Authority Law, Cassation Court Law, and the Child Law.

Table showing the number of advisory opinions submitted by the NIHR to the constitutional authorities during the years (2013-2019)

Authority	Shura Council	Council of Representatives	Government or Public Institutions	Supreme Council of the Judiciary	Total
Number	27	62	15	1	105

Graph showing the number of advisory opinions submitted by the NIHR to the constitutional authorities and public institutions During the years (2013-2019)



## Second: The Reports

### A. Annual Reports:

2. Pursuant to the stipulation of Article No. (21) of the Law on the Establishment of the NIHR, which states that, **“The Council of Commissioners shall prepare an annual report on NIHR’s efforts, activities, and its other work related to human rights in the Kingdom, and any recommendations and suggestions within its mandate. The Council of Commissioners shall determine the performance obstacles and identify the solutions adopted to prevent 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, in parallel, shall present its report to the public opinion”**. Continuing its consistent approach in issuing its annual reports periodically and consecutively, the NIHR issued seven annual reports during the period from 2013 until the end of 2019. These annual reports embody the efforts and activities undertaken by the NIHR in the area of promoting and protecting human rights, in addition to the most prominent issues related to the status of human rights on various civil, political, economic, social and cultural rights during the reporting timeframes.

3. The NIHR anticipates that these reports will be the tools to enhance the situation of human rights in the Kingdom of Bahrain, in a manner consistent with the Kingdom's obligations arising from regional or international human rights instruments, or those commitments pertaining to the Universal Periodic Review by the Working Group of the Human Rights Council, to reach best practices in the enjoyment of various general rights and freedoms, and perceive human rights as a way of life.

## **B. Special Reports:**

4. The NIHR issued a fact-finding report on allegations pertaining to subjecting a number of convicted persons in the case known as (1/terrorism/2017) to the crimes of "torture" and "enforced disappearance". This report was produced under the broad mandate granted to the NIHR by its Establishment Law and the constructive cooperation of the military jurisdiction in providing the NIHR with copies of the records and related reports. At the end of its report, the NIHR concluded that torture and enforced disappearance of those convicted in the case was not established in the manner set out by the relevant international instruments.
5. The NIHR, for the first time since its establishment, and under its broad mandate as an independent body, observed the 2018 parliamentary and municipal elections in the Kingdom of Bahrain, starting from calling for the elections, commencement of election procedures, until the final announcement of the winning members and contesting the final results<sup>(5)</sup>.
6. The members of NIHR's Council of Commissioners and the General Secretariat staff were deployed to (14) polling and counting public committees and (40) polling and counting sub-committees, to monitor the electoral process to ensure the integrity, fairness, proper implementation, and smooth running of the elections, and to identify the obstacles that may hinder the conduct of the electoral process.
7. The report on Observing the Parliamentary and Municipal Elections of 2018 concluded with a number of recommendations, namely:
  - Classify the referendum and elections crimes mentioned in Article (30) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights as urgent; and establish a competent and temporary court to consider and adjudicate these crimes.
  - 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 effective and deterrent penalties that prevent the violation of its provisions, provided that the said law provides for provisions that regulate the issue of campaign funding and spending, in particular, provisions that set maximum limits to spending and financial expenditures on electoral campaigns.

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(5) A special chapter was devoted to the NIHR's observations for the parliamentary and municipal elections in the Sixth Annual Report of 2018. In addition, the notes were also printed in a separate booklet. To view the Report, see the NIHR's website [www.nihr.org.bh](http://www.nihr.org.bh)

- Make available ballot papers in Braille for the blind to enable them to participate actively in the electoral process.
- Amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the Child Law, to prohibit and criminalize the use of children in any form during the elections, and to propose appropriate and deterrent penalties for such dangerous criminal acts, focusing on the best interest of the child.
- Amend the provisions of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, 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.
- Pay more attention to increase the awareness of voters on the need to verify, through all forms of media and social media, and well before the due date set by the law that their names are on the voters' lists during the period prescribed by the law to avoid being prevented from casting their votes on polling day.
- 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. Those individuals knew about this procedure only after they went to the provincial or public centers to cast their votes, and thus, they went through the trouble of reaching the polling centers and had to wait there for a while.
- 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 up to the announcement of the final results. This shall have a positive impact on the performance of the said team and reduce the likelihood of potential errors that may arise during this process, as well as accelerate the announcement of the results.
- Use modern electronic technologies that ensure greater accuracy in the counting and sorting of ballot papers. In addition, provide the 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.
- Devote particular attention to training and qualifying law enforcement personnel on controlling and tracking electoral crimes, in particular those committed using modern means of communication, and bringing perpetrators to justice in order to ensure the proper conduct of the electoral process.

- Give additional attention to the training aspect of the organizers of the polling and counting process in the electoral centers, along with issuing 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.
- Call for creating a clearer, strict, and seamless mechanism that secures the smooth entry of veiled women into the polling centers, ensures that their faces match the ones in their identity documents, and takes into account their privacy.
- Advocate for giving greater attention to civil society institutions and human rights defenders concerned with monitoring the electoral process by providing designated observation locations in all polling and counting centers, in close proximity to the polling and counting committees, so that the observers can readily monitor and observe all aspects of the electoral process on polling day up until counting the ballots and announcing the final results.
- Give more attention, by the Supreme Committee for General Supervision of the Soundness of Elections, to the ongoing media coverage of the electoral process through prompt and continuous updating of the information, data, and statistics posted on its website and electronic accounts, including the decisions and judicial rulings pertaining to electoral objections and appeals. This will become the source of information and database for professionals, researchers, academia, and the public.
- On-going follow up by the chairs of the provincial and public electoral centers and their staff, to verify the sufficiency 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.
- Continue the notable efforts in raising awareness of the electoral process by the Ministry of Information Affairs, using infographics to show all stages of the electoral process, as well as the rights and duties of voters and candidates, as infographics have a clear impact in promoting the concepts of the electoral process and delivering such in a simplified form, easy to understand by all.

### **C. Parallel Reports:**

8. The NIHR has been keen to attend, and be represented in, local, regional and international forums pertaining to its work and mandate through its interaction with the United Nations human rights mechanisms and submitting its parallel report to the Committee Against Torture (CAT). The Parallel Report consists of five main focus areas in which the NIHR's role in following up the State's implementation of the recommendations and observations of the committee is exemplified. The first focus area addresses the legislative measures on the implementation of the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the recommendations of the NIHR that are contained in its annual reports in this regard.

9. The NIHR also submitted its Parallel Report to the Human Rights Committee (CCPR) on the Initial Report of the Kingdom of Bahrain regarding the progress made in the implementation of the provisions of the International Covenant on Civil and Political Rights.
10. The NIHR submitted its Parallel Report to the Committee on the Rights of the Child (CRC) regarding the National Periodic Report of the Kingdom of Bahrain combining the fourth, fifth, and sixth reports on the progress made in the implementation of the provisions of the Convention on the Rights of the Child. In its report, the NIHR touched on its role in protecting and promoting the rights of children and the progress made in the Kingdom of Bahrain in implementing the provisions of the Convention on the Rights of the Child.
11. The NIHR also submitted its Parallel Report on the Fourth Periodic Report of the Kingdom of Bahrain on the progress made in implementing the provisions of the Convention on the Elimination of all Forms of Discrimination against Women to the Committee on the Elimination of Discrimination against Women (CEDAW).
12. In addition, the NIHR participated in the meetings of the 27th session of the Working Group on the Universal Periodic Review (UPR) of the Kingdom of Bahrain in Geneva and submitted its Parallel Report to the Periodic Review mechanism.
13. In the same context, and interacting with the regional mechanisms in the field of promoting and protecting human rights, the NIHR submitted its Parallel Report to the Arab Human Rights Committee - the Charter regarding the Initial Periodic Report of the Kingdom of Bahrain on the progress achieved in the implementation of the provisions of the Arab Charter on Human Rights, which is ratified by Law No. (7) of 2006. The NIHR prepared its Parallel Report according to the methodology adopted by the Charter Committee regarding the various civil, political, economic, social, and cultural rights set out in the Arab Charter, and presented a number of recommendations that it deems appropriate for the advancement of the status of human rights in the Kingdom of Bahrain.

**Table showing the parallel reports submitted by the NIHR to the international and regional human rights mechanisms**

<b>United Nations treaty-based mechanisms for human rights (Treaty Bodies System)</b>				
<b>No.</b>	<b>Title of Report</b>	<b>Committee Submitted to</b>	<b>Date of Submission</b>	<b>Date of Discussion</b>
1	Parallel Report of the National Institution for Human Rights in the Kingdom of Bahrain to the Committee Against Torture (CAT)	Committee Against Torture (CAT)	March 2017	60 <sup>th</sup> Session 18 April-12 May 2017
2	Parallel Report Submitted by the NIHR on the Initial Report of the Kingdom of Bahrain on the progress achieved in implementing the provisions of the International Covenant on Civil and Political Rights	Human Rights Committee (CCPR)	April 2018	123 <sup>rd</sup> Session 2-27 July 2018
3	Parallel Report Submitted by NIHR regarding the National Periodic Report of the Kingdom of Bahrain combining the fourth, fifth, and sixth reports on the progress made in the implementation of the provisions of the Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	September 2018	80 <sup>th</sup> Session 14 January- 1 February 2019
			November 2018 (Additional information)	
4	NIHR's Parallel Report on the Fourth Periodic Report of the Kingdom of Bahrain on the progress made in implementing the provisions of the Convention on the Elimination of all Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	April 2019	76 <sup>th</sup> Session July 2020

United Nations non-treaty based mechanisms for human rights (Universal Periodic Review Mechanism)				
No.	Title of Report	Committee Submitted to	Date of Submission	Date of Discussion
1	Report of the NIHR of the Kingdom of Bahrain submitted to the 3rd cycle of the 27th session of the Universal Periodic Review (UPR) before the United Nations Human Rights Council	Human Rights Council	September 2016	27 <sup>th</sup> Session Third Cycle 1 May 2017

Regional mechanisms for human rights (Arab Charter on Human Rights)				
No.	Title of Report	Committee Submitted to	Date of Submission	Date of Discussion
1	Parallel Report submitted by the NIHR regarding the Initial Periodic Report of the Kingdom of Bahrain on the progress achieved in the implementation of the provisions of the Arab Charter on Human Rights	Arab Human Rights Committee (Charter Committee)	July 2017  April 2018 (Additional information)	15 <sup>th</sup> Session 27-30 January 2019

### Third: Strategies and action plans of the National Institution for Human Rights

14. The NIHR launched three strategic plans for the periods (2012-2014), (2015-2018), and (2019-2021), which initially focused on a number of issues such as: engaging in efforts to protect human rights, strengthening efforts in legislative review and development, participating in preparing an extensive national program for human rights education, and enhancing cooperation at the national, regional, and international levels.

15. The (2019-2021) strategy and action plan focuses on four goals, namely: **environmental impact on human rights, human rights and sustainable economic development, the right to equal treatment, and disseminating awareness of human rights principles in civil society institutions and the business sector.**
16. The first strategic goal (environmental impact on human rights) seeks to lay the foundations for awareness on the obligations pertaining to enjoying a safe, healthy, clean and sustainable environment, identifying the relevant challenges and opportunities, and identifying human rights best practices to support environmental policy-making. A healthy environment is one of the basic requirements for the enjoyment of human rights and one of the pillars of human dignity because they are closely related to the right to water, food, health, sanitation, and hygiene. In its action plan, the NIHR has incorporated a number of activities to raise awareness of the environmental impact on human rights, such as: Conducting field visits to environmentally polluted areas, publishing reports on environmental legislation to preserve natural reserves, cooperating with official authorities and civil society institutions on environment-related issues, in addition to holding events and programs on environmental protection.
17. The second strategic goal aims to raise awareness of the importance of human rights in economic development, highlight the effects of inequality, corruption, and mismanagement of public resources on human rights, and encourage the use of constant and sustainable programs on corporate commitment, legal accountability, and responsibility for respecting human rights in business enterprises. The other strategic goal aims at training and educating the civil society and the business sector on ways to participate in disseminating awareness and protecting human rights, identifying civil society institutions that are instrumental in these issues and contributing to the development of their capabilities, in addition to increasing awareness of the importance of human rights defenders in the relevant civil society institutions.
18. Regarding the action plan for implementing the second strategic goal entitled (Human rights and sustainable economic development), the NIHR continues performing its role by holding workshops to underscore the effects of inequality, mismanagement of public resources, and the role of companies in respecting human rights, launching relevant awareness campaigns, initiating and spearheading a national competition for best articles on responsibility and accountability in the business sector, in addition to holding a round table with all the relevant authorities to discuss the challenges facing the rights of foreign workers.
19. Considering that equality and non-discrimination are among the foundations of equitable social, economic, and political development, the third strategic goal of the NIHR focuses on the right to equal treatment. To fulfill this objective, the NIHR promotes and publicizes equality and equal opportunities across all fields, and cooperates with a number of national organizations in this regard. The NIHR aims to conduct a study on the effects of inequality and discrimination on societal advancement and progress.

20. Concerning the fourth strategic goal, which is entitled (Disseminating awareness of human rights principles among civil society organizations and the business sector); the NIHR organized, and will continue to organize, educational programs on human rights and business targeting civil society institutions, and to develop guidelines to ascertain that human rights are respected in the business sector. In addition, the NIHR held a national forum on integrating human rights principles into business enterprises and a workshop to increase the awareness of human rights defenders and civil society institutions on business enterprises, while promoting the application of the concepts of universal principles of human rights, workers rights, the environment, and combating corruption by the business sector and civil society institutions.

#### **Fourth: Interaction with international events and days**

21. The NIHR, during the past years, has interacted with international events and days pertaining to human rights in the community by issuing statements in this regard. Perhaps the most important are its statements on the occasion of World Health Day, International Day for the Elimination of Racial Discrimination, World Book and Copyright Day, World Day for Cultural Diversity for Dialogue and Development, World Environment Day, World Day against Child Labor, World Elder Abuse Awareness Day, United Nations' World Refugee Day, Twentieth Anniversary of the United Nations High Commission for Human Rights, International Day in Support of Victims of Torture, International Day of Victims of Enforced Disappearances, International Day of Democracy, International Day of Peace, International Day of Nonviolence, World Teacher's Day, World Habitat Day, World Food Day, International Day for the Eradication of Poverty, United Nations Day, International Day for Tolerance, International Day for the Elimination of Violence against Women, International Day of Persons with Disabilities, International Anti-Corruption Day, and Human Rights Day. The NIHR's statements, as a whole, aim to introduce these occasions and international days to the public and inform them of their importance, as well as the associated practical reality at the national level.

#### **Fifth: Publications in the area of human rights**

22. Aiming at enriching the scientific aspects and knowledge on human rights topics, the NIHR has proceeded with its effort in issuing the "Human Rights Culture Series" to publish academic legal literature related to human rights. This legal series fully realizes the role of the NIHR in promoting and disseminating the culture of human rights by highlighting the most important rights and fundamental freedoms that are widely practiced by individuals, clarifying the true state of local legislation and whether it is in line with the pertinent international human rights standards, and placing it within the reach of individuals, including researchers, academics, lawyers, law enforcement officials, judges, members of the Public Prosecution Office, members of the Council of Representatives and Shura Council, university and school students, civil society organizations, and human rights activists, with the purpose of introducing these rights and freedoms to them and enabling them to enjoy and exercise their rights to the full.

23. The NIHR's publications are diversified; it published five books addressing human rights in the Criminal Procedure Law, workers' rights in light of the Bahraini Labor Law and the international human rights standards, legal protection for persons with disabilities between reality on the ground and the expectations in the Kingdom of Bahrain, and fair trial guarantees in accordance with international human rights standards.
24. Concerning printing and publication, the NIHR has reprinted a number of international and regional documents relating to human rights in both Arabic and English languages, such as the Paris Principles related to the status of national institutions in the promotion and protection of human rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the two protocols attached to it, the International Covenant on Economic, Social, and Cultural Rights, the Arab Charter for Human Rights, and the Cairo Declaration on Human Rights in Islam. In addition, the NIHR has printed the amended Constitution of the Kingdom of Bahrain, as well as reprinted and published NIHR's Initial Annual Report. In its entirety, it feeds into the area of promoting human rights, consolidating their values, spreading awareness, and contributing to guaranteeing the exercise of such rights.
25. The NIHR has also issued a coloring book, in Arabic and English languages, on the rights of the child, which contains drawings to be colored by the child. Beside the drawings, there are excerpts from the national legislation, such as the Constitution and the Child Law, the Universal Declaration of Human Rights, and the Convention on the Rights of the Child that revolve around the right to draw. The aim of this coloring book is to communicate information to the child in an interesting, artistic, and educational way. In addition, the NIHR has issued a flyer, specifically designed for children, on the rights contained in the Universal Declaration of Human Rights, which are presented in attractive pictures and in a simple and easy language, through which the child can learn about his basic rights.

#### **Sixth: Cooperation with national, regional and international bodies concerned with human rights**

26. As regards building bridges and ties of cooperation and partnership with civil society organizations, academic institutions, and training centers working in the field of human rights, the NIHR concluded a number of memoranda of understanding to advance the promotion of human rights in practice and to cooperate to develop programs to achieve the desired objectives, with a number of concerned international and regional bodies, such as: the Shura Council, the Council of Representatives, the Supreme Judicial Council, the University of Bahrain, the Royal University for Women, the Ahlia University, the Supreme Council for Women, the General Secretariat Ombudsman of the Ministry of Interior, the Special Investigation Unit in the Public Prosecution, the Isa Cultural Center, the Inspector General Office of the National Security Agency, the Royal Academy of Police, in addition to a number of national human rights institutions, such as the

National Center for Human Rights in the Hashemite Kingdom of Jordan, the National Human Rights Council in the Kingdom of Morocco, and the Independent Commission for Human Rights in the State of Palestine.

27. The NIHR also signed Memoranda of Understanding with Asia Pacific Forum (APF), Penal Reform International, Gulf Center for Human Rights, Arab Institute for Human Rights, the Institute of Public Administration, Institute for Political Development, Bahrain Multiple Sclerosis Patients Society, Diabetes Society, Alba Workers Union, Bahrain Youth Society for Human Rights, in addition to the International Bar Association. The total number of memoranda of understanding signed by the NIHR with associations, civil society organizations, and official bodies, whether inside or outside the Kingdom, amounted to about 35 memoranda of understanding.

### **Seventh: Convening human rights conferences**

28. In view of the importance of disseminating the most significant issues contained in the United Nations Guiding Principles on Business and Human Rights (UNGPs), as a priority for NIHR action, it has organized an international forum on business management and human rights to promote and protect the rights related to business management and exchanging experiences in this regard. The forum focused on human rights issues related to business management, in particular with regard to ways to reconciling human rights and business rules by providing positive models in the interests of protecting human rights from any violation by the business enterprises, to achieve the 17 sustainable development goals adopted by the United Nations for 2030. The forum addressed a number of topics, the most important of which are: Drug (pharmaceuticals) intellectual property rights, labor rights, corporate and business owners' responsibility, in addition to the right to privacy regarding information space.
29. Under the auspices of His Majesty the King, the NIHR organized, over a period of two days (25-26 June 2014), the International Conference of Arab Court for Human Rights, supported by the Council of Representatives and the Shura Council, and in cooperation with the Arab Network for National Human Rights Institutions, the League of Arab States, and the Arab Parliament.
30. A number of regional and international bodies participated in the Conference, such as the United Nations High Commissioner for Human Rights, similar regional courts (American, European, and African), the League of Arab States, the Cooperation Council for the Arab States of the Gulf, a group of experts in international human rights law and international humanitarian law, observers, academics, human rights activists from different parts of the world, as well as relevant civil society organizations at the Arab and international levels.

## **Eighth: Capacity building of criminal justice officials**

31. The NIHR has paid attention to training for workers in the field of justice, especially junior lawyers, through setting up a specialized capacity building training program, which dealt with introducing the basic principles of human rights, the Paris Principles related to the status of national human rights institutions, international human rights law, and international humanitarian law. Two specialized lectures were held; the first dealt with the right to enjoy the guarantees of a fair trial, whereas the second lecture addressed the rights and guarantees of the accused, focusing on the status of both rights in international human rights law and national legislation, and reviewing the best functional practices of these two rights.
32. Convinced that the promotion of human rights concepts in the judiciary in the Kingdom is of utmost importance as it is the impregnable fort that protects public rights and freedoms; and in cooperation with the General Secretariat of the Supreme Judicial Council, the NIHR participated in the Council's program entitled "Future Judges" by setting up a training program targeting a group of candidates for future judicial positions. The program lasted for one full year, during which several workshops were held addressing various topics related to "The basic principles of human rights," "Searching for information in electronic sources and references related to human rights," "Reviewing the rights contained in the NIHR's Initial Annual Report", "Public Rights and Freedoms in the Constitution of the Kingdom of Bahrain," "Basic Principles in International Humanitarian Law," "The Role of Courts in Protecting Civil and Political Rights," "The Role of Courts in Protecting Economic, Social, and Cultural Rights," "The concept of criminal justice and human rights," "Combating the crime of human trafficking," "Criteria for assessment of punishment and grounds for decisions in light of human rights principles," and finally "Invoking international human rights conventions before national courts".
33. In the context of the activating the Memorandum of Understanding concluded between the NIHR and the National Security Agency (NSA), the former held a training program for the members of the NSA to enhance and develop their capabilities in the area of human rights. The training program addressed the following topics: National mechanisms for the promotion and protection of human rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the optional protocol thereto, and the Human Rights Council, and the Universal Periodic Review mechanism.
34. In partnership with the Royal Police Academy, the NIHR has received batches of Masters and diploma students and trainees who attended specialized training courses in the field of human rights from among the members of the Royal Police Academy, to acquaint the participants with the role played by the NIHR in the field of promoting and protecting human rights, especially its mandate in receiving complaints, providing legal aid, and monitoring the position of human rights, and to provide them with practical skills in this field.

### **Ninth: Awareness program on the constitution and human rights (My Rights)**

35. The NIHR, in partnership with the Supreme Council for Women, the Bahrain Institute for Political Development, and the Institute of Judicial and Legal Studies, organized, in 2019, the awareness program on constitution and human rights for government institutions and civil society organizations, the third edition of “My Rights” training program, which started in 2017. The 2019 program aimed to develop the culture of employees of the public sector and civil society organizations about constitutional, legal and social rights and duties, as well as the legislation related to the legal status of women in various fields, and to transform such into a culture, lifestyle, and daily behavior through their work in these institutions and organizations.
36. The program covered the following topics: separation of powers in the Bahraini political system, the constitutional guarantees established for protecting public rights and freedoms in the Kingdom of Bahrain, the role and competencies of the Supreme Council for Women in supporting the advancement of Bahraini women, constitutional oversight of laws and legislation, the role of the legislative authority in monitoring the application of laws supporting women and family, the rule of legal legitimacy, the role of national mechanisms in promoting and protecting human rights in the Kingdom of Bahrain, the legislative competence of the National Assembly in the Kingdom of Bahrain, parliamentary oversight to guarantee the implementation of international human rights standards in the Kingdom, parliamentary oversight tools, legal immunity, the role of the national model in integrating women’s needs of governance of implementation of equal opportunities, normative international agreements, knowledge management in the field of political participation, the role of parliamentary diplomacy in foreign policy of the Kingdom of Bahrain, and the role of the relevant committees of the Shura Council and the Council of Representatives in ratifying international human rights conventions.

### **Tenth: The Legal Clinic and Human Rights at the University of Bahrain**

37. The NIHR has actively participated in the “Legal Clinic and Human Rights at the University of Bahrain”, which is a practical training program for students of the College of Law to acquire skills in the field of human rights. The NIHR held workshops and provided visual presentations on its role in the promotion and protection of human rights. The program was fifteen weeks long; it addressed the NIHR’s competence in promoting and protecting human rights by explaining the mechanism for receiving complaints and the relevant procedures, providing legal assistance and advice, in addition to its role in monitoring human rights violations.
38. Given the role of the NIHR in spreading and promoting a culture of respect for human rights among members of society; and in order to activate the Memorandum of Understanding with the Royal University for Women, the NIHR received a group of female students of the College of Law at the Royal University for Women to attend a program on supporting human rights. The program

is designed to contribute to increasing the necessary legal and human rights skills to pave the way for female students of the College of Law to engage in the labor market and be responsive to its requirements to contribute to serving the Kingdom of Bahrain. This program falls within the competencies of the NIHR, namely, promoting and disseminating human rights by giving lectures and holding trainings and educational courses for all the segments of the community, especially university students, on various topics related to human rights. A number of specialized employees affiliated with the NIHR participated in the implementation of this program, which lasted for a full semester.

#### **Eleventh: Summer educational programs for children**

39. With the aim of spreading the awareness and culture of human rights and instill its values, in particular the rights of the child; and to enable the NIHR to fulfill its role, achieve its goals aimed at protecting and promoting human rights, and activate its role in community participation, the NIHR participated for the second consecutive year in the "Bahrain Summer Festival 2019", which is organized by the Bahrain Authority for Culture and Antiquities, in the "Nakhool Tent" event. The "Tent" event includes several cultural and entertainment programs, and provides information in a novel and interesting format. The educational workshops are the flagship of the "Nakhool tent", as they target children aged between eight and eleven years. The NIHR gave a general introduction to human rights, in particular the rights of the child, and conducted numerous training and educational activities and competitions to promote the rights of the child and the right to live in a healthy environment, as environmental safety is one of the main pillars of human dignity due to the fact that it is fully connected with the right to life, health, food, water, and hygiene.
40. Because youth have a critical role in development in the various fields through which the Kingdom of Bahrain aims to realize the goals of sustainable development, the NIHR has participated in giving a lecture, as well as introductory activities, on basic human rights and the role of the NIHR in the field of promoting and protecting human rights in the Kingdom of Bahrain, especially with regard to the rights of the child. These activities targeted children aged between nine and fourteen years, and are part of the "Youth City 2030" project, which is organized by the Ministry of Youth Affairs and Sports and interacts positively with the 2030 Economic Vision that focuses on stimulating the role of youth in shaping the particulars of comprehensive development in the Kingdom Bahrain on different levels. The project offers a set of training programs that contribute to developing the skills and capabilities of youth in various fields and their leadership characteristics in order to empower them and mobilize their energies in the right direction.

#### **Twelfth: Human rights research fellowship program**

41. Seeking to contribute to the research and intellectual movement, to raise awareness of human rights principles, and to activate Article (12) of its Establishment Law regarding conducting

research and studies, the NIHR has launched the “Human Rights Research Fellowship Program” for individuals interested in conducting independent research on topics related to civil, political, economic, social, and cultural human rights. This program aims to develop skills in critical thinking and analysis in the field of human rights, to support and develop innovation and creativity skills to find the best ways to promote and protect human rights, as well as to strengthen partnership with international organizations and universities working in the field of human rights through the exchange of experiences in the field of human rights.

42. The Research Fellowship Program, which ranges from two to twelve weeks, targets academics, university students, human rights defenders, and all those interested in conducting research in the field of human rights.
43. A number of students and individuals interested in conducting research on human rights in the Kingdom of Bahrain participated in the Research Fellowship Program in its first session of 2019. Research topics submitted by the participants varied; the most prominent research proposals were about the following topics: the responsibility of business owners towards the rights of workers and employees, economic changes and their impact on human rights, information revolution and the right to privacy, climate change and its impact on the enjoyment of human rights, public opinion trends towards the phenomenon of climate change and its impact on human rights (field study - the Kingdom of Bahrain), the right to a fair trial, legal organization of the Paris Convention on Climate Change and the obligations of the Kingdom of Bahrain upon its ratification, right to legal counsel during evidence-gathering and interrogation stage, and the right to a sound and safe environment in Bahraini legislation.

#### **Thirteenth: Comprehensive awareness program on human rights for migrant workers**

44. Within the scope of raising the awareness of residents of their rights and duties, the NIHR organized awareness lectures on its mandate and complaint mechanism as part of the comprehensive awareness raising program in the field of human rights for expatriate workers. The lectures were held in a number of foreign clubs and embassies in the Kingdom, including: Kerala Club, Nepalese Club, Sudanese Club, Philippine Embassy, Rotary Club and a number of representatives of foreign embassies in the Kingdom of Bahrain. This initiative aims to strengthen the work of the NIHR in protecting human rights, in particular the rights of expatriate workers, by building bridges of communication with the various foreign communities in the Kingdom of Bahrain. The NIHR continues to hold such awareness lectures for migrant workers.

#### **Fourteenth: Beneficiaries of the activities and training programs carried out by the National Institution for Human Rights during (2009-2019)**

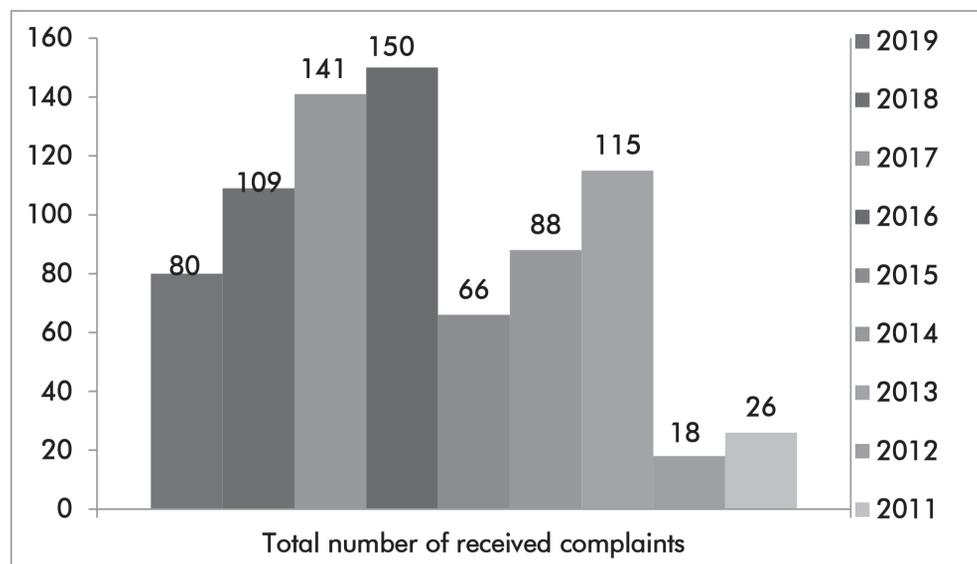
45. The total number of participants in the training programs, activities, and events conducted by the NIHR during the past ten years amounted to about (9500) individuals, of which (48%) were women and (52%) males. The groups benefiting from the NIHR's training and educational programs included law enforcement officers, academic, consulting, and union bodies, civil society organizations, youth, students of public and private schools and universities, human rights defenders, private institutions, commercial enterprises, in addition to the beneficiaries of the special cooperation program with the National Security Agency.

### **Section Three**

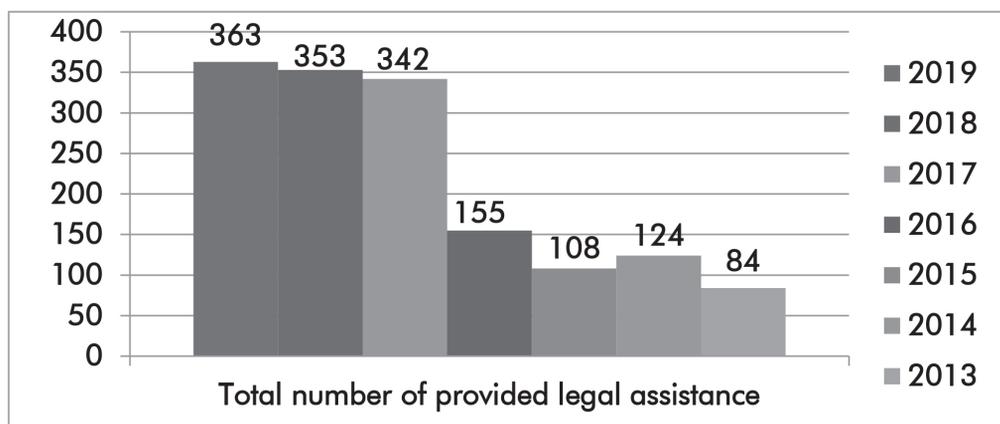
#### **Noticeable achievement of the National Institution for Human Rights in the field of human rights protection during ten years**

##### **First: The received complaints and provided legal aid**

1. Within the framework of the NIHR's mandate in protecting human rights, it had an active role in receiving complaints related to various human rights, considering such, referring, as appropriate, to the competent authorities with prompt follow-up, advising the complainants on the procedures to be followed, and assisting them in taking action or helping them in resolving the complaints with the competent authorities. The total number of the complaints received during (2011-2019) has reached (793) complaints.



2. In addition to receiving complaints, the Law on the Establishment of the NIHR granted it the power to advise those concerned on the procedures to be followed and assist them in doing so, or help them resolve complaints with the competent authorities. The NIHR assumes a positive role in providing legal assistance and advice to individuals or entities, through advising on the procedures to be followed and assisting in taking action, while highlighting the importance of exhausting all administrative or legal remedies and grievances, as the case may be, or submitting a report to the competent security authorities, or helping them to head to the concerned competent authority with inherent jurisdiction to consider the complaint. The total number of requests for legal assistance during (2013 -2019) has reached (1529) request.

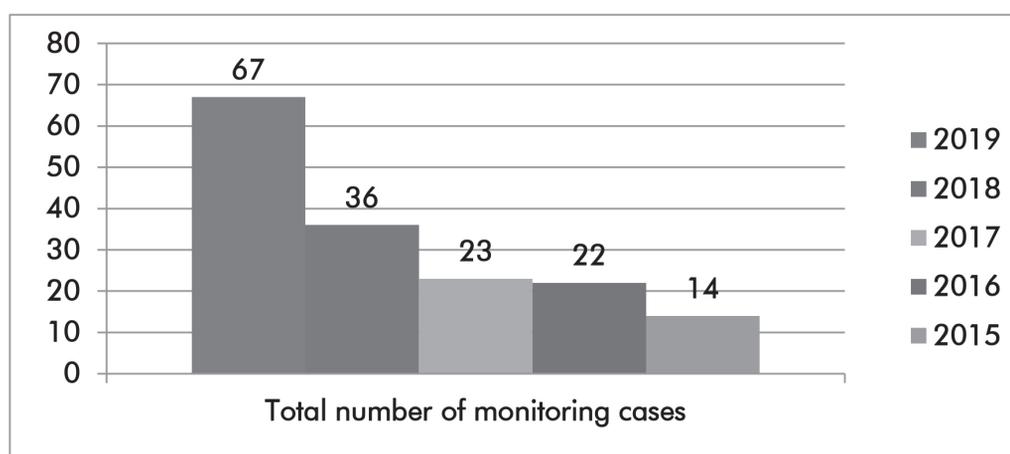


### Second: Guide on receiving complaints and the provided legal assistance

3. The NIHR has issued a Guide on receiving complaints and providing legal assistance to keep pace with the advances already made in the mechanism for handling complaints in terms of the new electronic system to follow up on the received complaints and legal aid provided. The Guide is divided into eight sections: The first section contains general principles and concepts and terminology. The second section deals with the competencies of the NIHR and the complaints that the NIHR has jurisdiction to consider and those that are not within its jurisdiction. The third section addresses the procedures for receiving complaints, means of filing (submitting) a complaint, and the initiating procedures to deal with a complaint. The fourth section is on the mechanism and stages of dealing with the complaint, reviewing and considering it, and providing legal opinion. The fifth section covers the follow-up process of the complaint and communication with the competent bodies. The sixth section is on discontinuing the procedures and shelving (retaining) the complaint. The seventh section covers the provision of legal assistance and counseling, while the eighth section is on the procedures for amending the Guide; noting that the Guide is available to all on the NIHR's website in both Arabic and English languages.

### Third: Monitoring human rights situation

- The NIHR has monitored human rights situation in the various mass media outlets including social media, documented and examined them to ensure the degree and extent of competent authorities' commitment to the standards of respect and promotion of human rights. In most of these cases, the NIHR contacted the competent authorities to ensure their validity, and then find appropriate solutions to them. In addition, the NIHR carried out a number of announced and unannounced field visits to ascertain the veracity of some of the circulated information. The NIHR's efforts aim at ensuring that individuals, both citizens and residents, enjoy all their rights without any discrimination. The total number of the monitored cases for the years (2015-2019) has reached (162) cases. The NIHR made sure to inform public opinion of the follow-up results by posting such on its official accounts on the various social media.



### Fourth: Attending trial sessions to verify fair trial guarantees

- Pursuant to the mandate contained in the Law establishing the NIHR, it has had an active role in the field of human rights protection, as it has attended a number of court sessions that caused a significant stir among the general public. In this regard, the NIHR confirms that it attends court sessions to verify and ensure the adequacy of judicial procedures and the achievement of justice in the trial of the accused persons. The NIHR emphasizes that the right to a fair trial is a standard contained in international human rights law that aims to protect people from the derogation of their rights pertaining to their legal status before the judicial bodies, and that it is a fundamental pillar of fair trial, which is stipulated in national legislation and relevant regional and international instruments and treaties.

6. In the same context, the NIHR prepared a form for attending court sessions to verify the guarantees of a fair trial. The form contains a number of criteria that show the extent to which the rights of the accused or litigants are available during the proceedings in court, and ensure the availability of fair trial guarantees. The form is divided into two sections; the first is related to monitoring the proceedings of the court in terms of hearing date, attendants, and the facts and events that happened in the trial; the second section is related to observing the court room in terms of clarity of the name, ease of access to the hall, the extent to which the place is accessible to and usable by, persons with disabilities, in addition to observing the role and work of the court secretariat.

**Table showing the number of court sessions attended by the NIHR to verify fair trial guarantees during the years (2017 - 2019)**

Year	Number of court sessions
2017	21
2018	27
2019	35
<b>Total</b>	<b>83</b>

**Fifth: Announced and unannounced field visits to places suspected of violating human rights**

7. In order to activate the NIHR's competence to carry out announced and unannounced field visits to monitor the situation of human rights in correctional institutions, places of detention, labor calls gatherings, health and education centers, or any other public place suspected to be a place of human rights violations, the NIHR has carried out a number of announced and unannounced visits to the Jau Reform and Rehabilitation Center, the Dry Dock Detention Center, the Women's Reform and Rehabilitation Center at Isa Town, the Juvenile Detention Center, the Male and Female Deportation Center, a number of detention centers of the provincial police directorates, the Detention Center of the General Directorate of Traffic, and the Migrant Shelter and Deportation Center.

8. The aim of these visits is to assess closely the conditions of the persons with restricted liberty in these centers, the extent to which their conditions are in line with regional and international human rights instruments and other relevant standards, especially those related to the capacity of these centers, the extent of the right of the inmates and detainees to communicate with the outside world, their access to suitable health care, treatment and medication, the quality of the food provided to them, and the extent of physical exercise made available to them.
9. To make sure that the inmates continue to enjoy practicing their religious rituals as provided for by the relevant law and regulations, the NIHR conducted field visits during Ashura in 2019 to reform and rehabilitation centers and remand centers for men and women, among which two visits were made to the reform and rehabilitation center for male inmates, and two visits for the male detainees in the remand center. In addition, two visits were carried out to the women's correction, rehabilitation, and remand centers. During the visits, the NIHR met with a number of detainees and inmates of both genders, and made sure that facilities and services are provided to them to ensure practicing their religious rituals. The NIHR also coordinated with the management of the aforementioned centers in order to increase the period allocated for the practice of those rituals on the tenth day of the month of Muharram. There was a prompt response to the NIHR's request by doubling the time allocated for the detainees and inmates.
10. In view of that, the NIHR confirms - based on the field visits it carried out during Ashura - that the freedom to observe religious rituals for inmates is guaranteed in a manner that does not harm or infringe the freedom and privacy of other inmates of all religions and sects in exercising their rituals, and in such a way that guarantees maintaining the security of the center and the safety of its inmates.
11. The NIHR also visited the Psychiatric Hospital, the Sickle-Cell Anemia Department at Salmaniya Medical Complex, and Muharraq Maternity and Geriatric Hospital to check on the situation of patients' rights and find out the compatibility of the medical services provided to them with international human rights standards. The NIHR also visited Dar Al-Karama for Social Care, the Batelco Care Center for Family Violence Cases, the Yoko House for Parents Care, and the Child Welfare Home (Batelco Home). The total number of visits made by the NIHR from 2013 until October 2019 has reached (36) visits<sup>(6)</sup>.

#### **Sixth: Hashtag # Guarantee your Right**

12. Given the importance ascribed by the Law establishing the NIHR to spreading the culture of human rights and entrenching its principles in the society, in particular the provisions of Article (2) stating that the NIHR shall **"undertake the promotion, development, and protection of human rights, consolidate its values, and disseminate awareness of it, and contribute in securing its exercise,"** and the provisions of Article (12-m) of the same Law, stating that the

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(6) The details and recommendations of the visits are discussed in the NIHR's previous reports; the details of the 2019 visits are included in the sub-section on the announced and unannounced visits of Section Three on the progress achieved in the field of human rights protection, in Chapter I of this report.

NIHR “issues newsletters, publications, data, and special reports, and uploads such on its website. The NIHR shall be entitled to address public opinion directly or through any of the media outlets”.

13. The NIHR has launched the hashtag # Guarantee Your Right, to disseminate the culture of human rights and raise awareness of the basic freedoms and the services provided by the NIHR to the public, both citizens and residents on the land of the Kingdom of Bahrain.
14. This aim of this hashtag is to ensure that people are aware of their rights and public freedoms that are guaranteed to them in the Constitution, national legislation, and regional and international instruments related to human rights, and to ensure that each individual is a sponsor of his/her own rights, as knowledge of rights and freedoms is the most effective safeguard for a person to preserve his/her rights.

#### **Seventh: Ban on afternoon outdoor work Initiative**

15. Initiated by the NIHR’s competence in monitoring cases of human rights violations, and submitting suggestions and initiatives that would improve human rights conditions; and in view of its competence to directly address public opinion, to preserve workers’ rights to healthy and safe working conditions, and to ensure that employers respect these rights, the NIHR launched its initiative on reporting observed violations resulting from the employment of workers outdoors, exposed to the sun, during the months of July and August, between 12:00 noon and 4:00 in the afternoon, in violation of Decision No. (3) of 2013 on banning outdoor work at noon time. This initiative allows everyone to observe violations, determine their location and time, and post them on social media using the hashtag (# Guarantee Your Right), or contact the NIHR through the free hotline (80001144), or through the NIHR’s WhatsApp at (17111666). This initiative aims to increase public awareness on workers’ rights and to educate the community to respect human rights, so that, it plays, together with the NIHR and the relevant mechanisms, a role in promoting and protecting human rights<sup>[7]</sup>.

#### **Eighth: Complaints and call center**

16. In order for the NIHR to continue developing and updating the mechanisms of communication with citizens and residents to reach the highest levels of human rights protection and promotion, it has launched in 2017 the complaints and call center service linked to the free hotline (80001144) to receive complaints and provide legal assistance. Since its inception, the NIHR has been receiving complaints through its main switchboard, but this toll-free line was created to make it easier for individuals to submit their complaints. Since its establishment, the NIHR has received more than 8,000 phone calls, of which 3,000 calls went through the free line.

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[7] The details of the initiative are presented in the Second subsection of Section Three on the advisory opinions submitted to the government of Chapter II, of this report.

17. The free line service adds to the other services that are available for citizens and residents to communicate with the organization, whether in person, through its website, through its official pages on social media (nihrbh), or through the mobile application (NIHR Bahrain). Through the call center, the NIHR responds to any complaints, provides assistance, and answers any other human rights inquiries.

**Total number of cases received through the hotline  
(new or previous complaints) for the years (2017-2019)**

Year	2017	2018	2019	Total
Number	508	1250	1227	2985

**Ninth: Branch of the National Institution for Human Rights in the Migrant Workers Protection and Support Center**

18. The NIHR opened an office in the Migrant Workers Protection and Support Center, affiliated to the National Committee for Combating Trafficking in Persons. This Office will link the NIHR and the residents with the aim of reaching the highest levels of promoting and protecting expatriate workers, as it is authorized to receive complaints from them related to human rights. The Office examines and reviews the complaints and refers them, as the NIHR deems appropriate, to the competent authorities with effective follow-up, or advises those concerned on the procedures to be followed, assists them in doing so, or helps to resolve complaints with the authorities concerned.



## Chapter II

### Advisory Opinions Submitted by the National Institution for Human Rights to the Constitutional Authorities<sup>(8)</sup>

#### Introduction

Encouraging the ratification of, or accession to, regional and international human rights instruments, and ensuring their effective implementation, is one of the main functions of national human rights institutions. Beyond that, it is necessary to assess the extent of compliance by the State party with its regional and international obligations arising from ratification or accession, and propose or amend legislation, regulations, or practices in a manner consistent with the relevant regional or international standards<sup>(9)</sup>.

By referring to the provisions of Law Number (26) of 2014 on the Establishment of the National Institution for Human Rights, Article (12), Paragraph (b) thereof, stipulates that the NIHR is competent to “examine legislation and regulations in force in the Kingdom related to human rights, and recommend amendments as it deems suitable, particularly in connection with the consistency of such regulations with the international human rights obligations of the Kingdom. The NIHR may also recommend the adoption of new legislation related to human rights”.

Paragraph (c) of the same Article stipulates that the NIHR is competent to “**explore 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 may promote and protect human rights, including recommendations to accede to regional and international conventions and treaties concerned with human rights**”. This sphere of competence reflects the contents and scope of the Paris Principles and the general comments of the Sub-Committee on Accreditation (SCA).

Giving effect to its competence, the NIHR expressed its perspectives and observations on a number of human rights issues to the constitutional authorities. It has also submitted its opinions on a number of decrees, bills, and proposals, at the request of the National Council. Five advisory opinions were submitted to the Shura Council and (5) advisory opinions were submitted to the Council of Representatives, in addition to (2) advisory opinions submitted to the government.

Hence, this Chapter addresses the advisory opinions submitted by the NIHR to the constitutional authorities in three main sections: the first section presents the advisory opinions referred to the Shura Council; the second section presents the advisory opinions referred to the Council of Representatives, whereas the third section is dedicated to present its advisory opinions submitted to the government

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(8) This chapter of the report includes a summary of the advisory opinions that the National Institution for Human Rights submitted to the constitutional authorities in the Kingdom. For details of the advisory opinions, refer to the institution’s website - advisory opinions section at [www.nihr.org.bh](http://www.nihr.org.bh).

(9) Paris Principles Concerning the Status of National Institutions for the Promotion and Protection of Human Rights- Power and Responsibilities - Paragraph (3), p. 5 / General Note (1-3) Encouraging the ratification of, or accession to, international human rights instruments, p. 91.

on any matter that violates or directly impacts human rights and basic freedoms, while taking into consideration the provisions of the Constitution, and the relevant regional and international instruments and standards.

## Section One

### Advisory opinions submitted by the National Institution for Human Rights to the Shura Council

The NIHR submitted to the Shura Council during the reporting period a total of five advisory opinions<sup>(10)</sup>, as follows:

#### **First: Bill amending Article (56) of the Traffic Law promulgated by Law No. (23) of 2014**

1. The NIHR expressed its advisory opinion on a proposed law amending Article (56) of the Traffic Law promulgated by Law No. (23) of 2014, which consists of two articles, in addition to the preamble. The first article of the proposed law adds a seventh paragraph to the provision of Article (56) of the Traffic Law on exempting persons with disabilities from reconciliation fine for the crime of not following the decisions of the Administration regarding parking in certain places, if it is proven that there were no parking spaces designated, or no vacant spaces, for the persons with disabilities at the time of committing the violation. The second article is an executive article.
2. The text of the seventh paragraph of Article (56) of the proposed law is as follows: **“Persons with disabilities are exempted from the reconciliation fine with regard to the crime of not following the decisions of the Administration by parking in certain places stipulated in Paragraph (12) of Article (47) of this Law, when it is proven that there are no parking spaces designated for them or vacant at the time of issuing the violation ticket”**.
3. The NIHR concluded that the proposed law, in its current form, does not fulfill the principle of equality and non-discrimination, which is a basic pillar upon which international and regional human rights instruments are based, including the Convention on the Rights of Persons with Disabilities, which the Kingdom of Bahrain has ratified pursuant to Law No. (22) of 2011, due to the fact that it distinguishes in the exemption from the prescribed penalties between equal legal centers. The NIHR was in the view that, if the text contained in the proposed law is applied in its current form, it might be grounds for encouraging the violation of the Law, under the pretext that there are no designated or vacant parking spaces for persons with disabilities. Parking in places other than the designated ones might lead to the obstruction of public streets and traffic or endangering the safe movement of vehicles or pedestrians.

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(10) The National Institution for Human Rights has submitted its advisory opinion on the rights of the elderly to enjoy an adequate and decent standard of living to the Ministry of Housing, the Council of Representatives, and the Shura Council. To prevent repetition, the advisory opinion mentioned above can be found in the section on the advisory opinions submitted by the NIHR to the government.

**Second: Bill to replace Article (60) of the Child Law promulgated by Decree-Law No. (37) of 2012 (prepared based on the proposed law “as amended” submitted by the Council of Representatives)**

4. The NIHR expressed its advisory opinion on a bill to replace Article (60) of the Child Law promulgated by Decree-Law No. (37) of 2012 (prepared based on the proposed law “as amended” submitted by the Council of Representatives), which consists of two articles, in addition to the preamble. The first article of the proposed Law replaces Article (60) of the Child Law promulgated by Law No. (37) of 2012, with the aim of protecting children from political exploitation by prohibiting their participation or employment in election campaigns and all the procedures and stages of the elections of the Parliament and municipal councils. The second article is an executive article.
5. The second paragraph of Article No. (60) of the proposed law stipulates that: **“It is prohibited to exploit children in political gatherings, marches, and demonstrations. It is also prohibited to engage them or employ them, in all forms and shapes, in electoral campaigns or in the other procedures and stages of the elections of the Parliament and municipal councils, except with the consent of the child’s guardian or a substitute of the guardian”**.
6. The NIHR concluded that it agrees in principle with the goals and objectives of the proposed law to replace Article (60) of the Child Law promulgated by Law No. (37) of 2012, and emphasized the need to provide for a clear and explicit text prohibiting the exploitation of children in the course of the electoral process and during its stages, without legitimizing the act of exploitation merely because the child’s guardian or his representative has consented to that. The NIHR emphasized the importance of including the appropriate and gradual criminal penalties, commensurate with the act committed, to Article (69) of the Child Law, which is consistent with the relevant international decisions.

**Third: Bill adding a new paragraph to Article (2) of Law No. (58) of 2006 on the Protection of Society against Acts of Terrorism, and the inclusion of a new Article No. (16-bis), as concluded by the decision of the Council of Representatives**

7. The NIHR expressed its advisory opinion on a proposed law adding a new paragraph to Article (2) of Law No. (58) of 2006 on the Protection of Society against Acts of Terrorism, which consists of two articles, in addition to the preamble. The first article thereof provides the addition of a new paragraph, No. (11), to Article (2) of the Law on the Protection of Society against Acts of Terrorism, which aims to curb the phenomenon of harboring fugitives in terrorist crimes, whether they are accused or convicted, in order to prevent them from committing other terrorist crimes or get away with their crimes; thus, contributes to maintaining stability of security in the Kingdom. The second article is an executive article.

8. Paragraph (11) of Article (2) of the said proposed law stipulates that, **“Covering up those fugitives accused or convicted in acts of terrorism.”** This proposed law was presented to the Council of Representatives, concluding in its Decision No. (22) of the first ordinary annual session of the fifth legislative term - Session No. (10) on 19 February 2019 - to amend the name of the proposed law to “proposed law adding a new Article No. (16-bis) to Law No. (58) of 2006 on the Protection of Society against Acts of Terrorism,” and to add a new article No. (16-bis), which stipulates that, **“Any person hiding a suspect or a convicted person in any of the crimes provided for in this law, with his knowledge, shall be punishable with imprisonment. The provision of this article does not apply to the spouse of the harbored person, nor to his/her ancestors, descendants, brothers or sisters, and to those of the same status as relatives by virtue of intermarriage.”**
9. The NIHR concluded that it agrees with the Decision of the Council of Representatives regarding adding a new article No. (16- bis) to the proposed law. It commended the humanitarian approach represented by not establishing crime and punishment of the spouse of the person hiding the accused or the convicted, nor his/her ancestors, descendants, brothers or sisters, and those relatives by virtue of intermarriage. This approach is in conformity with the basic principles of human rights, and takes into account family and societal dimensions.

#### **Fourth: Proposed law to add a new article No. (189-bis) to the Penal Code promulgated by Decree-Law No. (15) of 1976**

10. The NIHR expressed its advisory opinion regarding a proposed law to add a new article No. (189-bis) to the Penal Code promulgated by Decree- Law No. (15) of 1976, which consists of two articles, in addition to the preamble. The first article thereof adds a new article No. (189-bis) to the Penal Code issued by Decree-Law No. (15) of 1976, and the second article is an executive article.
11. The second paragraph of Article (189-bis) of the proposed law stipulates that, **“Any person who presents, gives, offers, or promises to give to a public official or an individual in charge of a public service anything provided for in Article (186) is a briber. Any person who interferes by intermediation with the briber or the bribe-taker to offer, ask for, accept, take, or promise to give a bribe is considered a mediator. The briber and the mediator shall be punishable with the penalty prescribed for the bribe-taker”**.
12. The NIHR concluded that it agrees in principle with the purposes and objectives of the proposed law in question, as it is consistent with the provisions of the United Nations Convention against Corruption, which the Kingdom of Bahrain has ratified under Law No. (7) of 2010, taking into consideration the general rules pertaining to drafting punitive provisions, and ensuring that attention is paid to achieve equality between the legal positions of all the parties to the crime of bribery.

**Fifth: Proposed law adding a new paragraph to Article (27) of Law No. (19) of 2006 Regulating the Labor Market (prepared in light of the bill -as amended- submitted by the Council of Representatives)**

13. The NIHR expressed its advisory opinion regarding the proposed law adding a new paragraph to Article (27) of Law No. (19) of 2006 on Regulating the Labor Market (prepared in light of the proposed law - as amended - submitted by the Council of Representatives), which consists of two articles, in addition to the preamble. The first article thereof adds a new paragraph to Article (27) of the Law, and the second article is an executive article.
14. The new paragraph of Article (27) of the above-mentioned Law stipulates that **“d- By way of exception to the provisions of Paragraphs (a) and (c) of this Article, the foreign worker who leaves work for the employer, who is authorized to employ him/her, in violation of the terms under which his/her work permit was issued, shall bear the cost of repatriation”**. The provision of the new paragraph under study as determined by the Council of Representatives stipulates that, **“d- Without prejudice to the provisions of Paragraph (b), and with an exception to the provisions of Paragraphs (a) and (c) of this Article, the foreign worker who leaves work for the employer, who is authorized to employ him/her, in violation of the terms under which his/her work permit was issued, shall bear the cost of repatriation. The relatives of the worker shall bear the expenses of preparing and transporting the corpse of the deceased worker, who died while leaving work in violation of the conditions under which his/her work permit was issued, if they so request within a period not exceeding thirty days as of the date of his/her death. Otherwise, the deceased foreign worker shall be buried in accordance with the provisions of Chapter (25) of Public Health Law promulgated by Law No. (34) of 2018”**.
15. The NIHR concluded that regulating the issue related to the party that bears the cost of repatriation of foreign workers who leave their work in violation of the terms under which their work permit was issued, is a matter subject to the agreement of the parties to the employment contract, based on the principle (Pacta Sunt Servanda) (the contract is law between the parties). In the cases, which have not been stipulated in the employment contract, the party in breach of its obligations must be obliged to bear these expenses according to the rules of equality and establishing balance between the parties to the contract, provided that the competent authority shall find a mechanism to ensure that this is achieved. In addition, the amendment contained in the proposed law, as concluded in the decision of the Council of Representatives, does not affect or infringe human rights and fundamental freedoms, as mandated by the provisions of the Constitution and regional and international instruments and conventions on human rights.

## Section Two

### Advisory opinions submitted by the National Institution for Human Rights to the Council of Representatives

The NIHR submitted to the Council of Representatives during the reporting period a total of five advisory opinions<sup>(11)</sup>, as follows:

#### First: Proposed law amending some provisions of the Criminal Procedure Law promulgated by Decree-Law No. (46) of 2002, accompanying Decree No. (21) of 2019

1. The NIHR expressed its advisory opinion on a proposed law amending some provisions of the Criminal Procedure Law promulgated by Decree-Law No. (46) of 2002, accompanying Decree No. (21) of 2019, which consists of five articles, in addition to the preamble.
2. The first article thereof proposes to replace the provisions of Article (82) the third paragraph, Article (93) the first paragraph, Article (127-bis) the first paragraph, Articles (159), (273), (274), and (277) the first paragraphs, and Article (327) the first paragraph. The second article, replaces the title of Part One of Book Six (Procedures to be followed in case of loss of documents and judgments and calculation of periods) of the Law under study, with the title (Procedures to be followed in case of loss of papers and judgments and calculation of periods, and the use of electronic means). The third article adds a fourth paragraph to Article (18), a third paragraph to Article (218), a fourth paragraph to Article (227), and a second paragraph to Article (321) of the law subject to amendment. The fourth article includes adding new articles No. (21-bis), No. (21- bis) (a), No. (21- bis) (b), No. (226-bis), No. (280- bis), and No. (411-bis) to the Criminal Procedure Law promulgated by Decree Law No. (46) of 2002. The fifth article is an executive article.
3. Paragraph Three of Article (82) of the proposed law stipulates that, **“However, the Public Prosecution may take video and audio recordings of the proceedings and course of the investigation; if a witness or an accused is not able to attend, the Public Prosecution may resort to using technical means and picture and sound transmission devices in hearing his/her statements or interrogating him/her remotely, and presenting and viewing these proceedings for the purposes of the investigation, subject to the legally prescribed guarantees.”** The NIHR concluded that it agrees in principle with the provision of the second paragraph of Article (82) as stated in the proposed law, which provided for using modern technical means and picture and sound transmission devices in hearing and interrogating the accused, as this procedure leads to the desired justice promptly and without undue delay. The NIHR emphasized that it is crucial that the same provision explicitly provides for legal

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(11) The National Institution for Human Rights has submitted its advisory opinion on the rights of the elderly to enjoy an adequate and decent standard of living to the Ministry of Housing, the Council of Representatives, and the Shura Council. To prevent repetition, the advisory opinion is contained in Section Three of this report on the advisory opinions submitted by the NIHR to the government.

provisions, which promotes safeguarding the right of the accused to enjoy the guarantees of a fair trial before the Public Prosecution in the circumstances that require resorting to these modern means.

4. The first paragraph of Article (93) of the proposed law stipulates that **“the Public Prosecution may seize at the telegraph and post offices and other offices for transmitting letters, and broadcasting, communication, telecommunication, and electronic communication centers, telegrams, letters, papers, publications, and parcels; and it may subject to surveillance and make audio, visual, and electronic recordings of the communications, conversations, correspondence, facts, and meetings that take place in private places or that take place privately in public places, whenever there is sufficient evidence of the occurrence of a felony or misdemeanor punishable by imprisonment, and it is useful in revealing the truth”**. The NIHR concluded that it agrees in principle with the proposed amendment to the provisions the first paragraph of Article (93), as contained in the proposed law. However, it suggested to the Council to reconsider and review the extent of inclusion of the control and surveillance processes carried out by the Public Prosecution of private places, and to limit it to criminal offences (felonies) and exclude misdemeanors, in a manner that takes into account the right to privacy, in accordance with the relevant international resolutions.
5. The first paragraph of Article (127-bis) stipulates that **“the Public Prosecution Office, of its own accord, or at the request of the victims, witnesses, or those who provide information in the case; and for acceptable considerations related to their safety or the safety of persons closely related to them, may order that necessary measures be taken to protect them from the risks that may threaten them owing to giving testimony or information. To that end, it may impose means and ways, as it deems appropriate, to implement all or some of the following measures until the risk ceases, in coordination with the protected persons, and according to the decisions and instructions issued by the Public Prosecutor in coordination with the concerned authorities: a- change of place of residence; b- change of identity; c- prohibit disclosing any information related to the identity or whereabouts of protected persons and their places of residence, or restrict access to some of this information; d- assign a guard to the person or his/her place of residence”**. The NIHR concluded that it agrees in principle with the proposed amendment to the provision of the first paragraph of Article (127-bis), as contained in the proposed law. However, it suggested retaining the condition of consent of the persons subject to legal protection, for which the measures are taken to protect them, as stipulated in the original version of the Law.
6. Article No. (159) of the proposed law stipulates that, **“The Public Prosecutor may, if necessary, and when there is sufficient evidence of the seriousness of the accusation and fear that the accused in a felony or misdemeanor may abscond, order to ban the accused from traveling, and serve notice to the person against whom the order has been issued**

in absentia. The Attorney General and the competent court may, upon hearing an extension of the pre-trial detention should it be decided to release an accused in a felony or misdemeanor punishable by imprisonment, and where it is in the interest of the investigation to bar him/her from traveling abroad, issue an order banning him/her from travel. The accused may file a grievance against the travel ban order before the High Criminal Court held in the Consultation Room. If his/her grievance is rejected, he/she may file a new grievance every month after the date on which the grievance is rejected, unless the case is referred to the court having jurisdiction over it, in which case the travel ban order or its cancellation becomes within its jurisdiction". The NIHR concluded that it agrees with the proposed amendment to the provision of Article (159) as stated in the proposed law; however, it recommends providing for a specified service time whereby the person against whom the travel ban order was issued in absentia is served, to give effect to his/her right to an effective complaint.

7. Article No. (273) of the proposed law stipulates that, **"The Public Prosecution may, in respect of misdemeanors for which the law does not provide for a penalty of imprisonment or a minimum fine of more than two thousand dinars, if it deems that it is sufficient for the crime, in light of its circumstances, to be punishable with a fine not exceeding two thousand dinars, in addition to the supplementary and joint penalties, the amount to be reimbursed and legal expenses, ask the judge of the Lower Court that has jurisdiction to hear the case to inflict a penalty upon the accused by an order he issues on the basis of a petition, which relies upon the minutes of the collection of evidence or other kinds of evidence without conducting an investigation or hearing any pleadings."** Article (274) stipulates that, **"For a penal order, a ruling shall only be limited to a fine of not more than two thousand dinars, supplementary and joint penalties, amounts to be reimbursed, and legal expenses; and it may pass a judgment of acquittal, dismissal of the civil action, or a stay of the execution"**. The NIHR concluded that it agrees with the proposed amendments to the provisions of Articles (273) and (274) as stated in the proposed law, as they are consistent with the provisions of international and regional human rights instruments.
8. The first paragraph of Article (277) of the proposed law stipulates that, **"The Public Prosecution and the remaining litigants shall be entitled to challenge the criminal order by virtue of a report to be filed with the Court Clerks' Office within seven days from the date of issuing the order in respect of the Public Prosecution and from the date of service of notice thereof with respect to the remaining litigants. Such report shall have the effect of the lapse of the order and shall become null and void and have no effect"**. The NIHR concluded that it agrees with the proposed amendment to the text of the first paragraph of Article (277) as stated in the proposed law, as it is in line with the provisions of international and regional human rights instruments.

9. The first paragraph of Article (327) of the propose law stipulates that, **“Upon passing a judgment in absentia to imprisonment or a prison sentence for a period of one month or more, the Court may order, at the request of the Public Prosecution, the arrest and detention of the accused.”** The NIHR supported the retention of the text of the first paragraph of Article (327) as stated in the original version of the Law, as it is consistent with the principle of the presumption of innocence, which is a rule that can only be refuted by a final judicial ruling that has exhausted all means of appeal and has become the truth itself.
10. The second article of the proposed replaces the title of Part One of Book Six (Procedures to be followed in case of loss of documents and judgments and calculation of periods) of the Criminal Procedure Law promulgated by Decree-Law No. (46) of 2002, with the title **(Procedures to be followed in case of loss of papers and judgments and calculation of periods, and the use of electronic means)**. The NIHR agrees to the new title.
11. The third article of the same proposed law adds paragraphs to a number of articles of the Criminal Procedure Law promulgated by Decree-Law No. (46) of 2002, where a fourth paragraph is added to Article No. (18) of the same law, stipulating that, **“Such period for the two crimes stipulated in Articles (424) and (425) of the Penal Code, does not become effective except from the date of the termination of capacity of the private sector worker, or from the date the victim became aware of the incident, unless the investigation began prior to that.”** The NIHR concluded that it agrees with adding a fourth paragraph to the text of Article (18) as stated in the proposed law, as it is compatible with the provisions of international and regional human rights instruments.
12. With regard to adding a third paragraph to Article No. (218), which states that, **“However, the court may, in the cases it deems necessary to hear the case in the absence of the accused, use audio-visual technology and remote telecommunications in the proceedings for hearing the case with the accused, and hearing, watching, recording, and presenting the proceedings of the session to him/her in the presence of his/her lawyer in the cases required by law, and in the presence of a member of the Public Prosecution.”** The NIHR concluded that it agrees in principle with the text of the third paragraph of Article (218) as stated in the proposed law, which provides for the use of means of audio-visual technology and remote telecommunication in initiating the proceedings with the accused, as it is a measure leading to the desired justice promptly and without delay. It also underscores the importance of explicitly providing for legal provisions in the same text that enhance securing the enjoyment of fair trial guarantees of the accused in the situations where it is necessary to resort to these modern means.
13. Regarding the addition of a fourth paragraph to Article (227) of the same Law, stipulating that, **“It may, in all cases, decide who it deems necessary to hear his/her testimony; if it decides that it is not necessary to hear the testimony of any witness, it must state the**

**reason for that decision in its judgment”**, the NIHR agrees to add this paragraph, which is compatible with the provisions of international and regional human rights instruments.

14. Regarding the addition of a second paragraph to Article (321) of the same Law, stipulating that, **“To which end, it is entitled to notify the public authorities in the state, except for the health authorities, to suspend dealing with the convict,”** the NIHR is of the opinion that the text of Article (321) remains as is in the original version of the Law, since it provides for sufficient provisions to achieve the same desired objectives of the paragraph added to the above Article, and it does not create a problem or a possibility of infringing or affecting the rights and freedoms of those who have a relationship or related to the convicted person, as human rights are interdependent and indivisible.
15. As to Article No. (21-bis) of the proposed law, which states that, **“It may, in cases not explicitly provided for in the Law, be reconciled with an accused in violations, as well as in misdemeanors that are punishable by a fine or by permissive imprisonment that does not exceed six months. The accused requesting reconciliation shall pay a sum of money equivalent to one-third of the maximum fine prescribed for the crime, or the minimum fine prescribed for the same crime, whichever is greater, if this takes place before the Public Prosecution prior to being served the summons to appear before the court. If the request of the accused is in court even before adjudicating the case with a final ruling, he shall pay an amount equal to two-thirds of the maximum fine prescribed for the crime or the minimum prescribed amount, whichever is greater.”**
16. Article (21-bis) (a) of the proposed law stipulates that, **“the victim or his representative, and his heirs or their representatives collectively in the misdemeanors stipulated in Articles (290), (305), (314), (319), (339 first and second paragraphs), (342 first and second paragraphs), (343 first and second paragraphs), (351), (361 first paragraph), (362 first paragraph), (363 first paragraph), (370), ( 372), (381), (385), (386), (390), (391), (395), (397), (409 first paragraph), (410), (411), (413), (415) of the Penal Code, may request the Public Prosecution or the court, as the case may be, to prove his reconciliation with the accused for the actions he committed against him.”**
17. Article (21-bis) (b) of the proposed law stipulates that, **“The reconciliation stipulated in the previous article shall be concluded by virtue of a written acknowledgment of responsibility conciliation report signed by its parties before the competent security authority, the Public Prosecution, or the competent court, or the sentence enforcement judge, as the case may be. In the first case, the report is approved by the Public Prosecution. The reconciliation or conciliation stipulated in the two previous articles result in abatement of criminal proceedings in the crime subject of the reconciliation or conciliation and other closely associated and indivisible crimes with all its statutory specifications and**

legal adaptations if its prescribed penalty is milder than the penalty for the crime subject of the reconciliation or conciliation; reversal of the reconciliation or conciliation has no effect on the abatement of criminal proceedings. Reconciliation or conciliation does not have an effect on civil rights. If there are multiple victims, reconciliation does not have an effect unless it is issued by all of them; and if there are multiple defendants, it must include all of them. It is permissible to reconcile or conciliate after the final judgment is issued pursuant to the conditions established when conciliation is entered into at the trial stage, in addition to payment of the fees and expenses of the lawsuit to the accused, and acknowledge it before a sentence enforcement judge. In this case, an order shall be issued to stay the execution of the imposed penalty, and the provisions stipulated in the Law regarding the suspension of the execution of the penalty shall apply to it.”

18. The NIHR agrees with the provisions of Articles (21- bis), (21- bis) (a), and (21-bis) (b) as stated in the proposed law, as they are consistent with the approach based on limiting the penalties involving deprivation of liberty and moving towards alternatives others than criminal proceedings, as stated in international and regional human rights instruments.
19. Article (226-bis) of the proposed law stipulates that, **“In the event of a full confession of the offense in the misdemeanor articles, the accused may express his desire before the Public Prosecution or the court, as the case may be, to conduct an expeditious trial. The Public Prosecution may set a date for a hearing to consider this case within three days. If the court accepts to consider the case according to expeditious proceedings, the penalty prescribed for the crime is reduced to no more than half of its maximum limit, and if the penalty has a special minimum limit, both limits of the penalty is reduced by half, and the sentence is issued in the same hearing. The court may decide to hear the case in accordance with normal proceedings if the accused, or one of the accused in the case of multiple accused, changes his will or his full confession, or fails to be present at the hearing, himself or his representative, without an acceptable excuse before closure of the pleading; or if the court deems, on its own, that the case is disqualified from adjudication in the expeditious proceedings”**. The NIHR concluded that it agrees in principle with the provision of Article (226- bis), as stated in the proposed law, and it advises to add a legal guarantee that the Public Prosecution must collect evidence and other proofs and shall not refer the criminal case to the court until after the accused confesses willingly and without coercion.
20. Article (280-bis) stipulates that, **“A member of the Public Prosecution, at the rank of prosecutor at least, has the right to issue a criminal order in misdemeanors punishable by imprisonment for a period not exceeding one year or a fine of a minimum of one thousand dinars, and issue the order with a fine that does not exceed one thousand**

dinars, in addition to supplementary and joint penalties, guarantees, amounts to be refunded, and expenses; issuing the order is mandatory in violations. Within ten days from the date of issuing the criminal order, the attorney general or the competent chief prosecutor (prosecuting attorney) may order to amend or rescind it and proceed in the case in the normal methods. The order may not be served to the litigants before the expiry of this period. **The provisions prescribed for the order issued by the lower court judge shall apply with the exception of Article (274) of this Law**". The NIHR concluded that the provision of Article (280-bis) as contained in the proposed law should be reconsidered, as it directly affects the guarantees of a fair trial, since it is not allowed to combine the powers of investigation and accusation and the competence to adjudicate over the proceedings and terminate it by means of the criminal order, since judicial decisions should only be issued by the competent court.

21. Article (411-bis) of the proposed law stipulates that, **"Electronic means may be used to initiate and prove all procedures stipulated in this Law, whether at the evidence gathering stage, investigation, or trial, including the issuance of orders, decisions, judgments, signatures, notices, seizures, documents and papers presented therein, to interact between its parties remotely, and to record, broadcast and send audio-visual coverage of the proceedings and facts electronically over-the-air. In all these cases, the rules pertaining to dates, considering extension of detention, notice, attendance, and publicity provided for in this Law are realized by using such means. The venue, in which the proceedings shall take place using remote electronic means, is part of the location of its initiation, and the provisions established thereto in the Law shall be applicable. These means may be used to prepare copies of criminal cases in the form of electronic records that take the place of the hard copies and shall have the same authenticity and legally prescribed provisions"**. The NIHR concluded that it agrees in principle with the provision of Article (411-bis) as stated in the proposed law, and stresses that it is important that the rules pertaining to dates, considering extension of detention, notice, attendance, and publicity stipulated in the Code of Criminal Procedure when using electronic means do not infringe the right of the accused or convicted person to obtain information needed to prepare his defense in a timely manner to achieve the guarantees of a fair trial at all stages.

## **Second: Proposal (urgent) on granting permanent residence to the children of Bahraini women born to foreign fathers**

22. The NIHR expressed its advisory opinion regarding the (urgent) proposal on granting permanent residence permits to the children of Bahraini women from foreign fathers, and concluded that it agrees in principle with the goals and objectives of the (urgent) proposal on granting permanent residence permits to the children of Bahraini women from foreign fathers. However, it considered it more appropriate to extend the residency of the children of Bahraini women married to a

foreigner until they reach the age of (25) years, unless they enter into employment, instead of granting them permanent residencies, with the exception of some categories such as unmarried adult girls, those with disabilities who are unable to support themselves even after they reach the age of (25) years due to their disablement that often requires the continuous and direct care of the Bahraini mother.

### **Third: Proposal on developing a national strategy for human rights in the Kingdom of Bahrain**

23. The NIHR expressed its advisory opinion, which includes its perception of the proposal on developing a national strategy for human rights in the Kingdom of Bahrain, concluding that any national strategy or national plan for human rights must have a number of characteristics, namely: a specific committee to monitor and evaluate it, be based on universal human rights criteria, be comprehensive in scope, have specific objectives and principles, be a viable national project available to the public, pay attention to the international dimension, and have mechanisms to monitor and evaluate it.
24. The advisory opinion also identified five strategic goals, on which any national human rights strategy or plan could be based, namely: improve and advance human rights conditions, disseminate and strengthen a culture of human rights, implement the voluntary pledges and commitments of the Kingdom of Bahrain, strengthen effective cooperation frameworks and provide support and assistance to national and international mechanisms and human rights institutions, and achieve the desired targets of the 2030 Sustainable Development Goals.

### **Fourth: Proposal on granting the foreign husband a residence permit under the sponsorship of his Bahraini wife**

25. The NIHR expressed its advisory opinion regarding the proposal to grant the foreign husband a residence permit under the sponsorship of the Bahraini wife, as it concluded that it agrees with the essence of the proposal regarding granting the foreign husband a residence permit under the sponsorship of the Bahraini wife - unless there is a legal impediment (such as a security restriction) - as it embodies the concept of gender equality and non-discrimination regarding the sponsorship of a Bahraini wife to her foreign husband.

### **Fifth: Proposed law amending some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, accompanying Decree No. (83) of 2019**

26. The NIHR expressed its advisory opinion regarding the proposed law to amend some provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, accompanying Decree No. (83) of 2019, which consists of two articles, in addition to the preamble. The first article therein replaces Articles (370) and (372) of the Penal Code promulgated by Decree-Law No. (15) of

1976, with the aim of providing greater protection for the private lives of individuals. The second article is an executive article.

27. Article (370) as stated in the proposed law stipulates that, **“A prison sentence and a fine of not less than five hundred dinars and not more than one thousand dinars, or either of these two penalties, shall be inflicted upon any person who violates the sanctity of private or family life of individuals by committing one of the following acts in circumstances other than those prescribed by law or without the victim’s consent: 1. Eavesdropping or peeking by any means at a private place; 2. Taking or transmitting a picture or video of a person directly or in an improper situation or in a private place; 3. Preparing or transmitting a conversation, picture or video of a person in an inappropriate situation, even if such is fake; 4. Recording or transmitting a private conversation that took place in a public or private place 5. Reporting news or comments related to the private or family life of individuals if such act is intended to offend them even if it is true; 6. Taking or transmitting pictures or videos of those injured in accidents or the corpse of a deceased. If such acts are committed with the knowledge of the persons concerned without objecting at the time, then their consent shall be presumed. A penalty of imprisonment and a fine of not less than one thousand dinars shall be imposed if the acts referred to in the first paragraph of this Article are accompanied by any of the following: 1. Dissemination through any means of communication or by any other means. 2. Matters affecting honor. If the two preceding circumstances are present in the crime, the penalty shall be imprisonment for a period not exceeding five years and a fine of no less than three thousand dinars. It is not permissible to prosecute or initiate preliminary investigation procedures for the crimes stipulated in this article except upon a complaint from the victim or one of his heirs. The judge, if a guilty verdict is passed, must order the confiscation of the means used in committing the crime, without prejudice to the rights of bona fide third parties.”**
28. Article (372), as stated in the proposed law, stipulates that, **“A penalty of imprisonment and a fine of no less than five hundred dinars and not more than two thousand dinars shall be inflicted upon any person who opens a letter or telegram without the consent of the addressee. The offender shall be punished with imprisonment or a fine of no less than one thousand dinars and not exceeding two thousand dinars, or one of these two penalties, if he discloses the content of the letter or telegram to a person other than that to whom it is addressed and without his/her permission, whenever such action would cause harm to others”**.
29. The NIHR concluded in its advisory opinion that it agrees with the goals and objectives of the proposed by law to amend the provisions of the Penal Code issued by Decree-Law No. (15) of 1976, as it covers cases not mentioned in the Law in force, and provides for harsher penalties imposed upon the perpetrator. Such cases are worthy of legal protection regarding respect and protection of private and family life of individuals.

## Section Three

### Advisory opinions submitted by the National Institution for Human Rights to the Government

Committed to performing its mandated role related to recommending the issuance of new legislation or amendment of existing ones connected with human rights; and following the human rights complaints received and legal assistance provided by it, and the monitoring cases it conducted, the NIHR took the initiative to study some relevant legislation, regulations and decisions during the reporting period of the report, and submitted two advisory opinions to the competent ministries and agencies, as follows:

#### **First: Advisory opinion on the rights of the elderly to an adequate standard of living**

1. The NIHR took the initiative to submit its advisory opinion on the rights of the elderly to enjoy an adequate standard of living to the Ministry of Housing, in which it confirmed that the recognition by the State of the rights enjoyed by individuals resulting from the ratification or accession to international human rights instruments and provided for in the Constitution and national legislation , requires taking the necessary measures to ensure the effective enjoyment of these rights by individuals without any discrimination on any grounds - among which is depriving a specific age group from enjoying its rights - as it is the responsibility of the State to take a positive action and every necessary step to enable each person to enjoy those rights, in particular facilitating formal procedures and requirements for access to relevant services.
2. Accordingly, the advisory opinion submitted by the NIHR concluded that Decision No. (909) of 2015 of the Minister of Housing sidestepped the provisions of the Constitution and national legislation regulating the right to housing, and drew away from the established rule stating that, "rights are granted unless they are restricted by a provision". The Decision is also in conflict with the provision of Article (31) of the Constitution, as it regulates the right to enjoy housing services in a way that excludes the elderly from accessing services in a set of articles, which regulate that right.
3. The NIHR concluded that the competent authorities should reconsider the provisions of Articles (5), (27), (29), and (54), contained in the Minister of Housing Decision No. (909) of 2015 on the housing system, and that the Decision should include further guarantees to ensure that older persons enjoy housing services and, provide them with adequate housing on the one hand, and ensure that the State fulfills its right on the other hand.

**Second: Proposal to amend the scope and the period of prohibition to work contained in the Ministry of Labor and Social Development Decision No. (3) of 2013 regarding outdoor midday work ban**

4. Driven by the NIHR's competence to examine human rights legislation and regulations in force in the Kingdom and to recommend the amendments it deems appropriate, or recommend the issuance of new legislation related to human rights, the NIHR has taken the initiative to provide its advisory opinion on Decision No. (3) of 2013 of the Ministry of Labor and Social Development regarding the ban of outdoor work at noon time, where Article (1) thereof stipulates that, **"it is prohibited to employ workers, whose nature of work requires being under the sun and in open places, during the period between twelve noon and four in the afternoon during the months of July and August of each year"**.
5. The NIHR believes that, considering the high temperatures in the Kingdom of Bahrain during the months (June-September) of each year, workers may be exposed to the risks of heat stroke (sunstroke) and falls resulting from heat stress.
6. The NIHR concluded that the competent authorities should reconsider the text of the Decision under study and extend the midday work ban period, under direct sunlight and in open places, to be two and a half months in each Gregorian year, starting from mid-June to the end of August, or three months of each Gregorian year, starting from mid-June until mid-September, or starting from the beginning of June until the end of August.
7. Whereas, the ban period is four daytime hours: from twelve noon to four in the afternoon (as is the case now), or for five daytime hours, starting at eleven in the morning and ending at four in the afternoon.
8. It is also advisable to adopt the work/rest cycle or reschedule work to cooler times in the evening shift, as the case may be and according to the exigencies of work, if it is necessary to work under direct sunlight; and to relocate work indoors in shaded places with no direct sunlight<sup>(12)</sup>.

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(12) This proposal is briefly addressed in Section Three on Noticeable achievement of the National Institution for Human Rights in the field of human rights protection during ten years, contained in Chapter I: the Tenth Anniversary of the Establishment of the National Institution for Human Rights. It is also addressed when tackling the protection of expatriate workers, in Chapter IV of this report; thus, some information and data might be repeated, which is an intended repetition in the context of the relevant chapter; therefore it is necessary to note.





## Chapter III

### Efforts and Activities of the National Institution for Human Rights in the Promotion and Protection of Human Rights<sup>(13)</sup>

#### Preface:

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

The role of these institutions in terms of “promotion” is evident by the dissemination of a culture of human rights through the various available means, including the holding of conferences, training courses, workshops, and lectures for the general public, or particular target groups, in addition to training in the field of human rights and the publication and printing of awareness raising publications of relevance to the activities of national institutions. The lack of knowledge of human rights principles across all sectors of society is cause for their violation, where the promotion of human rights concepts and instilling awareness of such contributes to safeguarding the entirety of those rights.

As to the “protection” part of human rights, which is the other essential pillar of the role of national institutions in promoting these rights, it entails undertaking the process of receiving complaints and providing legal assistance, monitoring any matter that may prejudice the prescribed right to enjoy public rights and freedoms, where the monitoring constitutes a necessary means to ascertain the extent to which the state respects and honors its legal or international obligations related to human rights. Such protection also requires that the national institutions carry out field visits to places where human rights violations are likely to occur.

Accordingly, this Chapter will address the role performed by the NIHR in the field of promoting and protecting human rights in two basic sections: the first section is allocated to showcase NIHR’s activities in the field of promoting human rights, while the second section is dedicated to present its efforts in the field of protecting those rights.

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(13) This chapter provides a detailed presentation of the achievements of the NIHR in the field of promoting and protecting human rights during 2019. Chapter I of this report includes a brief presentation of the NIHR’s achievements during the ten years (2009-2019), thus, some data and information may be repeated, which is an intended repetition according to the context of the chapter. Therefore, it is necessary to note.

## Section One

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

1. The provisions of Law No.(26) of 2014 on the Establishment of the National Institution for Human Rights, emphasize its role in the field of promoting human rights. Article (12) thereof, prescribed a set of competences for the NIHR for the purpose of achieving its goals in this field, through its participation in developing and implementing a national plan for promoting human rights at the Kingdom's level, reviewing human rights legislation and regulations in effect and recommending the amendments it deems appropriate, in particular with regard to the consistency of such legislation with the Kingdom's international human rights obligations, and recommending new legislation related to human rights.
2. In addition, those provisions mandate the NIHR to hold conferences and to organize educational and training seminars and courses in the field of human rights, to conduct research and studies in this regard, to participate in local forums and in the meetings of regional and international organizations, and to issue bulletins, flyers, printed materials, data, and special reports and to post them on its website.
3. In implementation of those competencies stipulated in the provisions of the Law, the NIHR played an active role in the area of promoting human rights by issuing a number of educational flyers and publications on human rights, holding a number of seminars and lectures, and concluding a number of memoranda of understanding with various civil society organizations and regional bodies. It has actively contributed to reviewing legislation in cooperation with the Council of Representatives and the Shura Council, issued a number of statements concurrent with international events and days, and participated in numerous relevant seminars, workshops, training courses and conferences at the regional and international levels.

#### **First: Strategy and work plan of the National Institution for Human Rights for the years (2019-2021)**

4. The NIHR launched its strategy and action plan for the years (2019-2021) based on promoting and protecting human rights in accordance with modern human rights principles and frameworks and best practices in this field. The NIHR's strategy and work plan for the years (2019-2021) principally aims at incorporating the concepts of human rights in national lifestyle. Four main themes were chosen for the next three years, namely: Environmental impact on human rights, human rights and sustainable economic development, the right to equal treatment, and spreading awareness of human rights principles in civil society institutions and the business sector.

## **Second: Parallel Reports to Treaty Bodies (Committees)**

5. The provisions of the Law granted the NIHR the competence to examine the compatibility of legislative and regulatory provisions with regional and international treaties concerned with human rights issues, including to make recommendations on accession to relevant regional and international conventions, submit parallel reports, contribute to the drafting and discussion of the periodic reports that the Kingdom undertakes to submit and convey its observations thereon, in implementation of regional and international conventions on human rights, and disseminate such reports in the media, and cooperate with national bodies, regional and international organizations, and relevant institutions in other countries.
6. In this regard, the NIHR prepared and submitted the Parallel Report on the Fourth Periodic Report of the Kingdom of Bahrain submitted to the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW). The report included the role of the NIHR in the field of promoting and protecting women's rights, progress made in implementing the provisions of the Convention on issues related to violence against women, trafficking and exploitation, participation in political life, working women, expatriate and domestic workers, the right to health, and marriage and family relations and the economic consequences of divorce. In conclusion, the report presented the efforts of the NIHR, from its annual reports, and its constructive cooperation with the Supreme Council for Women in promoting and protecting women's rights.

## **Third: Human rights research fellowship program**

7. Seeking to contribute to the research and intellectual movement in the Kingdom of Bahrain, and to activate Article (12) of its Establishment Law regarding conducting research and studies, the NIHR has launched the "Human Rights Research Fellowship Program" for individuals interested in conducting independent research on topics related to civil, political, economic, social, and cultural human rights. This program aims to develop skills in critical thinking and analysis in the field of human rights, to support and develop innovation and creativity skills to find the best ways to promote and protect human rights, as well as to strengthen partnership with international organizations and universities working in the field of human rights through the exchange of experiences.
8. The Research Fellowship Program, which ranges from two to twelve weeks, targets academics, university students, human rights defenders, and all those interested in conducting research in the field of human rights.
9. A number of students and individuals interested in conducting research on human rights in the Kingdom of Bahrain participated in the Research Fellowship Program in its first session of 2019. Research topics submitted by the participants varied; the most prominent research proposals were

about the following topics: the responsibility of business owners towards the rights of workers and employees, medical malpractice and errors, economic changes and their impact on human rights, information revolution and the right to privacy, and climate change and its impact on the enjoyment of human rights.

#### **Fourth: Cooperation with international and regional human rights organizations**

10. Regarding partnership with relevant local, regional, and international bodies, the NIHR has held consultations and meetings with a number of ambassadors and diplomatic corps accredited in the Kingdom of Bahrain, as well as with international organizations, bodies, mechanisms concerned with human rights issues, a group of regional and international consultancy firms working in the field of human rights, in addition to foreign communities' clubs. These meetings discussed a number of topics, the most prominent of which is the Kingdom of Bahrain's special interest in the human rights since the launching of the reform project of His Majesty the King, which is represented by the establishment of many human rights institutions and associations; the most prominent is the NIHR.
11. At these meetings, the establishment of the NIHR, its legal framework, and its role in the promotion and protection of human rights were also discussed, in addition to the role and activities of these human rights institutions and associations in various issues related to human rights, ways of support and joint cooperation between them, and the NIHR's readiness to provide expertise in the areas of training and education on human rights issues, building capacities of the affiliates of these institutions on the various international human rights instruments, the Kingdom's obligations arising from them, and the relevant international Human Rights mechanisms.
12. The NIHR also participated in the consultative meetings held by the Ministry of Foreign Affairs in the presence of the relevant civil society organizations working in the field of human rights, to discuss and evaluate the recommendations of the Working Group on the Universal Periodic Review Mechanism of the United Nations Human Rights Council, and to show the achieved recommendations, as the NIHR referred its views on all the recommendations to the Ministry of Foreign Affairs.

#### **Fifth: Attendance and local and external representation in regional and international forums**

13. The NIHR has been keen to attend, and be represented in, local, regional and international forums pertaining to its work and mandate through its participation in many seminars, workshops, training courses and conferences, where the NIHR participated in the proceedings of the fifteenth session of the Arab Human Rights Committee (the Charter Committee) at the headquarters of the League of Arab States in Cairo, which was devoted to discussing the Initial Periodic Report submitted by the Kingdom of Bahrain, in accordance with the provisions of Article (48) of the

Arab Charter on Human Rights, ratified by Law No. (7) of 2006. The proceedings of the Session demonstrated an interactive dialogue over two days, during which the Committee presented its questions and inquiries regarding the Kingdom of Bahrain's compliance with the provisions stipulated in the Arab Charter on Human Rights and its implementation of the rights and freedoms contained therein. The delegation of the Kingdom provided detailed and comprehensive answers to the queries and questions raised by the Committee, which are represented in the abundant achievements of the Kingdom.

14. In the same context, the NIHR participated in the annual meeting of the Global Alliance of National Human Rights Institutions (GANHRI) on the sideline of the fortieth session of the Human Rights Council in Geneva. The NIHR, in its capacity as a member, participated in the annual meeting of the Asia Pacific Forum (APF) of the national institutions that are members of this regional network, where the financial and administrative report was explained and a presentation was made about the operational plan and strategy for the next two years, and issues related to human rights in Asia and Pacific region were also discussed. At the end of the meeting, the Working Group on Persons with Disabilities was elected, with the New Zealand National Institution and the Philippines National Institution winning to represent the APF at the Global Alliance of National Human Rights Institutions (GANHRI).
15. Moreover, a delegation of the NIHR participated, over three days at the Rabat Institute in the Kingdom of Morocco, in a workshop organized by the National Council for Human Rights in Morocco and the Arab Network of National Human Rights Institutions, on GANHRI's accreditation of the Arab national human rights institutions. A number of Arab national human rights institutions participated in the workshop, which aims to enable national institutions to follow an effective methodology in the accreditation process, and to provide them with the information necessary to submit the completed compliance statement file to the Sub-Committee on Accreditation (SCA). The program of the workshop was divided into five stages, during which the accreditation process, mechanism for preparing the file, simulation of telephone interviews, and how to implement the recommendations of the SCA by a comprehensive application of the various elements of the accreditation process.
16. The NIHR has also participated in the proceedings of the International Conference on the role of national human rights institutions in following up on the implementation of Sustainable Development Goals, which was organized by the Arab Network for National Human Rights Institutions in coordination with the Egyptian National Council for Human Rights in Sharm El Sheikh in the Arab Republic of Egypt. At the conclusion of the conference, a number of recommendations on the work mechanism of national institutions and their cooperation with governments, civil society institutions, international bodies, and organizations were made, in addition to highlighting the challenges facing the relevant organizations and United Nations bodies and stakeholders.

17. Regarding the expansion of the frameworks of joint cooperation with the national mechanisms for the promotion and protection of human rights in the Kingdom of Bahrain, the NIHR has participated in the “Protecting Human Rights in the Criminal Justice System” conference, which was organized by the Special Investigation Unit in the Public Prosecution in cooperation with the United Nations Development Program (UNDP). During the Conference, the NIHR presented a paper on the role of the National Human Rights Institution in the field of criminal justice in view of its broad mandate and competencies provided for in its Establishment Law, as well as its scope of work in the field of promoting the rights of the parties to criminal litigation.
18. In order to accomplish the first goal on “Environmental Impact on Human Rights” contained in the NIHR’s Strategy and Work Plan for the years 2019-2021, the NIHR has participated in the 2019 Middle East and North Africa High-level Forum on Green Economy, which was organized by the Supreme Council for Environment in cooperation with the World Green Economy Organization (WEGO) and the United Nations. This conference is concurrent with the supportive guidance in the Kingdom of Bahrain to implement the concept of sustainable development, which includes green economy among its main themes.
19. On the other hand, the NIHR has participated in a round table on the contribution in implementing the Penal Code and the alternative measures drawn up by the Supreme Judicial Council, the Public Prosecution, the Ministry of Interior, and the Ministry of Justice, Islamic Affairs and Endowments in the Kingdom of Bahrain. The discussions focused on the proposals on rehabilitation and training programs, and community service work within the framework of the application of alternative punishments, in order to expand and diversify the areas of their application because of their significant role in addressing the driving factors of crime, and creating opportunities for convicts to achieve social rehabilitation. In the same context, the NIHR has participated in a workshop on the role of the private sector in contributing to the application of the Alternative Sanctions Law, which highlights Law No. (18) of 2017 with respect to Alternative Sanctions and Measures, to extend the application of the law by increasing its enforcement mechanisms, and to reach the social and humanitarian goals sought by the legislator and intended by the Law.
20. In addition, the NIHR has participated in a workshop on International Humanitarian Law, which was organized by the Judicial and Legal Studies Institute in cooperation with the International Committee of the Red Cross. The workshop aims to introduce international humanitarian law focusing on the groups and places protected under the Law.
21. The NIHR has also participated in the proceedings of the Third Regional Conference on the Protection and Promotion of Human Rights under the title “The Impact of Occupation and Armed Conflicts on Human Rights, in specific Women and Children Rights”, organized by the General Secretariat of the League of Arab States in cooperation with the United Nations’ Office of the High Commissioner for Human Rights, held at the Headquarters of the Secretariat General

of the League in Cairo, the Arab Republic of Egypt. The Conference, which spanned over two consecutive days, aims to develop mechanisms to ensure the protection of human rights in times of conflict, especially by strengthening the contents of the relevant national legislation and regional and international charters. The Conference discussed the issues of international and regional frameworks for the protection of women, and the impact of occupation on the lives of women and children, the impact of armed conflicts on vulnerable groups, and means to enhance victims' access to justice. The participants were divided into four working groups to draft recommendations on means to implement the minimum international standards for the protection of human rights in Palestine in accordance with the Geneva Conventions, ways to mitigate the impact of conflicts on vulnerable groups, ways to strengthen legal protection of vulnerable groups at the national level, as well as recommendations for post-conflict phase.

22. On the other hand, the NIHR has participated in the twenty-fourth meeting of the Asia Pacific Forum of National Human Rights Institutions (APF) in Seoul, Republic of South Korea, in the presence of 25 national human rights institutions affiliated with the APF. The meeting reviewed the most important means of cooperation between the national institutions, which are members of the Asia Pacific Forum, the international community, and the United Nations agencies and mechanisms, discussed the annual and financial report of the APF, and carried out discussions with the various regional and international civil society institutions.
23. On the third day, the APF organized a conference on combating discrimination and hatred, in which, the institutions, members of the APF, the representatives of accredited embassies in South Korea, and the representatives of international organizations and civil society institutions participated. During the Conference, the roles of the national human rights and civil society institutions in combating hatred speech and all forms of discrimination were addressed and discussed.
24. The NIHR has also participated in the proceedings of the International Conference on "Legislature and Mechanisms to Combat Torture in Arab States", organized in partnership between the National Council for Human Rights, the Arab and Egyptian Human Rights Organizations, and the Kemet Boutros-Ghali Peace and Knowledge Foundation in the Arab Republic of Egypt. The Conference addressed the most important challenges for combating torture and maltreatment in the Arab region. During the Conference, the legislative gaps in criminalizing all forms of torture and the mechanism of accountability and ensuring that perpetrators do not go unpunished were analyzed. In addition, the attendees considered establishing independent national mechanisms for the prevention of torture in accordance with the Optional Protocol attached to the UN Convention against Torture, whether for the States that have acceded to the Protocol or those that have not yet done so, and discussed means of redressing victims.

25. During the Conference, the NIHR presented a paper on its role in the field of promoting and protecting the right to physical and moral integrity, in which the efforts of the NIHR in the field of promoting and protecting the right to physical and moral integrity, and future hopes and aspirations towards combating torture and other forms of ill-treatment in the region were highlighted.
26. The NIHR has also participated in the conference titled “We Work Together for Legislative Aspirations” organized by the Shura Council in the Kingdom of Bahrain. The Conference aims to strengthen partnership between members of the legislative authority and the groups of the community, and introduce to the participants the nature of legislative work and how to draft proposals of laws, the foundations and pillars of legislative action between needs and the implementation capacity (between demands and challenges). During the conference, a number of themes were discussed, the most important of which are: legislation related to health, education, government services and the State’s general budget.
27. In this connection, the NIHR has participated in the human rights symposium on “Human Rights in the Kingdom of Bahrain since the Launch of the Reform Project of His Majesty the King” organized by the Shura Council. The Symposium addressed main themes that included: the international standards for the consolidation of human rights, the role of the legislative authority in enacting laws supporting human rights, as well as the human rights and democracy and the national mechanisms to promote human rights.
28. The NIHR also participated in a symposium on Tolerance and Coexistence, coinciding with the International Day for Tolerance, organized by the Council of Representatives. During the Symposium, the NIHR presented a paper on “Tolerance and Human Rights in the Kingdom of Bahrain.” Representatives from the United Nations and the International Peace Institute, and representatives of the Human Rights Committee of the Shura Council, the Ministry of Foreign Affairs, and a number of human rights and media organizations attended and participated in the Symposium.
29. In a related context, the NIHR has participated, over two consecutive days, in the proceedings of the First International Scientific Conference “Towards Strategic Planning for Sustainable Development in the Framework of Legislation and the Judiciary”, organized by the College of Law at the University of Bahrain and the Bahrain Institute for Political Development. The Conference aimed to highlight the role of the legislative system in sustainable development plans adopted by the 2030 Vision of the Kingdom of Bahrain, and sought to achieve societal partnership between the University of Bahrain, the industry, the business sectors, government sector, and official institutions to enhance the role of the University and the faculties of law at the national, regional, and international levels in achieving the 2030 Sustainable Development Goals.

30. The NIHR has participated in the sixteenth Meeting of the General Assembly of the Arab Network for National Human Rights Institutions, which concluded in Cairo, Egypt, with the participation of counterpart institutions from a number of Arab states and international institutions and personalities in the field of human rights. During the Meeting, a number of Member national institutions presented working papers, which addressed the developments and challenges facing them, to consider when updating the Network's strategy for the coming years. The Executive Director of the Arab Network for National Human Rights Institutions presented a report on the Network's achievements, outcomes, in addition to proposals on developing training and rehabilitation, and updating the Network's strategic plan for the coming years.
31. The NIHR has also attended the Fourth Meeting of the Human Rights Working Group in coordination with the European External Action Service (EEAS) in Brussels, Belgium, to review the NIHR's role in promoting and protecting human rights in the Kingdom of Bahrain and the most important and leading Bahraini achievements in the field of human rights protection, and in promoting freedoms political, civil, economic, social, and cultural freedoms, in accordance with its accession to international human rights conventions and agreements.
32. In addition, the NIHR has also participated in presenting the keynote speech for the Second Annual Conference of the Bahrain Alliance for Persons with Disabilities, which focused on the protection and safeguarding of the rights of persons with disability in the Kingdom of Bahrain. It addressed the Convention on the Rights of Persons with Disabilities ratified by the Kingdom of Bahrain under Law No. (22) of 2011, the most important relevant national charters and legislation, which aim to promote and protect the full equitable enjoyment of all human rights by persons with disabilities, and the role of the NIHR in promoting and protecting the rights of persons with disabilities.

#### **Sixth: Commemorating the tenth anniversary of the establishment of the National Institution for Human Rights**

33. Coinciding with the tenth anniversary of its establishment, and on the occasion of Human Rights Day, the day the United Nations General Assembly adopted the Universal Declaration of Human Rights, which aims to spread messages of peace, peaceful coexistence, and mutual respect among peoples, the NIHR held a reception in the presence of His Excellency the Minister of Justice, Islamic Affairs, and Endowments, and a number of Members of the Council of Representatives and the Shura Council, senior officials, Arab and foreign ambassadors accredited to the Kingdom of Bahrain, with the participation of members of the NIHR's Council of Commissioners and employees of its General Secretariat. During the Ceremony, a speech was given on this occasion, and a special video was shown documenting the most prominent efforts of the NIHR and its important achievements at the local, regional, and international levels during the last decade, upon which the NIHR has gained the public's confidence owing to resolving their complaints, as well as

its effective efforts to communicate and disseminate a culture of human rights. In addition, the video highlighted the advisory opinions provided by the NIHR to the constitutional authorities on various human rights issues, whether to review harmonizing national legislation with international instruments, or to propose amendments, or draft new legislation, in addition to submitting annual and parallel reports to the Treaty Bodies of the Human Rights Council, the Universal Periodic Review Mechanism, and the Arab Human Rights Committee.

### **Seventh: Publications related to human rights**

34. To promote and develop a culture of human rights in the Kingdom of Bahrain for the various official and civil society groups, the NIHR has showcased a selected number of the NIHR's publications in the workshop "Pity stares at persons with disability and how to deal with them in providing first aid", organized by the Bahrain Mobility International. In addition, the NIHR has also participated in distributing its publications on "Careers Day" of the Royal University for Women, as well as distributing its children's publications to the participants in the summer activity of the "Voluntary Giving Team". The NIHR's publications were also distributed to the visitors of its pavilion in the Al-Ayyam Cultural Festival for Books in its 26th session.
35. In light of the General Secretariat's commitment to implement a green policy based on rationalizing energy consumption and recycling by reducing paper consumption, the NIHR has printed a limited number of publications and settled for uploading and displaying the rest of the publications in the electronic library on the official website of the NIHR.
36. The NIHR has printed educational flyers introducing its work in Arabic, English, Hindi, and the Kerala language, Hindi (Malayalam), Filipino (Tugaloo) and Thai, with the aim of introducing its role in promoting and protecting human rights to the various segments of the society. It has also printed a brochure on the Universal Declaration of Human Rights For Children (in English), a coloring book on the Rights of the Child in English, as well as a flyer about the NIHR (3rd edition).
37. In the same context, the NIHR has launched the fifth book of "Human Rights Culture Series" titled "Fair Trial Guarantees According to International Human Rights Standards", authored by Lawyer Saddam Ibrahim Abu Azzam and legal representative Nancy Wasfi Atoum. This book sheds light on the consolidation of international human rights standards, the origin and emergence of judicial independence, and fair trial guarantees before and during the trial stage.
38. As part of the NIHR's participation in observing the 2018 parliamentary and municipal elections, it prepared and printed the NIHR Report on Observing the Parliamentary and Municipal Elections of 2018. The report included a prelude on the legal basis and organizational procedures undertaken by the NIHR to observe the electoral process. The report was divided into three main sections: the First Section was titled "Observing the parliamentary and municipal elections prior to

polling day,” which included: calling for election and nomination stage; registration in voters’ lists and objections stage; receiving candidacy applications, objections thereon, and judicial appeals lodged stage; and electoral propaganda and election silence stage. The Second Section was titled “Observing the parliamentary and municipal elections on polling day”, which included: the pre-polling stage, polling stage, sorting and announcing the results. The Third Section titled “Observing the parliamentary and municipal elections following polling day”, which included: the stage of receiving and adjudicating electoral appeals; and the final part of the report, which included the concluding recommendations of NIHR<sup>(14)</sup>.

### **Eighth: Interacting with international, regional, and national human rights events and days**

The NIHR was not detached from interacting with international and regional occasions and days related to the promotion of human rights, as it issued during 2019 seventeen statements on a number of international, regional and national days, aiming at introducing those days and occasions and indicating their importance, as follows:

<b>Information</b>	<b>Occasion/Event</b>	<b>Date</b>
<b>International</b>	International Women’s Day	8 March 2019
	International Day for the Elimination of Racial Discrimination	21 March 2019
	World Health Day	7 April 2019
	International Workers’ Day	1 May 2019
	World Press Freedom Day	3 May 2019
	World Environment Day	5 June 2019
	World Day against Trafficking in Persons	30 July 2019
	International Day of Democracy	15 September 2019
	International Day for Older Persons	1 October 2019
	International Day of the Girl Child	11 October 2019
	United Nations Day	24 October 2019
	World Children’s’ Day	20 November 2019
	International Day for the Elimination of Violence Against Women	25 November 2019
	International Day of Disabled Persons	3 December 2019
	Human Rights Day	10 December 2019
	<b>Regional</b>	Arab Human Rights Day
<b>National</b>	Anniversary of National Action Charter	14 February 2019
	Bahraini Women’s Day	1 December 2019

(14) For the recommendations of the Report on Observing the Parliamentary and Municipal Elections of 2018, see Section Two of this Report entitled: The most notable achievements of the National Institution for Human Rights in the field of promoting human rights during ten years, in Chapter I (The Tenth Anniversary of the Establishment of the National Institution for Human Rights).

39. The NIHR also participated in a workshop on “Human Rights and Sustainable Development Goals” organized by the Standing Specific Committee on Human Rights in the Council of Representatives in the Kingdom of Bahrain, which coincided with the Arab Human Rights Day, which marks the anniversary of the entry into force of the Arab Charter on Human Rights on 16 March 2008. The NIHR presented a working paper, in which it indicated that its role is to promote and protect human rights principles, including the seventeen Sustainable Development Goals (SDGs). It also emphasized that the NIHR always seeks to harmonize international and legal instruments and treaties with its obligations as a national human rights institution, and noted that there are international human rights obligations towards SDG’s. The NIHR’s paper also stressed the need for partnership between governments, civil society institutions and parliaments in order to achieve the SDG’s in accordance with the basic principles of human rights.
40. Coinciding with the World Press Freedom Day, which falls on 3 May of each year, the NIHR, in partnership with the Bahrain Journalists Association, organized a workshop on promoting a culture of human rights in the media. A number of journalists and media professionals from various agencies working in the field of journalism and media in the Kingdom participated in the workshop.
41. The first focal area of the aforementioned workshop dealt with “the role of the National Institution for Human Rights in promoting and protecting human rights”, where the most important functions of the NIHR and its effective role in the protection and promotion of human rights in the Kingdom of Bahrain and its work mechanism were presented. The second focal area addressed the “controls of exercising the freedom of opinion and expression”, in which a brief explanation was given about Decree-Law No. (47) of 2002 regarding the Organization of the Press, Printing and Publication, the most important duties and rights of journalists between the Law and the code of honor, response and correction mechanisms, and criminal responsibility in publishing offenses. This event is part of the NIHR’s strategy and action plan to spread awareness of human rights principles in civil society organizations and the business sector, and broaden cooperation between the NIHR and journalists and media professionals, believing in the importance of the media and its effective contribution to disseminate awareness of human rights.
42. In the area of raising awareness and capacities of its employees, the NIHR organized an awareness lecture on “the importance of physical fitness” in cooperation with the Bahrain Olympic Academy of the Bahrain Olympic Committee, coinciding with the Bahrain National Sports Day.
43. In addition, the NIHR, in partnership with the Bahrain Olympic Committee, organized a workshop entitled “Health and Happiness”, coinciding with the World Health Day, which falls on the seventh of April of each year. This event was organized to contribute to achieving the third goal of the SDG’s, which is “Ensure healthy lives and promote wellbeing for all at all ages.” During the workshop, a focus was placed on a number of methods that would bring a feeling of happiness,

and some behaviors that have a negative impact on human health, focusing on the importance and need for positive thinking, which has a significant impact on changing people's lifestyle for the better.

44. In this regard, the NIHR has participated in a number of awareness-raising events organized by the Institute of Judicial and Legal Studies coinciding with some international events and days, the most important of which are: the introductory symposium "The rights and guarantees of the Bahraini author in the information society", coinciding with the World Book and Copyright Day; and the training session "Sports Day from a legal and societal perspective", coinciding with the National Sports Day of the Kingdom of Bahrain.
45. The NIHR also participated in a symposium on "The National Environment Strategy and the Kingdom's Efforts for Sustainable Development", which was organized by the Institute of Judicial and Legal Studies in cooperation with the Supreme Council for Environment, coinciding with the National Environment Day of the Kingdom of Bahrain.
46. Regarding holding and organizing conferences, and on the occasion of the seventieth anniversary of the Universal Declaration of Human Rights, the Royal University for Women, in cooperation with the NIHR, the United Nations Development Program (UNDP), the International Peace Institute - Middle East and North Africa (IPI-MENA), and the Embassy of the Federal Republic of Germany to the Kingdom of Bahrain, organized the a Forum to highlight the importance, legacy, and values of the Universal Declaration of Human Rights as a platform to raise awareness of human rights laws and policies at the national, regional, and international levels. Representatives from the government sector and members of the diplomatic corps, as well as academics, media professionals, and a number of people interested in issues related to human rights, participated in the Forum. During the forum, the NIHR presented an introductory paper on "The Role of the National Institution for Human Rights in the Promotion and Protection of Human Rights in the Kingdom of Bahrain", focusing on the role of the NIHR in implementing the Universal Declaration of Human Rights.

#### **Ninth: The Legal Clinic and Human Rights Program at the University of Bahrain (Division of the National Institution for Human Rights)**

47. To activate the memorandum of understanding with the University of Bahrain to support the Legal Clinic and Human Rights Program that aims to provide law students with a number of practical skills through hands-on-legal experience that enables them to connect academic education with the practical reality, and to develop their legal and human rights capabilities, the NIHR has effectively contributed to the "Legal Clinic and Human Rights" program for the second semester of 2018-2019 and the first semester of 2019-2020. This program provides hands-on training for students of the College of Law to acquire skills in the field of human rights, through workshops and

visual presentations on “The Role of the National Institution for Human Rights in the Promotion and Protection of Human Rights”. The program is twenty-four weeks long; addresses the competencies of the NIHR in the field of promoting and protecting human rights by explaining the mechanism for receiving complaints and the following procedures, providing legal assistance and advice, in addition to monitoring of human rights violations. The program sheds light on Sustainable Development Goals (2030), the strategy and action plan of the NIHR for the years (2019-2021), and the international, national, and regional mechanisms for the promotion and protection of human rights.

48. The NIHR, in cooperation with the College of Law at the University of Bahrain, organized a round table event for the Legal Clinic and Human Rights Program, at the Training Center in the NIHR’s headquarters. A number of students who are registered in this Program attended the round table, in addition to a number of officials of the General Secretariat and the University supervisors of the Program. During the event, the trainees at the NIHR gave detailed presentations on the topics they had their training on at the NIHR. The presentations included practical applications of debate skills and the exchange of ideas and relevant information, in addition to the role of the NIHR in protecting human rights. This application included many discussions between students and attendees about the scientific material presented.
49. In this regard, the NIHR held a lecture on “The Right to Privacy” in cooperation with the Legal Clinic and Human Rights Center at the College of Law at the University of Bahrain, as part of its training plan comprising holding seminars, events and training programs related to the promotion and protection of human rights, which falls within its mandate and aims to disseminate the culture of human rights in the community. The lecture, which was attended by a number of law enforcement officials, public sector employees, graduate students, and those interested in human rights, addressed a number of focus areas, particularly: the right to privacy and the prescribed restrictions, scope of right and its legal basis, and an explanation of the Personal Data Protection Law No. (30) of 2018.

#### **Tenth: Building the capacities of the employees of the National Institution for Human Rights**

50. Given its role in capacity building and preparing qualified national personnel specialized in the field of human rights, the NIHR launched its three-week training program on the international mechanisms for the protection of human rights (in English), in cooperation with the Asia Pacific Forum of National Human Rights Institutions (APF). This training program activates the joint cooperation with the APF in the field of capacity building and technical support, which would promote and protect human rights, and introduce the fundamental international human rights conventions and mechanisms and how to address them.

51. During the program, an introductory lecture was presented to the participants about the NIHR and the training program on the international mechanisms for the protection of human rights. The program was divided into two main phases; the first phase is a "theoretical electronic course", in which the trainees were provided with theoretical scientific materials, with asking questions and implementing a number of tasks by using the APF's website for a period of two weeks. Subsequently, a "practical training course" was organized for those who passed the "theoretical electronic course" by scoring 60% at the NIHR's headquarters for two days, during which the participants were provided with the practical skills necessary to understand the United Nations Human Rights system and identifying the special skills needed for the nature of its role in the protection and promotion of human rights.
52. Furthermore, the NIHR has been keen to build the capacities of its employees by participating in a number of local workshops and training courses, including the training course on "Receiving Calls", training course on "The Fundamentals of Contractual Penalties in Financial Contracts", seminar on "Awareness and Legal Solidarity of Drug Control", training seminar on "National Environment Strategy and the Sustainable Development Efforts of the Kingdom of Bahrain", program for new employees in the public sector "Ta'sees" (Founding), program to develop nascent capacities "Bina'a" (Building), program for preparing emerging leaders "Takween" (Creation), and the program for preparing new leaders "Kawader" (Cadre). The NIHR also participated in the launching of Microsoft training program on digital transformation within "Forsati" (My Opportunity) training program for government employees. It also participated in the workshop on "Promotion and Protection of Human Rights Mechanisms", the awareness program on the constitution and human rights for government and civil society institutions "Parliamentary Culture" (My Rights 3) in addition to its participation in the Communication Networks Workshop of the APF. The NIHR also attended GITEX 2019 in Dubai.
53. The NIHR has also participated in the training course "Building and Developing the Information Awareness Program of Libraries" in Sharjah, and the training course "Leading Learning and Development" in London. The NIHR also participated in the Forum "Bahrain: Belonging and Citizenship" organized by the Bahrain Institute for Political Development, in addition to its participation in a training workshop on the use of the electronic tender system organized by the Tenders and Bids Board, a training course on the art of social etiquette and rhetoric, organized by the Mohammed bin Mubarak Al Khalifa Academy for Diplomatic Studies, and the Conference on the Protection of Human Rights in the Criminal Justice System, organized by the Special Investigation Unit of the Public Prosecution and in cooperation with the United Nations Development Program.
54. In the same context, the NIHR, in cooperation with the General Directorate of Civil Defense at the Ministry of Interior, organized a lecture on first aid and how to deal with emergency cases. It also organized an intensive training course for customer service staff in the General Secretariat

to enhance their skills in providing services focusing on customers, in line with its action plan and strategy to improve the quality of services provided by the specialized team in the NIHR, in cooperation with the internationally accredited Invita Training Center, which offers world-class training programs run by an experienced and highly qualified training team.

#### **Eleventh: Training program for the members of the National Security Agency**

55. Complementing the NIHR's strategy and action plan on disseminating a culture of human rights, and in the context of activating the memorandum of understanding concluded between the NIHR and the National Security Agency, the NIHR held the second edition of the training program for the members of the National Security Agency to strengthen and develop their capabilities in the field of human rights. The training program addressed the following topics: national mechanisms for the promotion and protection of human rights, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its Optional Protocol, the Human Rights Council, and the Universal Periodic Review (UPR) mechanism.

#### **Twelfth: Awareness Program on the Constitution and Human Rights (My Rights 3)**

56. The NIHR, in partnership with the Supreme Council for Women, the Bahrain Institute for Political Development, and the Institute of Judicial and Legal Studies, organized the awareness program in the field of constitution and human rights: parliamentary culture for government institutions and civil society organizations (My Rights 3) in the period from June to September 2019, with the aim of developing the parliamentary culture of the employees of the public sector and civil society organizations and provide citizens with knowledge in the field of participation in public affairs.

57. The program addressed the following topics: the separation of powers in the Bahraini political system, constitutional guarantees prescribed to protect public rights and freedoms in the Kingdom of Bahrain, the role and functions of the Supreme Council for Women in supporting the advancement of Bahraini women, constitutional oversight of laws and legislation, the role of the legislative authority in following up the implementation of laws supporting women and the family, legal validity rule, role of national mechanisms in promoting and protecting human rights in the Kingdom of Bahrain, legislative competence of the National Council in the Kingdom of Bahrain, parliamentary oversight to ensure the national implementation of international human rights standards, parliamentary oversight tools, legal immunity, role of the national model for integrating the needs of women in the governance of the application of equal opportunities, normative international agreements, management of knowledge in the field of political participation, role of parliamentary diplomacy in the foreign policy of the Kingdom of Bahrain, and the role of the relevant committees of the Shura and Representatives Councils in ratifying international human rights treaties.

### **Thirteenth: Cooperation with civil society institutions and human rights defenders**

58. In order to extend cooperation with civil society institutions, the NIHR, in partnership with the Youth and Technology Association, organized a workshop entitled "Using Technology in the Promotion and Protection of Human Rights". The workshop aimed to introduce participants to the importance of employing technology to promote and protect human rights, by presenting practical experiences of the Kingdom of Bahrain on the right to education and the right to personal security, and the role of technology in its development.
59. The NIHR has also organized a workshop entitled "Bullying and its Impact on Human Rights", in cooperation with Batelco Care Center for Family Violence Cases. The workshop aimed to raise awareness of taking the necessary measures to ensure protecting the society from the negative effects of bullying, reduce this phenomenon, and explain the relationship between bullying and human rights. The workshop - which included a number of representatives of ministries, relevant authorities and civil society institutions - called for the need to limit the spread of this phenomenon by holding workshops and educational lectures for parents, students, and school administrators, and train them on how to handle such cases.
60. The NIHR participated in the 11th Sheikh Khalifa bin Salman bin Mohammed Al Khalifa Scientific Award distribution ceremony for the year 2019, of the Women and Children Information Center of the Maternal and Child Welfare Association, as well as its participation in the symposium accompanying the Ceremony entitled "The Problem of Children of Unknown Parents in the Arab World." The Symposium aimed to shed light on the importance of intensifying efforts towards caring for children and childhood and striving to provide the best possible ways to achieve a safe and stable childhood free from complexes, discrimination, problems, and violence in all its forms.
61. On the occasion of the International Women's Day, which falls on 8 March of each year, the NIHR participated in the Forum on Family Laws in the Arab Countries and the Required Reforms, which was organized by the Bahrain Women's Union in coordination with a number of lawyers and those interested in women's affairs from the Kingdom and abroad. The main focus areas of the forum included reviewing of the Bahraini family law and the areas of equality and discrimination, the vision of the Bahrain Women's Union on the Bahraini family law, in addition to reviewing the Kuwaiti Personal Status Law and the Kuwaiti Family Law.
62. In addition, the NIHR participated in the Domestic Workers Conference under the title "A Safe Work Trip from the Countries of Origin to Destination Countries", organized by the General Federation of Bahrain Trade Unions. This Conference aims to shed light on the rights of domestic workers and introduce the legal protection of domestic workers in the GCC countries (Cooperation Council for the Arab States of the Gulf), and review the prominent good practices of domestic

workers in the countries of origin, the efforts of labor unions to guarantee their rights and the International Federation of Domestic Workers in promoting international cooperation between the relevant unions, in addition to the role of the media and civil organizations in changing the stereotypical view of domestic workers.

#### **Fourteenth: Education programs for children and youth**

63. As part of its strategic plan to disseminate and promote a culture of human rights, the NIHR participated in the annual Bahrain Summer Festival of the Bahrain Authority for Culture and Antiquities in its eleventh session for 2019, which coincides with the Authority's program to celebrate the human and civilization achievements of the Kingdom of Bahrain entitled "From one Jubilee to another", which is considered one of the most anticipated events in the Kingdom of Bahrain owing to the variety of programs it encompasses such as live shows and multicultural family entertainment for all family members.
64. During its participation in the Summer Festival, which lasted for two consecutive months, the NIHR has presented a variety of activities, lectures, and games on children's rights, whether contained in Law No. (37) of 2012 promulgating the Child Law or in the Convention on the Rights of the Child (1989). More than (350) children of different ages participated in these activities with their families, during which the publications of the NIHR were distributed, including the coloring book on the rights of the child, which addresses children about their rights in a simple language together with nice drawings that combine entertainment and education, and the children's flyers on the Universal Declaration of Human Rights, as well as distributing a number of gifts to the participating children, which made them happy and cheerful.
65. The NIHR also organized an awareness lecture entitled "The Rights of the Child" for the students participating in the Summer Program in the Northern Governorate for 2019. The lecture was held at Zainab Preparatory School for Girls, during which an overview of the basic principles of the Convention on the Rights of the Child and the Child Law was presented using a simple and interesting method that aims to communicate the information in an easy and accessible way.
66. To spread awareness of the Convention on the Rights of the Child, the NIHR, in cooperation with the Sheikha Hessa School for Girls, organized an awareness lecture entitled "The Rights of the Child and the Girl Child in International Human Rights Law and National Legislation" for its educational staff to disseminate a culture of children's rights in general, and girls in particular. During the event, the main types of human rights and the most important international instruments and relevant national legislation were highlighted, in addition to explaining the provisions and principles contained in the Convention on the Rights of the Child and the Child Law in the Kingdom of Bahrain. This event is in line with the competencies of the NIHR provided for in its Establishment Law, and has been undertaken to implement its strategy and action plan for the

years (2019-2021), to continue its vital role in promoting human rights, by holding lectures, training and educational courses for all the groups of the community, and to seek to find the best ways to exercise human rights and fundamental freedoms.

67. The NIHR, in cooperation with the Women's Giving Council, organized an awareness lecture on the rights of the child for a number of children participating in the summer activity of the Women's Giving Council. During the lecture, which was held at the NIHR's premises, an overview of the basic principles of children's rights and the Child Law was presented, in a simplified and interesting manner aimed at conveying the information easily; practical activities involving educational games that contribute to the consolidation of a culture of children's rights were carried out during the lecture.
68. As part of its role aimed at spreading and promoting awareness of human rights principles across society, and in implementation of its strategy and action plan, the NIHR has participated in the activities of the tenth session of Youth City 2030, organized by the Ministry of Youth and Sports Affairs in cooperation with the Labor Fund "Tamkeen". During the event, the NIHR presented an awareness lecture on its role in protecting and promoting a culture of human rights in the Kingdom of Bahrain, and the best practices related to its obligations in the field of human rights, as well as raising the awareness of participants on the advanced levels achieved by the Kingdom of Bahrain in the area of human rights. More than 300 young men and women of different ages participated in the NIHR's pavilion; where a number of competitions that enriches them intellectually and culturally took place, in addition to offering prizes to the participants. This event is part of the NIHR's community partnership programs, which seeks to advance Bahraini youth and develop their energies and capabilities by integrating them in human rights programs and events of international standards.
69. Coinciding with the 27th anniversary of the accession of the Kingdom of Bahrain to the International Convention on the Rights of the Child, and the 30th anniversary of the adoption of this Convention by the United Nations General Assembly, and based on the NIHR's role in spreading and promoting a culture of human rights, it has organized an awareness raising event on the rights of the child for preliminary school students at Al Falah Private Schools. An overview of the basic principles contained in the Convention on the Rights of the Child and the Bahraini Child Law was presented, in a simplified and interesting way aimed at communicating information in an easy and accessible manner. In addition, practical activities, such as educational games that contribute to the consolidation of a culture of children's rights, took place during the lecture. A number of the NIHR's publications were distributed, such as the coloring book on the rights of the child and the flyer on the Universal Declaration of the Rights of the Child.

## **Fifteenth: Awareness and educational programs with regional and international academic bodies**

70. In its constant endeavor to strengthen cooperation and exchange experiences with various local, regional and international academic bodies, the NIHR, in coordination with the Supreme Council for Women, hosted a delegation of Johns Hopkins University students during their visit to the Kingdom of Bahrain to review its experience in the advancement of women. A detailed explanation was provided about the functions of the NIHR and its role in promoting and protecting human rights in the Kingdom of Bahrain, as well as its joint cooperation with the Supreme Council for Women to support all possible ways to further enhance women's enjoyment of all their rights.
71. In the framework of the partnership with the Royal Police Academy, the NIHR presented a lecture on its role in promoting and protecting human rights for the new batch of newly appointed police recruits at the Police Training Institute at the headquarters of the Royal Police Academy. The lecture aims to inform the Academy's members of the role played by the NIHR in the field of promoting and protecting human rights, in particular, its mandate to receive complaints, provide legal assistance, monitor human rights conditions, and provide participants with practical skills in this field.
72. In the same context, the NIHR has actively contributed to the cooperation program for the College of Law at the Royal University for Women, which is a practical training program for students of the College of Law to acquire skills in the field of human rights, by providing educational lectures and presentations on the role of the NIHR in the field of promoting and protecting human rights. The program extended to eight weeks and addressed the competence of the NIHR in the field of promotion and protection of human rights by explaining the mechanism for receiving complaints and the relevant procedures, and for providing legal assistance and advice, as well as its role in the process of monitoring human rights violations.
73. In the context of activating the memorandum of understanding concluded with the University of Bahrain, the NIHR organized an introductory lecture on the Human Rights Research Fellowship program to academics and students of the College of Law at the University. The Lecture focused on presenting an overview of the Fellowship program and the target group, clarifying its objectives, which aim at developing skills in critical thinking and analysis in the field of human rights. On the sidelines of the lecture, an introductory overview on the role of the NIHR in protecting and promoting human rights in the Kingdom of Bahrain and the competencies entrusted to it under its Establishment Law was presented.
74. Based on its role in disseminating and promoting a culture of human rights across society, the NIHR hosted the students enrolled in the Human Rights Course at the Gulf University, to learn about the NIHR's role in promoting and protecting human rights in the Kingdom of Bahrain and

the competencies entrusted to it pursuant to its Establishment Law. An introductory lecture was presented that addressed the legal framework of the functions and competencies of the NIHR, as well as the mechanism for accrediting national institutions and the difference between them and other national mechanisms. This event is part of the training events and programs organized by the NIHR in cooperation with academic bodies in implementation of its strategy and action plan, with the aim of informing academics and students of its work and services it provides in the field of human rights.

75. In addition, the NIHR organized an introductory lecture on its role in promoting and protecting human rights in the Kingdom of Bahrain, and the competencies entrusted to it under its Establishment Law, for the students enrolled in the Human Rights Course at the Arab Open University. During the lecture, the role and legal frameworks for the NIHR's work in promoting and protecting human rights in the Kingdom were discussed, as well as the main focus areas of its strategy and action plan for the years 2019-2021.

#### **Sixteenth: Training Program in the Field of Human Rights for Journalists**

76. The NIHR organized a training program in the field of human rights for a number of media professionals in the Kingdom of Bahrain representing the various local media, and representatives of civil society institutions concerned with media, in addition to a number of university students, at the Isa Cultural Center. The program included a number of lectures and training courses related to human rights and the media. An introductory lecture was presented on the national, regional, and international mechanisms concerned with the promotion and protection of human rights. In addition, a lecture on the role of the media in inculcating the concepts of human rights was also presented, and a lecture on the right to privacy and the controls for exercising freedom of opinion and expression were presented.
77. The program is part of the competencies of the NIHR in the field of promoting and disseminating a culture of human rights by holding lectures and training and educational courses across society on topics related to human rights, and developing the capabilities of media professionals in dealing with human rights issues, refining their skills in addressing these issues through visual, audio, printed, and digital content, in addition to creating a strategic partnership with the media.

#### **Seventeen: Games and competitions in the field of human rights**

78. To celebrate the tenth anniversary of the establishment of the National Institution for Human Rights, and the commemoration of the 30th anniversary of the adoption of the International Convention on the Rights of the Child by the United Nations General Assembly, and marking the 27th anniversary of the accession of the Kingdom of Bahrain to this convention, in addition to the 7th anniversary of the issuance of the Child Law in the Kingdom of Bahrain, the NIHR launched

the Children's Crossword Competition, which is part of the NIHR's programs to promote and disseminate a culture of human rights among children, to fulfill its responsibilities stipulated in its Establishment Law with respect to transforming knowledge of human rights, in general, and of children's rights in particular, into daily practice and behavior.

79. In the same context, the NIHR and the Human Rights Observatory organized the first session of the cultural competition "Rights Challenges", with the participation of a group of civil society organizations concerned with human rights. This competition is organized in implementation of the NIHR's strategy and action plan to spread a culture of human rights and raise awareness of civil society institutions, according to best practices.

### **Eighteenth: Awareness campaigns in the field of human rights**

80. The NIHR held an awareness campaign in Al Enma Mall in Riffa city under the title "Living Well with Diabetes" coinciding with the World Diabetes Day, in cooperation with the Ministry of Health, Al Salam Specialized Hospital, and Al Enma Mall. The Campaign included performing a number of medical tests, such as checking sugar level, blood pressure, and measuring oxygen level, in addition to educating visitors about proper nutrition, adherence to diet and exercise. This event is carried out as part of the mandate of the NIHR to promote and disseminate a culture of human rights and of its efforts to achieve sustainable development goals (SDG's), especially the third goal on good health and well-being.

81. The students of the Legal Clinic - Division of the National Institution for Human Rights - organized two awareness campaigns under the slogan "Digital Rights". The first campaign addressed "No to cyber-bullying: make a difference and reject abuse", and contained a number of issues related to the general concept of bullying and all forms of cyber-bullying, legal provisions criminalizing cyber-bullying, social methods to reduce it, and the competent authorities to report cybercrime to.

82. The second campaign addressed with "electronic extortion - be careful," during which the students provided a detailed explanation about the motives of electronic extortion, which are divided into two parts, financial motives and immoral motives, in addition to the most important methods and means of electronic extortion. The campaign aimed at educating the community about methods of prevention from electronic extortion and blackmail and the legal provisions regulating this phenomenon.

83. In the same context, and based on its role in achieving its goals aimed at promoting a culture of human rights in the Kingdom of Bahrain, the NIHR organized the "Environmental Awareness Bus" event in cooperation with the Capital Municipality and the Ministry of Education. The event aimed to promote the right to the environment by encouraging participants to preserve the environment to achieve environmental safety, which is one of the requirements of human rights, as

it is fully connected to the right to life, health and food. During the event, which extended for two consecutive days targeting primary school students at Abu Bakr Al-Siddiq Primary School for Boys and Al-Nabih Saleh Primary School for Girls, an overview of the role of the NIHR in promoting and protecting human rights in the Kingdom, especially the right to a healthy environment was presented, as well as providing an overview of the importance of recycling and finding ideal solutions for waste disposal.

### **Nineteenth: Comprehensive Awareness Program in the Field of Human Rights for Expatriate Workers**

84. In the framework of raising the awareness of residents of their rights and duties, the NIHR organized an awareness lecture on its role in promoting and spreading a culture of human rights and the mechanism for receiving and following-up complaints for a number of representatives of embassies in the Kingdom of Bahrain, a number of Rotary Club members, and St Peters Church as part of the comprehensive awareness program in the field of human rights of expatriate workers. This initiative enhances the work of the NIHR in the field of human rights protection, especially the rights of expatriate workers, by building bridges of communication with various foreign communities in the Kingdom of Bahrain.

#### **Number of activities organized by the NIHR and the beneficiaries during 2019**

Number of Activities	85 activity
Number of Beneficiaries	4330 beneficiaries

**Table containing the percentage of target groups in the NIHR's activities during 2019**

<b>Target Group</b>	<b>Percentage</b>
School and university students	24%
Civil society institutions	18.75%
Public sector	18.75%
Law enforcement officials	5.5%
The media	5.5%
Diplomatic corps	5.5%
Private sector	5.5%
Person with disability	5.5%
Children	5.5%
Expatriate workers	5.5%

**Table containing the percentage of target groups in the NIHR's activities during 2019**

<b>Target Group</b>	<b>Percentage</b>
Males	54.5%
Females	45.5%

**Table showing the percentage of the different types of activities organized by the NIHR during 2019**

<b>Type of Activity</b>	<b>Percentage</b>
Symposiums	2%
Awareness lectures	57%
Training programs	8%
Workshops	12.5%
Participation in events held in the Kingdom	5%
Competitions	2.5%
Round tables	2%
Training courses	3%
Awareness campaigns	7%
Holding ceremonies	1%

**Table showing the NIHR's activities' percentages of achievement of the 2030 SDG's during 2019**

<b>Sustainable Development Goals</b>	<b>Percentage of achieving sustainable development goals (2030)</b>
Goal 3: Good Health and Well-being	55
Goal 4: Quality Education	3.5%
Goal 5: Gender Equality	6%
Goal 6: Clean Water and Sanitation	6%
Goal 10: Reduced Inequalities	17%
Goal 13: Climate Action	6%
Goal 14: Life Below Water	5%
Goal 15: Life on Land	3%
Goal 16: Peace, Justice and Strong Institutions	14%
Goal 17: Partnerships	34.5%

**Table showing the activities' percentages of achievement of the NIHR's strategic goals during 2019**

<b>Strategic Goal</b>	<b>Activity's Percentage Achievement of Strategic Goals</b>
Environmental Impact on Human Rights	29%
Human Rights and Sustainable Economic Development	16%
Right to Equal Treatment	32%
Disseminating Awareness of Human Rights Principles in Civil Society Institutions and the Business Sector	23%

## Section Two

### Progress Achieved and Efforts Made in the Field of Protecting Human Rights

1. The provisions of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights affirms the NIHR's role in the field of human rights protection, by means of receiving complaints, monitoring cases of violations, and conducting the necessary investigation therein, and carrying out field visits to monitor human rights situation in places of detention or any other place in which it is suspected that human rights violations are happening.
2. Whereas Paragraph (e) of Article (12) of the same Law provides that the NIHR is mandated **"to monitor violations 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"**. Paragraph (f) thereof provides that NIHR has the power **"to receive, examine and consider complaints related to human rights and refer them, if the NIHR deems necessary, to the relevant authorities with effective follow-up of the complaints, or inform those concerned of the procedures that should be applied, help them implement such procedures, or assist in the settlement of complaints with the relevant authorities."**
3. The launching of the free hotline service (80001144) to receive complaints and inquiries, in addition to activating the integrated phone call management system (CMS), had a major role in making a far-reaching development in the quality of services provided by the customer service

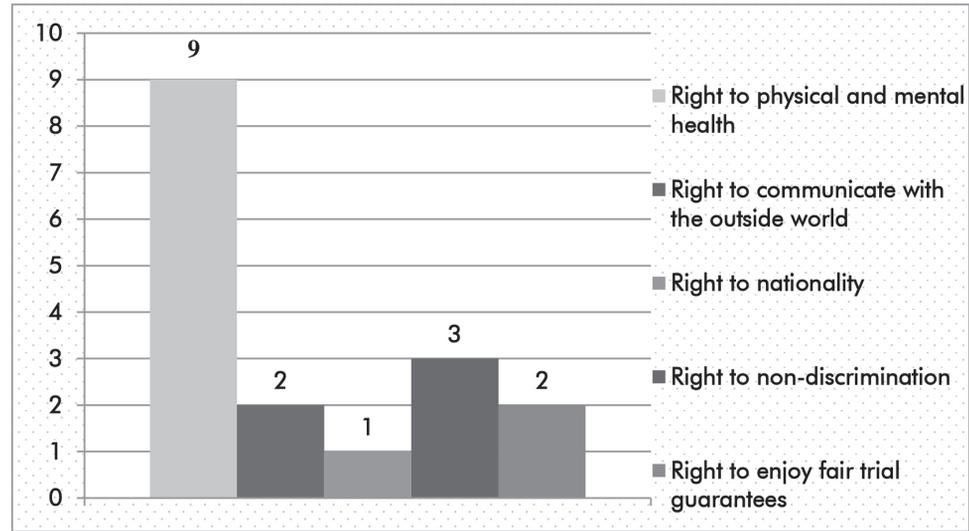
team. The new system facilitated the management of the large number of calls received by the NIHR's call center according to international standards. The system has many important features that help in evaluating the performance of the call center staff receiving the calls, determine their training needs, and evaluate their performance periodically to ensure the quality of service provided.

4. As part of the efforts carried out by the NIHR to provide the necessary protection for human rights, especially in the field of the rights of expatriate workers, and derived from implementing the Sustainable Development Goals to stabilize the labor market, which has an effective impact on the protection and promotion of the rights of expatriate workers, the NIHR expanded its geographic scope by opening another branch at the headquarters of the National Committee for Combating Trafficking in Persons, located in Al-Sahla area, and dedicated to expatriate workers, domestic workers and their families, in cooperation with the Labor Market Regulatory Authority, to provide all means of support to them by receiving their complaints. The Branch has accomplished many achievements in this field through providing legal support for expatriate workers, as well as legal aid in matters that raise suspicion of trafficking in persons by providing insight into legal procedures and offering all aspects of protection after coordination with the relevant authorities.

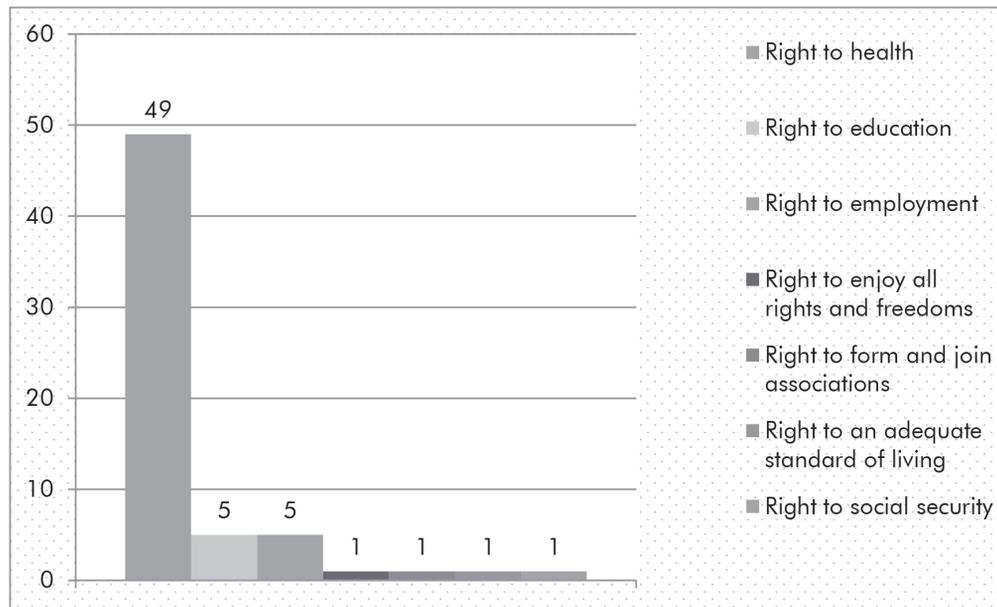
#### **First: Receiving complaints related to human rights**

5. Within the framework of the NIHR's mandate in the field of human rights protection, it played a prominent role in the area of receiving human rights complaints of all kinds, considering them, and referring what it deems necessary to the competent authorities, following up the complaints effectively or informing the complainants of the procedures to be followed, and assisting them to take such measures, or helping in settling them with the concerned authorities. During 2019, the NIHR dealt with (80) complaints that varied in terms of the rights alleged to have been violated.
6. The number of complaints pertaining to civil and political rights amounted to (17) complaints, of which, (9) complaints related to the right to physical and moral integrity, two complaints related to the right to communicate with the outside world, one complaint related to the right to nationality, (3) complaints related to the right to non-discrimination, and two complaints related to the right to enjoy fair trial guarantees.
7. The NIHR received (63) complaints concerning economic, social, and cultural rights, of which (49) complaints related to the right to health, (5) complaints related to the right to work, (5) complaints related to the right to education, one complaint related to the right to form and join associations, one complaint related to the right to enjoy various rights and freedoms, and one complaint related to the right to an adequate standard of living, and one complaint related to social security.

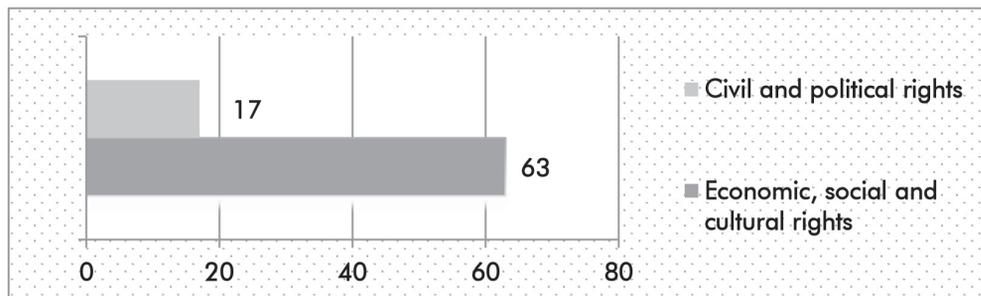
Number of complaints received by the NIHR related to civil and political rights for the year 2019



Number of complaints received by the NIHR related to economic, social, and cultural rights for the year 2019



## Number of complaints received by the NIHR related to civil, political, economic, social, and cultural rights for the year 2019



### Second: Legal aid provided

8. Referring to the provisions of Law No. (26) of 2014 on the Establishment of the NIHR, it has a significant role in providing legal assistance to individuals and entities, whether when filing a complaint that proves to fall outside the competence of the NIHR, or upon requesting such legal assistance for a starter, by providing insight into the procedures to be followed and assisting in taking such measures before resorting to the NIHR, indicating the necessity to exhaust all administrative or legal remedies and grievances, as the case may be, or file a report to the competent authorities, or seek the help of another authority with original jurisdiction to consider the request.
9. In this regard, the NIHR has provided (363) legal assistances, some of which were related to personal issues or disputes between individuals, topics considered before a judicial or administrative investigation authority, related to requesting the release of convicts or detainees, or considering whether the accusation were corroborated or not, or cases in which the NIHR does not have jurisdiction over because they occurred outside the territorial borders of the Kingdom. The NIHR contacted the competent authorities concerning some of these complaints for humanitarian reasons.

### Third: Monitoring human rights situation

#### A. Media and social media

10. The NIHR has monitored, whether through social networks, local newspapers, or filing a complaint without having capacity, the conditions of the inmates in the correction and rehabilitation centers regarding allegations that some inmates did not receive treatment and health care. Subsequently, the NIHR communicated with the concerned staff at the center, where some of the allegations were found to be invalid and treatment and health care were provided in other cases.

11. The NIHR also monitored a case on allegations that a number of inmates went on strike and refused to attend visits because they were conducted behind the glass barrier, in addition they objected to the inspection mechanism. At that time, the NIHR contacted the competent authorities in this regard, which responded that the center deals with this matter in accordance with the laws and regulations in force.
12. Another monitoring case relates to the allegation that the inmates are being searched and that their basic belongings are being confiscated and destructed at the Correction and Rehabilitation Center. The NIHR immediately contacted the competent authorities in this regard; it turned out that the inspection was a routine measure and was done in accordance with the internal procedures and regulations in force in the Center, and that the inspection resulted in finding a number of prohibited items that were confiscated.
13. One of the monitoring cases revolved around the allegation that an inmate in the Correction and Rehabilitation Center was prevented from communicating with his family after he was transferred to solitary confinement. The NIHR contacted the concerned persons at the competent authority, and it was found that transferring the inmate to solitary confinement is a disciplinary punishment due to his failure to follow the internal procedures and regulations of the Center, which are stipulated in the Law on Correctional and Rehabilitation Institutions and the accompanying executive regulations, and that once the solitary confinement period expires, the inmate will be allowed to communicate with his family.
14. One of the monitoring cases was about two young convicts (juveniles) being incarcerated in the adult convicts building of the Correction and Rehabilitation Center. The NIHR contacted those concerned in the competent authorities, and it was found that the aforementioned convicts were transferred to the adults' building after they have reached the age of twenty-one years (age of majority).
15. With regard to the right to education, the NIHR monitored a case on the allegation of existence of discriminatory practices by the Ministry of Education in distributing scholarships. Although the NIHR addressed the Ministry to inquire about the mechanism and system for distributing scholarships and educational grants, it did not receive a response in 2019.
16. The NIHR monitored a case on the allegation that one of the inmates in the Correction and Rehabilitation Center was not allowed to practice his religious rituals. The NIHR visited the inmate immediately; after talking to him, it was found that the allegations circulated on social media were invalid, and the inmate confirmed that he was not responsible for the posted tweets that would promote discord and sectarianism.

17. In connection with protecting the rights of expatriate workers, the NIHR monitored an allegation that a private company had seized the passports of its employees and refrained from paying their wages for a period of up to three months. The NIHR pursued the matter with the Labor Market Regulatory Authority without delay to establish the veracity of the claim and take legal action against the company. The case was transferred to the Inspection Department to carry out an inspection visit.
18. The NIHR also monitored another case connected with the arbitrary dismissal of an employee and the cancellation of his residence permit during his leave. The NIHR followed up on the matter with the Expatriate Labor Support Unit of the National Committee for Combating Trafficking in Persons. It was agreed to resolve the issue, in addition to allowing the person in question to remain in the Kingdom of Bahrain until the issue is settled.
19. The NIHR also monitored two cases on violating the Ministerial Decision No. (3) of 2013 regarding the ban on midday outdoor work, by two private companies. The NIHR immediately contacted the competent authorities to determine the two violations; one of the violations was found to be true, and the necessary measures were taken by the competent authorities; while the other monitored case did not take place during the months in which midday work is banned prescribed in the aforementioned Decision.

#### **B. Attending court hearings to ensure fair trial guarantees**

20. In the same context related to the protection of human rights, the NIHR attended a number of court sessions, including (5) five hearings for a defendant in the case of insulting religion and misuse of means of communication, and (5) five hearings for a female defendant in a public defamation, spreading false news, and misuse of means of communication lawsuit, in addition to attending (22) twenty-two hearings for two defendants in the case of killing a policeman and attempting to kill other policemen by carrying out a terrorist bombing, before the High Criminal Court of Appeals, where an irrevocable sentence imposing the death penalty has been pronounced, but the Court of Cassation has referred the case to the Court of Appeal for reconsideration after accepting a request for reconsideration lodged by the Public Prosecution in accordance with the legal procedures followed in this regard. The NIHR also attended a hearing to replace imprisonment in the case of a person accused of publishing blogs on his account on a social media site (Twitter), and another hearing for a person accused of violating the conditions of lawful residence in the Kingdom, in addition to attending hearings of a number of other criminal, civil, and labor trials.
21. Attendance of the court sessions by the NIHR aims to review and verify the soundness of judicial procedures and provision of fair trial guarantees in the prosecution of accused persons. The NIHR

confirmed that the proceedings of the competent court and its handling of the trial in the cases it attended had taken into account the basic principles of human rights and the prescribed statutory legal safeguards, in addition to activating fair trial guarantees, as the hearings were public, allowed defense to attend and question witnesses, and their requests and statements were heard, in addition to allowing the defendants to speak before the court.

22. The NIHR also asserts that the right to a fair trial is a standard of international human rights law that aims at protecting people from derogation of their rights related to their legal status before the judicial authority, and it is an essential pillar of a fair trial stipulated in international instruments, starting with Article No. (11/1) of the Universal Declaration of Human Rights, stipulating that, **“...at which he (i.e. the opponent) has had all the guarantees necessary for his defense”**; followed by Article No. (14/3-b) of the International Covenant on Civil and Political Rights, stating that, **“...to have adequate time and facilities for the preparation of his defense...”**. The Constitution of the Kingdom of Bahrain also affirms the right of defense in Article No. (20/C) thereof, which stipulates that, **“... in which he shall be provided with the necessary guarantees to exercise the right of defense...”**.

#### Classification of the NIHR’s attendance of court hearings by case type for 2019

Criminal Cases	Criminal Cases	Total
33 hearings	33 hearings	35 hearings

#### Fourth: Penalties and alternative measures

23. In the context of considering legal assistance pertaining to commutation of remainder of the sentence for convicts in reform and rehabilitation centers, the NIHR has received about (62) cases that varied between legal aid or monitoring cases related to alternative penalties. It studied the applicability of the formal conditions contained in Law No. (18) of 2017 regarding Alternative Penalties (Sanctions) and Measures, the most important of which is to verify that the convict has served half of the sentenced term and has paid the financial fines, if any. The NIHR has addressed the competent authorities regarding a number of cases that meet the formal conditions, followed up and monitored the measures taken, as the competent authorities replaced the remainder of the sentence for many of the said cases.
24. The NIHR issued a statement in which it affirmed that replacing the sentences of the convicts with other alternative penalties is a civilized step towards strengthening human rights and consolidating family relations that enhance the stability of society, as well as being an important tributary of the protection and promotion of human rights, and that it is based on the rehabilitation of convicts in

order to integrate them into society. Replacing the sentences of the convicts humanizes punishment and spreads the spirit of love, tolerance, responsibility, and community partnership among all members of the family; such goals are in agreement with human rights.

25. In its statement, the NIHR called on all those benefiting from these alternative penalties - whether the convicts themselves or their relatives who take care of them - to positively interact and cooperate with the competent authorities to achieve the core purpose of the alternative penalty. At the same time, it called on the various private and civil sectors, bodies, and civil society institutions to accept those convicts benefiting from alternative sanctions and measures to effectively contribute to its success and expansion, especially that these alternative sanctions and measures are a creative idea that compromises between the purpose of the penalty and human rights values, and ensures that the essence of culture of reform and rehabilitation prevails, which brings confident and positive progress to the human rights record of the Kingdom of Bahrain.
26. The NIHR hopes that all the competent authorities having jurisdiction to activate Law No. (18) of 2017 on Alternative Penalties and Measures, endeavor to spread awareness among governmental, semi-governmental and private bodies receiving those sentenced with alternative penalties, in particular, and the entire public, in general, on the need to integrate them into places of rehabilitation and never consider them as having criminal records.

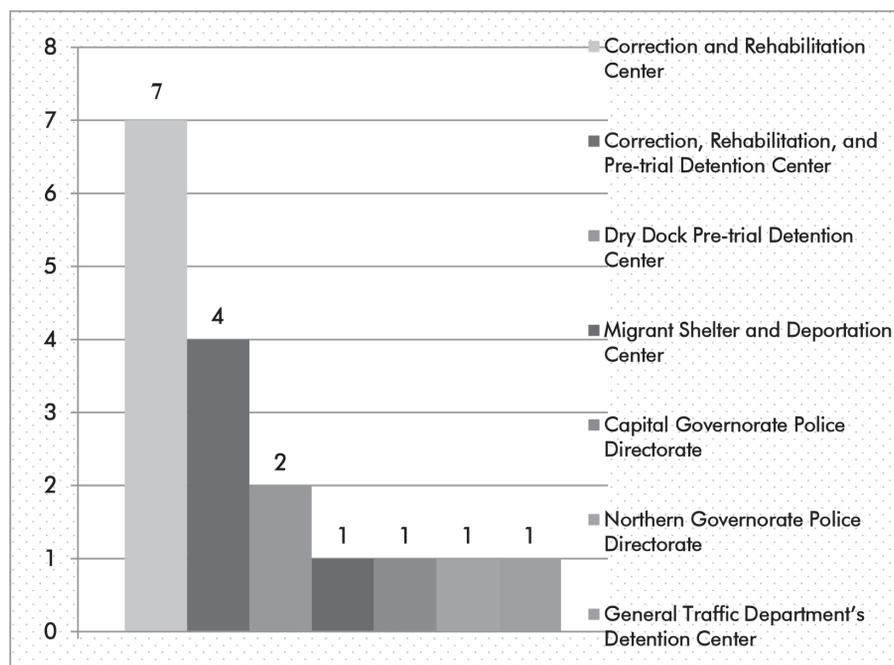
#### **Fifth: Announced and unannounced field visits to correctional and rehabilitation centers and care homes**

27. With regard to field visits, as one of the means of monitoring granted to the NIHR, paragraph (g) of Article (12) of the Law stipulates that it is mandated to, **“carry out announced and unannounced field visits, to monitor the human rights situation in correctional institutions, places of detention, labor call gatherings, and health and education centers, or any other public place suspected of being a site of human rights violations.”**

#### **A. Visiting a number of centers affiliated to the Ministry of the Interior**

28. Pursuant to the terms of reference contained in its Establishment Law, the NIHR has conducted seventeen (17) field visits to the places affiliated with the Ministry of Interior, among which seven (7) visits to the Correction and Rehabilitation Center for inmates (males), and four (4) visits to the Correction, Rehabilitation, and Pre-trial Detention Center for female inmates, and two (2) visits to the Dry Dock Pre-trial Detention Center, and one (1) visit to each of the Migrant Shelter and Deportation Center, the Capital Governorate Police Station Directorate, the Northern Governorate Police Directorate, and the General Traffic Department’s Detention Center.
29. The NIHR examined the general conditions of those centers, met with some of the convicts and detainees - as the case may be - and heard their requests, and discussed the situation with the officials of the centers on duty. The NIHR followed up on all the issues with the competent authority at the Ministry of Interior.

Illustrative chart showing the number of field visits carried out by the NIHR to the centers affiliated with the Ministry of Interior during 2019



30. The NIHR made several recommendations regarding the centers it has visited, which were followed up with the competent authorities, as follows:

Visited Location	Main Recommendations
<p style="text-align: center;"><b>Reform and Rehabilitation Center (Jau)</b></p>	<ul style="list-style-type: none"> <li>• Increase the time allocated for practicing religious rites during Ashura, especially on the tenth day of Muharram- recommendation has been implemented.</li> <li>• Install surveillance cameras in solitary confinement cells.</li> <li>• Maintain water network in some of the buildings.</li> <li>• Perform periodic inspections of all toilets and bathrooms in the buildings by the relevant body to detect any water leaks early and repair them to conserve water and preserve the facilities.</li> <li>• Consider increasing the number of books on special religious occasions.</li> </ul>

Visited Location	Main Recommendations
<p align="center"><b>Correction, Rehabilitation, and Pre-trial Detention Center for female inmates (Isa City)</b></p>	<ul style="list-style-type: none"> <li>• Consider an increase in the number of books available in different languages, in line with the provisions of the Regulations for Correctional and Rehabilitation Institutions Law issued by Decree No. (131) of 2015.</li> <li>• Consider increasing the time allotted for practicing religious rites during the Ashura season, especially on the tenth day of Muharram.</li> <li>• Consider installing the air conditioner on the wall, to ensure the safety of inmates and prevent short circuiting</li> </ul>
<p align="center"><b>Pre-trial Detention Center (Dry Dock)</b></p>	<ul style="list-style-type: none"> <li>• Consider increasing the time allotted for practicing religious rites during the Ashura season, especially on the tenth day of Muharram.</li> <li>• Consider increasing the number of books on special religious occasions.</li> </ul>
<p align="center"><b>Northern Governorate Police Directorate</b></p>	<ul style="list-style-type: none"> <li>• Provide a safe deposit box for detainees in the same center instead of keeping their personal belongings in the safety boxes of other centers of the Directorate - the concerned authority was addressed.</li> </ul>
<p align="center"><b>Capital Governorate Police Directorate</b></p>	<ul style="list-style-type: none"> <li>• Issue publications on the rights and guarantees of detainees and pretrial detainees in a number of languages, as it was noticed that this information is provided in Arabic and English languages only.</li> <li>• Ensure the gradual implementation of arrest warrants issued by courts, starting with communicating by phone, then sending the summons, and finally conducting the arrest operation, in particular the elderly.</li> <li>• Urge the competent authorities to promptly conduct medical examinations for detainees and obtain the results.</li> </ul>

## B. Visiting a number of social and health care homes

31. The NIHR has developed an executive plan to visit care homes, where the total number of visits during 2019 amounted to (6) visits. One visit was conducted to each of the following: the Sickle-Cell Anemia Department at Salmaniya Medical Complex, the Psychiatric Hospital, the Batelco Care Center for Family Violence Cases, Dar Al-Karama for Social Care, Muharraq Maternity and Geriatric Hospital, and the Child Welfare Home (Batelco Home).

32. The NIHR made several recommendations during those visits, as follows:

Visited Location	Main Recommendations
<p style="text-align: center;"><b>Sickle-Cell Anemia Department at Salmaniya Medical Complex</b></p>	<ul style="list-style-type: none"> <li>• Increase the number of medical staff, including nurses and specialized doctors at all levels, in the Sickle-Cell Anemia Department at Salmaniya Medical Complex, to include consultants and specialists.</li> <li>• Abide by the regulations on discharging patients from the Department without prior permission from the doctor, in order to protect the patient and the Department's employees.</li> <li>• Provide services to patients with sickle cell anemia around the clock.</li> <li>• Tighten control over the items brought into the Department, whether by patients or visitors, by giving greater powers to the security persons.</li> <li>• Look into the opinions submitted by the Department's doctors to the Ministry of Health and follow them up to ensure their implementation.</li> <li>• Rapid response to patients requesting consultations or second opinions from medical consultants in other specialties.</li> <li>• Designate a special place for smoking instead of random smoking in front of the main entrance to the Department.</li> </ul>

Visited Location	Main Recommendations
<p style="text-align: center;"><b>Psychiatric Hospital</b></p>	<ul style="list-style-type: none"> <li>• Place monitors in the nurses' station connected to the surveillance cameras located in the side corridors, which the nurses cannot observe from their positions.</li> <li>• Change the location of the patients transferred by the judiciary, public prosecution, and prisons from ward No. (31) to another ward or another building provided by improved direct surveillance (such as the Al-Farabi Building), as the ward, in its current state, is not suitable for these cases from an engineering opinion.</li> <li>• Designate experienced male nurses for Ward No. (31) with physical stamina to handle male psychiatric patients, who may act in such ways that cannot be handled by female nurses.</li> <li>• Subject the nursing staff working in the wards with acute cases and cases referred from the judiciary, the public prosecution, or detention centers to training courses on how handle cases of violence.</li> <li>• Have an experienced security man, equipped with appropriate and safe tools to control cases of severe violence, around the clock.</li> <li>• Hire a security and safety employee to inspect the wards on a weekly basis to ensure security and safety measures are in place, and document the inspection results in records to be presented to the head of the hospital and the administrative director.</li> <li>• Enforce the decision on wearing hospital gowns by all patients.</li> <li>• Provide bathrooms with doors that provide privacy, and at the same time cannot be locked from the inside or outside for the safety of the patients.</li> </ul>

Visited Location	Main Recommendations
	<ul style="list-style-type: none"> <li>• Reinforce the safety bars behind the external windows in the wards of Al-Ghazali Building to prevent breaking the windows or removing the bars.</li> <li>• Ensure that there are no sharp or protruding objects hanging in the walls or on the floors, which the patients can use to harm themselves or others.</li> <li>• The consultant needs to check the new patient within 48 hours at most from the time of his/her admission to the hospital, in accordance with international requirements and standards, to know his/her condition and monitor it regularly.</li> </ul>
Muharraq Maternity and Geriatric Hospital	<ul style="list-style-type: none"> <li>• Provide routine personal hygiene care, without delay, for the elderly, especially in the men's wards.</li> <li>• Air and ventilate the wings on an ongoing basis.</li> </ul>
Dar Al-Karama for Social Care	<ul style="list-style-type: none"> <li>• Pay special attention in dealing with those persons being taken care of at Dar Al-Karama for Social Care by the competent official bodies.</li> </ul>
Batelco Care Center for Family Violence Cases	<ul style="list-style-type: none"> <li>• Deepen the cooperation between Batelco's Care Center for Family Violence Cases and the Psychiatric Hospital represented by the Children and Adolescents Unit.</li> </ul>
The Child Welfare Home (Batelco Home)	<ul style="list-style-type: none"> <li>• Expedite performing the necessary maintenance works for the windows of the rooms where the children reside by the administration of the Home. As after examining those windows, it was found that they can open easily without a barrier to prevent that from happening. This poses a threat to the safety of the children, particularly adolescents, thus necessitates providing the windows with adequate fall preventive measures- the recommendation was implemented.</li> </ul>



## Chapter IV

### Progress Achieved in the Situation of Human Rights in the Kingdom of Bahrain

#### **Preface:**

Human rights situation is like other situations that are affected by the circumstances and changes in the society, whether such changes are of a positive nature that advance the human rights situation in the country, or a negative nature that makes those rights vulnerable to violation. Those circumstances and changes may be the result of security, political, or economic factors that have plagued the community in its entirety or as a result of violations and transgressions that have stricken it in its capabilities and gains.

In view of that, this Chapter will address issues of particular importance that the NIHR believes have constituted a turning point in the course of human rights in the Kingdom of Bahrain, and have influenced the efforts of promoting and protecting human rights. The first issue is the extent of environmental impact and climate change on human rights in the Kingdom of Bahrain, whether at the legislative level, strategic planning, or practical reality, followed by presenting the efforts and activities in the field of tolerance and peaceful coexistence, which made the Kingdom of Bahrain a beacon of peace and coexistence at the international level.

This chapter will also focus on the third issue on the right to equal treatment of the elderly and the position of international human rights standards therein, compared to the relevant national legislation. The fourth issue will focus on expatriate workers and the efforts made by the competent authorities in their regard. Each of the above mentioned issues has a number of recommendations.

It should be noted that some of the information contained in this Chapter of the report was extracted from the responses and answers received by the NIHR based on its questions addressed to, and information requested from, official authorities. Therefore, the NIHR extends thanks to these authorities for their cooperation and providing their responses, namely the Ministry of Interior, Ministry of Justice, Islamic Affairs and Endowments, Ministry of Information Affairs, Ministry of Housing, Ministry of Education, Ministry of Health, Ministry of Labor and Social Development, Supreme Council for the Environment, and the King Hamad Global Center for Peaceful Coexistence, Information and e-Government Authority, and the Labor Market Regulatory Authority.

## Section One

### Environmental Impact and Climate Change in Human Rights

1. Human rights related to the right to enjoy a safe, clean, healthy, and sustainable environment have recently become among the most notable arising rights due to the emergence of numerous violations that have affected the various aspects of the environment, whether land, marine or climatic, in consequence of the major industrial and information revolution and harmful practices; thus, directly influencing the extent to which a person enjoys his basic rights and freedoms.
2. Hence, the human right to enjoy a safe, clean, healthy, and sustainable environment is an integral part of the enjoyment of all his/her civil, political, economic, social, and cultural rights. So, any deterioration in the marine, terrestrial, or climatic environment will cast a shadow over the human right to life, adequate food, and to reaching the highest level of physical and mental health.
3. Climate change phenomenon is also contributing to the increase of weather events, natural disasters, rates of floods, droughts and desertification, and the rise in sea level, which are, in its entirety, serious and prominent violations due to harming the environment and its impact on the enjoyment of other related rights.

#### First: National Legislation

4. In the legislative and legal construction of the right to the environment, and although the Constitution of the Kingdom of Bahrain did not explicitly and directly refer to the human right to enjoy a safe, clean, healthy, and sustainable environment, its provisions did not neglect to refer to the components of this right, as Paragraph (g) of Article (9) thereof, stipulates that, **“The State shall make the necessary arrangements to ensure the utilization of arable land in a productive manner, and shall endeavor to raise the standard of farmers. The law shall specify the means whereby assistance and ownership of land are granted to small farmers”**. Paragraph (h) of the same Article follows stipulating that, **“The State shall take the necessary measures to preserve the environment and wild life,”** Article. (11) of the Constitution stipulates that, **“All natural resources shall be the property of the State. It shall ensure their preservation and proper utilization, due regard being given to the requirements of the State’s security and national economy.”**
5. The provisions of Decree-Law No. (47) of 2012 for the Establishment and Organization of the Supreme Council for the Environment entrusted the Council with the task of following up on issues related to environmental affairs and wildlife and preparing strategies for the environment

and sustainable development. The Council is composed of a number of relevant ministers and secretary generals, as well as several representatives of civil society institutions concerned with environmental issues.

6. In addition, several environmental related legislations have been issued, including Law No. (10) of 2019 on Public Cleanliness, which is a legislative addition to urban and sustainable development, in a way that is conducive to advancing the level of sanitation and waste management operations in general. Moreover, Decree-Law No. (2) of 1995 regarding Wildlife Conservation, was issued to protect wildlife in the Kingdom, preserve the various types of land and marine wildlife, and to protect rare or endangered species of animals, birds or plants. Decree-Law No. (21) of 1996 on the Environment, aims to protect the environment from polluting sources and factors, prevent its deterioration, and protect it from the adverse effects of the polluting activities that harm human health, agricultural crops, marine and wild life, other natural resources and the climate.
7. Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth, regulates issues related to fishing and the protection of animal and plant species that live in fishing waters or on the seabed or in its subsoil, and what forms inside the bodies of these creatures from (pearls) or (coral reefs) or others, and the sand and rocks contained in the seabed. In addition, the provisions of Law No. (37) of 2014 regulating the Extracting and Sale of Sea Sand, regulate issues related to the extraction of these sands and the rules governing the protection of marine wealth.
8. In a related context, many decisions related to environmental protection have been issued, whether in connection with climate, life under water, or life on land, most notably are Decision No. (11) of 2019 issuing the technical regulation for plastic products, Decision No. (3) of 2006 regarding the management of hazardous waste, Decision No. (4) of 2006 on the management of hazardous chemicals, Decision No. (4) of 2005 regarding the management of used oils, and Decision No. (2) of 2005 concerning the ban on the hunting and trading of Bahraini nightingales and bustards.
9. In addition, Law No. (53) of 2006 considering the Toubly Gulf a natural protected area was issued, Decision No. (4) of 2003 declaring the zone of Douha Araad a marine protected area, Decision No. (7) of 2002 on the control of the import and use of prohibited and severely restricted chemical substances, Decision No. (1) of 2002 declaring the Mashtan Island as a protected area, Decision No. (1) of 2001 regarding the management of hazardous health care waste, and Decision No. (2) of 2001 amending some provisions of Decision No. (10) on environmental standards (air and water ).
10. With regard to the issue of sustainable and renewable energy in the Kingdom of Bahrain, Decree No. (87) of 2019 was issued to establish the Sustainable Energy Authority, which aims

to carry out the tasks and responsibilities related to providing technical support to the competent authorities in the field of maintaining sustainable sources of energy of all types and forms, as well as raising the efficiency of its utilization and development, attaining a safe supply and encouraging investment in this area.

## **Second: International instruments and agreements**

11. As for the international instruments and agreements pertaining to the environment, and despite the fact that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which the Kingdom of Bahrain acceded pursuant to Law No. (56) of 2006, and Law No. (10) of 2007, respectively, lack the explicit reference to the human right to enjoy a safe, clean, healthy, and sustainable environment, the Kingdom has ratified and acceded to more than (40) conventions, treaties, and protocols concerned with the protection of the environment<sup>(15)</sup>.
12. Perhaps one of the most prominent international agreements related to environment is the Paris Agreement on Climate Change, which was ratified by the Kingdom of Bahrain under Law No. (75) of 2016. This agreement is one of the fruits of the most serious negotiations between the nations of the world to address the challenge of climate change being a common and shared responsibility among all states, but differentiated varying according to each country's capacity.
13. Accordingly, the outcomes of the Twenty-first International Conference on Climate Change, which was held in the French capital, Paris, in 2015, contributed to the approval of the (Paris Agreement on Climate Change), which was signed on the occasion of Earth Day on April 22, 2016 in New York City. This United Nations instrument is the first comprehensive international agreement on climate; its central aim is to strengthen the global response to the threat of climate change.
14. It is worth noting that the Kingdom of Bahrain had previously ratified, pursuant to Decree No. (7) of 1994, the United Nations Framework Convention on Climate Change, and acceded to the (Kyoto Protocol) annexed to the Convention pursuant to Decree No. (45) of 2005. Under this international Convention, States parties must prepare a periodic report called "National Communications", which contains information on greenhouse gas emissions in the State party, and describes the steps they have taken and the steps they intend to take to implement the agreement. In March 2002, the Kingdom of Bahrain submitted its Initial National Communication Report, and in February 2012, it submitted its Second National Communication Report<sup>(16)</sup>.
15. With regard to the United Nations, the human right to enjoy a safe, clean, healthy, and sustainable environment has attained a special place among the Sustainable Development Goals (2030) that includes the dimensions of this right, whether it is in terms of climate change, conserving oceans, seas, and marine resources, combating desertification, protecting forests, and protecting

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(15) To view the regional and international agreements, treaties, and protocols concerned with the environment, visit the website of the Supreme Council for the Environment: Legislation Section: International Agreements: <http://www.sce.gov.bh>

(16) To review the National Communication Reports submitted by the Kingdom of Bahrain under the UNFCCC, visit the website of the Supreme Council for the Environment: Green Environment Section: Climate Change: <http://www.sce.gov.bh>

biodiversity. Perhaps the most prominent Sustainable Development Goals (2030) related to the human right to enjoy a healthy and suitable environment, are Goal No. (13): **“Take urgent action to combat climate change and its impacts,”** Goal No. (14): **“Conserve and sustainably use the oceans, seas, and marine resources for sustainable development,”** and Goal No. (15): **“Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss<sup>(17)</sup>.”**

### Third: National strategies, plans and initiatives

16. Concerning national strategies and plans related to the right to the environment, the Government Work Program for the years (2019-2022), which is entitled (Sustainable Economic and Social Security in view of Fiscal Balance) addresses from one aspect environmental issues, by assignment of priority on it, which is formulated as a general objective entitled: “Securing a supporting infrastructure for sustainable development.” This Objective included a number of policies and initiatives related to environment, most notably: **“6. Regulating environmental protection and sustainability”** and **“7. Enhancing the efficiency of resources and services”**. The government hopes to realize these policies and initiatives by the end of its Work Program in 2022<sup>(18)</sup>.
17. Within the framework of cooperation between the Supreme Council for Environment and the United Nations Development Program (UNDP), and in partnership with the various agencies in sectors related to the environment, research centers, universities, civil society institutions, and a host of international experts, the National Strategy on Environment Protection was developed, followed by the approval of the Council of Ministers (Cabinet) on 8 October 2006. It included a number of programs and projects aiming at implementing the objectives contained therein. The NIHR hopes that this Strategy be promptly updated in a manner that is commensurate with contemporary environmental challenges.
18. As stated in the Kingdom of Bahrain’s First National Voluntary Review on Sustainable Development Goals (2030), submitted to the High-level Political Forum on Sustainable Development Goals in New York in 2018, the Supreme Council for Environment has completed updating the National Strategy and the National Action Plan for the Kingdom of Bahrain for the years (2016-2021) related to biodiversity. The Strategy includes legislative and regulatory measures to address the key challenges facing biodiversity in the marine environment, the most important of which are dredging and backfilling, the emergence of invasive alien species, and regulating marine fishing.
19. In a pioneering step, and based on the approval of the Council of Ministers and the follow-up of the Coordination Committee, the National Waste Management Strategy in the Kingdom of Bahrain was approved, which aims to achieve integrated waste management in accordance with the best internationally adopted health, environmental, municipal, and technical practices.

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(17) For more information on the SDG’s 2030, visit the United Nations website on the following link: <https://www.un.org/sustainabledevelopment/ar>

(18) For more information on the Government Work Program (2019-2022), visit the website for the First Deputy of the Prime Minister, Government Work Program section, on the following link: <https://www.fdpn.gov.bh>

20. This Strategy aims to reduce the amounts of waste received in landfills, generate revenues for the Kingdom, reduce the operating expenses of the current methods used in handling waste, utilize the outputs of waste treatment, enhance the contribution of the private sector in integrated waste management operations, and implement the commitments of the Kingdom of Bahrain with regard to the environment.
21. In addition, the National Waste Management Strategy included a number of policies and initiatives, most notably: the initiative to recycle construction and demolition waste by crushing and separation, the initiative to recycle green waste (organic waste) by converting it into fertilizers, the project on the privatization of management of Askar landfill site, which will contribute to improving the management of the site, increase environmental efficiency, extend its lifespan, and realize environmental sustainability, and the initiative to segregate, sort, and recycle household and commercial waste according to its category, in addition to recycling tires by shredding and reusing the raw materials.
22. In view of population growth, economic development, the challenges of the dry climate and the increased demand for water, groundwater in the Kingdom is facing significant deterioration in terms of quality and quantity, which has affected the agricultural sector. As a result, the Government launched a national initiative to develop the agricultural sector in order to double agricultural productivity and support small farmers, in particular women farmers. One of the public parks in the Kingdom has been designated as a permanent "Farmers' Market" aiming at facilitating access of farmers to markets and to marketing opportunities<sup>(19)</sup>.

#### **Fourth: The practical reality**

23. During the past years, the Kingdom of Bahrain has actively taken steps towards the promotion and protection of rights related to the environment, whether in the field of climate change, wildlife, marine life, or renewable energy. These steps included dimensions at the strategic plans and legislative structure levels, as well as at the executive and administrative levels. However, there are many environmental challenges that still pose a threat to the individuals' enjoyment of their established rights and freedoms, perhaps the most prominent of these challenges are issues related to waste and residues, the use of plastic materials, air quality, and the risks facing the marine environment.

##### **A. Waste and residues**

24. Referring to First National Voluntary Review of the Kingdom of Bahrain on the Sustainable Development Goals (2030), waste and residues, of all kinds and types, are one of the most prominent problems in urban areas; it becomes more acute in island countries, where islands make up all of its mainland, and especially in the cases in which the daily per capita production

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(19) The Kingdom of Bahrain's First National Voluntary Review on SDG's 2030, submitted to the High-level Political Forum on Sustainable Development Goals in New York, July 2018, p.100

of these wastes is high. In the Kingdom of Bahrain, the daily waste production per capita is approximately (1.5) kg /person /day, which is high compared to the global average of (1.2) kg /person /day<sup>(20)</sup>.

25. According to the same Review, since 1986, waste is being disposed of in Askar landfill site, which is a rock quarry in the southeast of the Kingdom, in which waste is buried, compacted with heavy machinery, and covered with a layer of sand, without any sorting, treatment or recycling processes.
26. Accordingly, the NIHR is concerned about the rise in the generation of all types of waste and its harmful impact on the environment, especially with the increase in the per capita share compared to the global average daily waste production per capita. The amount of non-hazardous waste received at the landfill is approximately 1,700,000 tons annually, of which approximately (38%) is construction waste, which is equivalent to (646) thousand tons, and (22%) is industrial waste, which is equivalent to (374) thousand tons, and (33%) is household waste, which is equivalent to (561) thousand tons, and (7%) is green waste, equivalent to (119) thousand tons<sup>(21)</sup>.
27. Concerning the Government's action plan to deal with this increase in the quantity of generated waste, the National Waste Management Strategy has (8) projects that will, in total, cause a reduction in the amount of waste received at the landfill site to a minimum, handle it in an environmentally sound manner, and make the maximum possible utilization of the waste according to the best available practices<sup>(22)</sup>. Once these projects are implemented, more than (45%) of the total quantity of waste received at the landfill site will be treated<sup>(23)</sup>.
28. The first project of the National Waste Management Strategy aims to recycle construction and demolition waste, which comprises around (38%) of the total waste, by crushing, separating and converting it into materials usable in infrastructure projects. Actual work on this project has commenced by allocating an area in Hafira landfill area in the Southern Governorate, the recycling operations were carried out and the recycled materials were used.
29. The second project aims to recycle green waste, which comprises approximately (7%) of the total waste, by converting it into fertilizers to be used by the agricultural sector. The pilot phase of this project has commenced by allocating an area of (5) thousand square meters in the Horat A'ali area, where 10 tons of agricultural waste is received at the site and converted into fertilizers. Once the operational phase of this project commences, the project area will reach (30) thousand square meters for the complete conversion of green waste and utilizing it in the agricultural sector.

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(20) The Kingdom of Bahrain's First National Voluntary Review on SDG's 2030, submitted to the High-level Political Forum on Sustainable Development Goals in New York, July 2018, p.85

(21) An interview with His Excellency the Minister of Works, Municipalities Affairs and Urban Planning, published in Al-Ayyam newspaper, Issue No. (11051), on 14 July 2019.

(22) Response of His Excellency the Minister of Works, Municipalities Affairs and Urban Planning on the question from a member of the Shura Council regarding the annual quantity of waste generated from the various activities; published in Al Watan newspaper, Issue No. (4853), on 25 March 2019.

(23) An interview with His Excellency the Minister of Works, Municipalities Affairs and Urban Planning, published in Al-Ayyam newspaper, Issue No. (11051), on 14 July 2019.

30. As for the third project, it aims to recycle household and commercial waste, which constitutes approximately (33%) of the total waste. Implementation of a pilot project for the segregation, sorting and recycling of household and commercial waste has commenced, according to the categories of the materials such as paper, aluminum, and iron; currently, the outputs of this pilot are being quantified.
31. Whereas the fourth project is related to recycling waste and converting it into energy by incinerating the non-recyclable waste, which represents (55%) of the total waste.
32. The fifth project pertains to recycling tires by shredding them and reusing the raw materials. Work is currently underway to qualify the contractors and receive their technical offers, in preparation for a public call for tender.
33. The sixth project concerns the management and operation of landfills, by improving environmental and municipal management through sanitary landfill of waste.
34. In the aspect of strategic planning, the seventh project is on developing and updating the National Waste Management Strategy. A specialized consulting firm has been commissioned, in cooperation with the competent authorities, to develop and update the Strategy. The preparation of the implementation plan of the Strategy is completed to include (180) proposed short-, medium-, or long-term measures within the implementation plan.
35. The eighth and final project relates to the establishment of Estidama Waste Management Center. The Center commenced its work in monitoring the processes related to waste management, such as transport operations, waste management, providing the necessary information and statistics, following up on the implementation of waste management strategies, and following up the programs to assess the performance of cleaning companies and the tracking system on inspectors' cars and cleaning companies' vehicles.
36. With regard to hazardous waste<sup>(24)</sup>, it is disposed of in (Hafira landfill), as it is designated landfill site for this type of waste. It is worth noting that the Kingdom of Bahrain has ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and its Disposal of 1989, under Decree-Law No. (11) of 1992. In implementation of its provisions, the Supreme Council for the Environment has issued a number of relevant decisions. In addition, the Council has established a statistical system for the management of such hazardous waste, in which the quantity of industrial waste, type, and source, place of disposal or export, and information on the transporter are daily recorded; an annual report is prepared and handed over to the General Secretariat of the Basel Convention.

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(24) The Kingdom of Bahrain's First National Voluntary Review on SDG's 2030, submitted to the High-level Political Forum on Sustainable Development Goals in New York, July 2018, p.86.

37. The NIHR highly values the great efforts undertaken by the competent authorities in the optimal implementation of the National Waste Management Strategy and the projects, initiatives, and procedures contained therein, that will positively contribute to the promotion and protection of environmental rights in the Kingdom. The NIHR stresses the need to include in the National Strategy projects and policies to handle the hazardous wastes that are being dumped in Hafira landfill, calling on the competent authorities responsible for its implementation to periodically inform the public of the accomplished achievements and the difficulties it faces, as well as the need to involve civil society institutions, and educate the public through various media campaigns while indicating the extent of their contribution to its implementation.

## **B. Plastic materials**

38. The NIHR values the efforts made by the competent authorities in reducing plastic waste and its destructive impact on the terrestrial and marine environment, by issuing Decision No. (11) of 2019 on the technical regulation for plastic products. The Decision aims to legalize and regulate the import, manufacture, and use of plastic products, by specifying its environmental requirements. It includes all plastic products manufactured from polypropylene and polyethylene, except for the products used in the medical and food industries, or the plastic products destined for foreign markets. The Decision included (16) plastic products that must be biodegradable in accordance with the specifications and standards specified in the Decision.

39. Despite the controversy in commercial circles and among consumers over the implications of replacing non-biodegradable plastic bags with biodegradable ones, and whether there are additional financial burdens that the consumer will bear in this regard, the competent authorities have dispelled all these concerns and responded to all related questions, confirming that there are no financial burdens or effects on the consumer as a result of the use of this type of plastic bags, considering that many markets and shops have been using biodegradable bags for years and did not charge the consumer an additional cost.

40. The NIHR commends the step taken by the competent authorities towards legalizing and regulating the import and manufacture of environmentally friendly plastic products, calling, in the same regard, for the rapid inclusion of all plastic materials, without exception, in the scope of the provisions of Decision No. (11) of 2019 issuing the technical regulation for plastic products, as well as tightening inspection campaigns on factories, shops and markets, to ensure the proper implementation of the provisions of the Decision.

41. The NIHR believes that the above Decision will contribute significantly to extending the life of the Askar landfill, considering that (33%) of the total quantity of waste is household waste, of which (30%) is plastic<sup>(25)</sup>. In addition, fish may eat this non-biodegradable material, thus entering the food chain, harming humans and endangering their health. This Decision leads to the optimal implementation of Sustainable Development Goals (2030).

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(25) Interview with the CEO of the Supreme Council for the Environment, published in Al Watan Newspaper, issue No. (4953), 3 July 2019.

### **C. Air quality:**

42. Urban expansion and growth in the Kingdom has led to the convergence of residential cities and industrial areas and facilities, which undoubtedly affects the health of the residents of these cities, albeit those industrial facilities, such as the waste landfill site, scrap yard (wrecked or decommissioned vehicles), and other facilities have been operating for a long time before the urban expansion took place.
43. This expansion - as reported by the competent authorities - has affected the quality of air in Jau and Ras Hayyan areas; comparing air quality monitoring results with the national standards, according to Ministerial Decision No. (10) of 1999 regarding Environmental Standards for Air and Water, confirms that there are some exceedances for some parameters such as suspended particulate matter (PM) - and most of its components in the air, and hydrocarbons except for methane, hydrogen sulfide, and carbon dioxide; the concentration of the other air pollutants - despite their presence - are within the acceptable limits of local and national standards. The competent authorities have attributed the exceedances of sulfur dioxide to the activities of oil extraction and refining, whereas the exceedances of hydrogen sulfide are attributed to several sources, including hydrocarbons, except for methane and benzene.
44. In this regard, the NIHR commends the directives of His Royal Highness, the Crown Prince, Deputy Supreme Commander and First Deputy Prime Minister, given at the Cabinet session on 25 November 2019, which include the continuous monitoring and follow up of air quality in the Kingdom of Bahrain, ensuring that air pollution indicators conform to the safe limits provided for by international standards; and identify the sources of air pollution, address their causes, and develop emission reduction policies and procedures. His Highness charged the Supreme Council for the Environment, in cooperation and coordination with relevant ministries and government agencies, with implementing his directives.

### **D. Marine life:**

45. With regard to the effects of climate change on the environment in the Kingdom of Bahrain, the Second National Communication (SNC) of the Kingdom of Bahrain submitted to the United Nations Framework Convention on Climate Change<sup>(26)</sup> indicates that climate change will increase the risk of flooding, threatening about (11%) of the Kingdom's land, as a result of the potential rise in sea level, with a possible coastal and low-lying land loss, thus exposing coastal cities and their vital facilities to flooding. In addition, climate change will pose a potential threat on public health due to the changes in frequency and intensity of dust storms associated with droughts and reduced precipitation, and it will lead to the deterioration of water and food security.

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(26) The Kingdom of Bahrain's First National Voluntary Review on SDG's 2030, submitted to the High-level Political Forum on Sustainable Development Goals in New York, July 2018, p.86.

46. Regarding the quality of sea water in areas close to the industrial areas and facilities, the results of the analysis of samples collected from specific sites in Sheikh Ibrahim, Mashtan, Ghamis, Jabbari, Miswar and Durrat Al Bahrain and the monitoring carried out by the competent authorities, indicate that the quality of seawater is in compliance with the special standards contained in Ministerial Decision No. (10) of 1999 regarding Environmental Standards for Air and Water, and that it is within the normal, healthy and safe limits<sup>(27)</sup>.
47. With regard to the environmental rights associated with marine life, and although the Kingdom of Bahrain has taken major steps in the legislative and administrative aspects to conserve and sustainably use marine resources, and that these efforts has resulted in an increase in the protected marine areas to reach (1603) square kilometers in 2017, that is more than (21%) of the total area of the territorial waters of the Kingdom of Bahrain, and perhaps the last of these efforts was the issuance of Decision No. (18) of 2018, banning the presence of nets, tools, gears, machines, or any other means to catch shrimps on boats in the specified areas for catching shrimps, as well as boat mooring areas, if the purpose of their presence is to catch shrimp during the ban period from March to 31 July 2018, in order to preserve this species of marine stock.
48. Contrary to these efforts, and given the limited land area in the Kingdom and the excessive concentration of population and development activities in the coastal strip, coastal ecosystem services has been put under pressure, and the sustainability of fish stocks and food security has been affected, in addition to the subsequent economic and social effects. Perhaps the most important of these pressures are burying and landfill operations, discharge of sewage, even though it is treated, and discharge of the effluents of desalination plants and some other industrial facilities, not to mention the pressures exerted on the marine environment from ships cruising the waters of the Arabian Gulf, and the balance water and waste they discharge into the sea.
49. In a related context, despite limited land in the Kingdom due to its small geographical area and desert nature, it contains many important ecosystems such as the sites of natural springs, palm tree groves, deserts, and others. However, for some of the reasons mentioned in the previous paragraph, and the growing urbanization demand as a result of human pressures, these habitats have clearly declined and are practically non-existent, which has resulted in the deterioration of groundwater and the conversion of many agricultural lands to cities and residential areas<sup>(28)</sup>.
50. The NIHR has also followed up on the issuance of Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), which bans fishing by using the above-mentioned type of nets in the territorial waters of the Kingdom of Bahrain, and provides for the penalties for violating its provisions, which are the penalties prescribed by Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth. The aforementioned Decree-Law and Ministerial Decision No. (11) of 2005 provided for the specifications of shrimp fishing nets, and decided to use special nets according to precise specifications for shrimp fishing

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(27) The response of the Minister of Works, Municipalities Affairs and Urban Planning to the question from a Member of the Council of Representative about the environmental situation of the Eighth District, especially Askar, Jau and the adjacent areas, and the extent to which it is in compliance with international standards, dated 26 February 2017, published on the website of the Council of Representatives.

(28) The Kingdom of Bahrain's First National Voluntary Review on SDG's 2030, submitted to the High-level Political Forum on Sustainable Development Goals in New York, July 2018, p.98.

that completely differ from the bottom trawl nets (karaf). Decree-Law No. (20) of 2002 also banned the use in fishing or the possession of some gears in fishing sites, including (karaf) nets.

51. Regarding Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), the NIHR dealt with (24) cases related to the claims made by of a group of people, who have taken fishing as their main source of livelihood, that they had been harmed and that their sources of income were cut off due to the issuance of Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf). They claimed that when they entered the sea they were suddenly prevented from using bottom trawl nets without prior warning.
52. The NIHR considered these allegations, and it found that fishing by using bottom trawl nets (karaf) was prohibited pursuant to Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth, and that shrimp fishing was regulated by Ministerial Decision No. (11) of 2005 regarding the specifications of shrimp fishing nets, and Resolution No. (12) of 2009 on the identification of the shrimp fishing areas. However, the use of shrimp fishing nets was limited to sandy and muddy seafloor areas only, since the rest of the areas contain coral reefs and other marine resources, in which the use of bottom trawl nets can damage such.
53. It was also found that there are special nets for shrimp fishing, which differ from bottom trawl nets (karaf); this is clear from the provision of Article (20) of Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth, which specified the tools that are banned in fishing, or are prohibited to be in possession in or near fishing sites, including (bottom trawl nets for fishing by any type of fishing vessel, and shrimp fishing net during fishing ban).
54. Therefore, the ban stipulated in Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf) is limited to shrimp fishing net only during the period fishing ban, while the use of bottom trawl nets is prohibited under Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth, and Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf).
55. Therefore, the NIHR is in the opinion that the ban on shrimp fishing using special nets, as established by the Decree-Law and the Ministerial Decision mentioned above, is during the period specified for the ban, which extends from March to the end of July; while (karaf) nets are already prohibited in the Decree-Law No. (20) of 2002 on the Regulation of Fishing, Exploitation and Protection of Marine Wealth, and the Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf) is only a revealing and supporting decision of the ban stipulated in the Decree-Law.

56. Hence, the NIHR, and as a result of the damage caused by the use of bottom trawl nets to the marine environment in the territorial waters of the Kingdom of Bahrain, commends the provisions of Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), as this Decision might have caused the recovery of the marine environment, the decrease in the prices of fish of all kinds, as well as the availability of fish in quantities that meet the needs of the local market. The NIHR stresses the need to educate fishermen about the safest shrimp fishing methods that protect the environment, in a way that does not negatively affect their incomes.
57. The NIHR also followed up the efforts made by the members of the Council of Representatives towards finding fair remedies for the fishermen who were harmed as a result of the issuance of the Decision to ban fishing by bottom trawl nets, especially the proposal suggesting to compensate the holders of shrimp fishing licenses affected by Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), which requires the government to compensate those affected - holders of shrimp fishing licenses - as a result of the issuance of the above Decision, through reparations for the harm they had suffered, especially that the Decision was issued during the shrimp fishing season<sup>(29)</sup>.
58. On the other hand, the NIHR values the decision of the Cabinet to adopt a budget to improve the conditions of shrimp fishermen, especially after banning (karaf) fishing, by buying the assets of the shrimp fishermen (i.e. fishing boats) for those who wish to do so, or converting shrimp fishing licenses to fishing licenses, and purchasing their fishing gears. Therefore, the Ministry of Works, Municipalities Affairs and Urban Planning invited shrimp fishermen who held valid fishing licenses at the time of the issuance of Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), to complete their data and fill out the form to indicate their choices as stated in the Cabinet's Decision, during the period from 29 September to 31 October 2019<sup>(30)</sup>. The NIHR also followed up on the news reported in the local daily newspapers and social media that the compensation for shrimp fishermen will range between (30-40) thousand dinars for each fisherman, by purchasing the fishing boat (Al Banoosh) and fishing gear<sup>(31)</sup>.
59. Regarding the protection of marine life, and despite the issuance of Law No. (37) of 2014 on regulating the Extraction and Sale of Sea Sand, and Ministerial Decision No. (77) of 2017 regarding the license to backfill (bury) marine lands (submerged), it is evident that, based on the news covered by local daily newspapers and social media, some private companies are still extracting sea sand from North Muharraq and Qita'at Jaradah areas, in contravention of the provisions of the Law, which poses grave danger to the marine environment and destroys fish habitat, especially the coral reefs, as the northern region of the Kingdom is richest area in fish and shrimp and constitutes approximately (50%) of the volume of fish wealth in the Kingdom<sup>(32)</sup>.

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(29) Proposal to compensate the holders of shrimp fishing licenses affected by Ministerial Decision No. (205) of 2018 on the prohibition of sea fishing by trawls (karaf), submitted by Members of the Council of Representatives during first sitting of the fifth legislative session; published on the website of the Council of Representatives, legislation and oversight section, subject: proposal, on the following link: <https://www.nuwab.bh>

(30) News published by the Bahrain News Agency (BNA) on September 25, 2019, news code (BNA 1531 GMT 25/9/2019) on the following link: <https://bna.bh>

(31) News published in Al Bilad newspaper, issue No. (4001) on 28/9/2019, on the following link: <http://albiladpress.com>

(32) News published in Akhbar Alkhaleej newspaper, issue No. (15187) on 22/10/2019, on the following link: <http://www.akhbaralkhaleej.com>

60. The NIHR commends the issuance of the directives of His Royal Highness the Prime Minister to end the extraction of sea sand and prohibit the operations that take place in the maritime areas in the north of Muharraq and Qita'at Jaradah to preserve the marine environment and wildlife and ensure that it is not harmed. These directives were topped up by the issuance of Ministerial Decision No. (177) of 2019 on identifying the governmental area for the extraction of sea sand. In this Decision, the eastern maritime zone in the territorial waters of the Kingdom of Bahrain - whose boundaries and coordinates are marked on the map attached to the decision - is allotted to extract sea sand for construction and building purposes, and it is prohibited to extract it for land filling purposes; it is also prohibited to extract sea sand for construction and building purposes from outside the maritime area referred to above.
61. However, the NIHR expresses its concern about the observations of the sixteenth report of the Office of Financial and Administrative Supervision for the year (2018 - 2019) published in one of the local daily newspapers<sup>(33)</sup>, and believes that it is important for the competent authorities to meticulously consider the observations contained in the report, most notable, renewing the annual licenses of the (12) sea sand mining companies by the competent authorities without obtaining the approval of the other competent government authorities; shortcomings in specifying the requirements for extracting sea sand in the licenses granted to these companies; granting approvals to a number of environmental permit applications for extracting sea sand for burial purposes projects without reference to comprehensive environmental studies prepared by approved consulting firms; and failure of the competent authorities to review the environmental impact assessment of the applications submitted by some owners of sea sand extraction projects for burial purposes, which may cause environmental damage. In addition, the Office found weaknesses in overseeing the extraction of sea sand operations for land filling projects.
62. The report of the Office of Financial and Administrative Supervision also included that the competent authorities granted approvals to a number of environmental permit applications for extracting sea sand for burial purposes projects without relying on comprehensive environmental studies prepared by approved consulting firms. In addition, the competent authorities failed, during the period from January 2015 until November 2018, to review any environmental impact assessment studies submitted by the applicants of some projects for extracting sea sand for burial purposes, which could lead to approving projects that may cause environmental damage. In addition, the Office found some weaknesses in overseeing sea sand extraction operations for land filling projects.

### **Fifth: Judicial and human rights protection**

63. Concerning the judicial context of protection of the environment, the Public Prosecution has initiated (10), (40), and (6) criminal cases during the years 2017, 2018, and 2019, respectively, related to environmental crimes, and resulted in (9), (40), and (5) convictions, respectively.

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(33) News: Recommendations of the Office of Financial and Administrative Supervision are published in Akhbar Alkhaleej newspaper. issue No. (15189), 24/10/2019, on the following link: <http://www.akhbaralkhaleej.com/>

**Statistical data on the number of criminal cases related to environment and its results for the years (2017-2019) \***

Year	No. of Cases	Convictions	Still under Deliberation	Acquittal Verdicts
2017	10	9	-	1
2018	40	40	-	-
2019	6	5	1	-

\*Source: Ministry of Justice, Islamic Affairs and Endowments, at the request of the NIHR

**Sixth: Role of the National Institution for Human Rights**

64. The NIHR effectively communicated with the judiciary through the Supreme Judicial Council to promote integration in the human rights system, as it referred to the Council its proposal regarding the establishment of public prosecution specialized in the field of environment, and court departments specialized in environmental violations and crimes, believing in the importance of establishing specialized environmental prosecution to advance the role of the inspectors of the Supreme Council for the Environment, who, pursuant to the Law, are granted law enforcement right to carry out their duties. The environmental prosecution - as stated in the NIHR's proposal - is a specialized prosecution, charged with bringing proceedings on behalf of the community before the competent courts, and its jurisdiction covers all the State's land, airspace, and territorial waters. The Environmental Prosecution is responsible for prosecuting a number of crimes, such as: crimes arising from violating the provisions of environmental laws, environmental health, assaulting public and private state property, especially agricultural properties, crimes arising from violating pollution prevention laws and preserving agricultural wealth, livestock, and fisheries, crimes arising from the extraction of sand and other materials from maritime public properties and seabed, crimes arising from violating the laws of protected areas and wildlife, crimes arising from violating the laws of classification of institutions and monitoring health and safety of materials that affect human health, and crimes arising from violating building codes and urban planning. Protecting the environment and preserving natural resources does not end with the establishment of an environmental prosecution and its auxiliary organs; it extends to establish departments in courts specialized in environmental crimes. In order for such courts to perform their role, judges must be trained in terms of their knowledge of international instruments and national legislation related to environmental rights.

## **Concluding recommendations:**

### **In light of the foregoing, the NIHR recommends the following:**

1. Call on the competent authorities to review environmental laws and regulations in force and make the necessary amendments thereon, in a manner consistent with environmental changes and emerging issues; or to enact a comprehensive and integrated law on the environment to provide for the necessary protection of all types of environmental issues, whether it is land, sea, or those related to climate change.
2. Update and publish the National Environment Strategy, and conduct national consultations with the constitutional authorities, civil society institutions, specialized academics, and defenders of environmental rights throughout the course of drafting it.
3. Start a comprehensive publicity on how everyone can contribute to the optimal implementation of the National Waste Management Strategy, and include projects, policies, and programs related to the mechanism to handle the hazardous waste that is dumped in Hafira landfill.
4. Renew the call for the establishment of a public prosecution specialized in environment, whose mission is to initiate criminal proceedings on behalf of the community before the courts specialized in all types of environmental issues.
5. Deal, as appropriate, with any administrative or legal transgressions or violations by natural or legal persons, whether public (official) or private, performing acts or refraining from acts required by laws, by-laws, regulations, and decisions in force related to environmental protection.
6. Carry out additional awareness and educational programs by official authorities and civil society institutions targeting individuals and the public on the importance of reducing waste, especially solid waste and non-biodegradable non-recyclable plastic materials, and resorting to environmentally friendly alternative materials.
7. Call upon the competent authorities to raise, on an ongoing basis, the awareness of fishermen on the safer methods for fishing shrimp that preserve the environment, and at the same time do not negatively affect their income.

## Section Two

### Human Rights and Promotion of the Values of Tolerance and Peaceful Coexistence

1. The proper implementation of the principles and rules of human rights primarily requires the dissemination of the values of tolerance and peaceful coexistence among all members of society, given that these values are key to the exercise of those rights and public freedoms, and they are one of the pillars of democracy and the rule of law. As such, the National Action Charter and the Constitution assert that these values are essential to stabilizing security in society, highlighting the importance of peaceful coexistence and respect for religious freedoms and doctrinal components.
2. Tolerance and peaceful coexistence in society requires acknowledgment of the right of others to enjoy basic human rights and freedoms that reflect the essence of those values, in particular freedom of religion represented by freedom of conscience and belief as its foundation and the vital measure in forming and preserving a stable political system, which is an extension of freedom of opinion and the right to expression.
3. Freedom of conscience or freedom of belief is considered a manifestation of tolerance and peaceful coexistence, according to the opinion of the Human Rights Committee, as it considered it “far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others”<sup>(34)</sup>, within a framework that constitutes moral obligation between citizens of the same nation; any breach or diminution in the protection of that freedom will undoubtedly lead to extremism, instability, and violence in society.

#### First: National Legislation

4. Article (22) of the amended Constitution of the Kingdom of Bahrain states that, “**Freedom of conscience is absolute. The State shall guarantee the inviolability of places of worship and the freedom to perform religious rituals and to hold religious processions and meetings in accordance with the customs observed in the country.**” Article (23) therein, states that, “**Freedom of speech and freedom to carry out scientific research shall be guaranteed. Every person shall have the right to express and propagate his opinion in words or in writing or by any other means, in accordance with the conditions and procedures specified by the law, without prejudice to the principles of the Islamic faith and national unity, and in a manner that does not stir up discord or sectarianism**”, stressing its keenness to respect religious rights and freedoms, associated with the values of tolerance and peaceful coexistence.

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(34) General comment No. [22] adopted by the Human Rights Committee pursuant to Article 18 (1) of the International Covenant on Civil and Political Rights, Document No. (HRI/GEN/1/Rev.9 (Vol.I))

5. Perhaps the most prominent laws that prohibited any advocacy of incitement that affect freedom of religion, belief, thought, and conscience, or instigate violence and national, religious, or racial hatred, are the Penal Code promulgated by Decree-Law No. (15) of 1975, which provided for explicit texts criminalizing such acts, and Decree-Law No. (47) of 2002 on organizing the press, printing, and publishing. The current Press and Electronic Media bill does not lack measures that are, overall, in agreement with the relevant international human rights covenants to which the Kingdom has acceded.
6. In order to protect minorities, being part of the societal fabric, and to reinforce those values among the same community, the Kingdom has taken measures to ensure the full and effective exercise of their rights and fundamental freedoms, without any discrimination, by creating favorable conditions to enable them to express their culture, language, and religion, in accordance with the laws and regulations in force in the Kingdom, by forming their own entities such as social and cultural associations and clubs under Decree-Law No. (21) of 1989 promulgating the Law on Associations, Social and Cultural Clubs, and Special Bodies Working in the Field of Youth and Sports and Private Institutions and its amendments.
7. The vision of His Majesty the King - may God protect him - constitutes a guarantee that strengthens the values of tolerance and peaceful coexistence, adding to the constitutional guarantees, when His Majesty considered that the essence of coexistence in the Kingdom of Bahrain is that each person retains his/her complete religious affiliation, identity, and privacy without any diminution, on the basis of trust and mutual respect among all. Consequently, these values have become part of the State's legal system, which, at the same time, guarantees the enjoyment by all of the right to religious freedom based on pluralism, to achieve peaceful coexistence among the components of the society.

## **Second: International instruments and agreements**

8. On the level of international instruments, religious freedom and cultural diversity are considered the basis of tolerance and peaceful coexistence, and the best way to realizing all human rights, which is confirmed in the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain acceded under Law No. (56) of 2006, in Articles (18), (19), and (20) that a person has the freedom to hold thought, conscience, and religion, and to manifest it in worship, performing rituals, practices, and teachings, individually or in a group, in public or in private.
9. Moreover, no one may be subjected to coercion in a way that violates that freedom, or subject it to restrictions that impair it, except for those imposed by law and necessary to protect public safety, public order, public health, public morals, or the fundamental rights and freedoms of others, as well as the legal instruments that prohibit advocacy of national, racial, or religious hatred that constitute incitement to discrimination, hostility, or violence.

10. Article (27) of the same Covenant followed - for the purpose of promoting the values of tolerance and peaceful coexistence among members of the same society - to prohibit the State Party from depriving minorities of the right to enjoy their own culture or to profess and practice their own religion, considering that this deprivation contradicts those values and is, in large part, a human rights violation.
11. Since racial discrimination contradicts the values of tolerance and peaceful coexistence and undermines the means of promoting them, which negatively affects the realization of all human rights, the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Kingdom of Bahrain acceded under Decree-Law No. (8) of 1990, affirms in its preamble that discrimination between human beings because of race, color or ethnic origin constitutes an obstacle to friendly and peaceful relations between countries, and disturbs peace and security among nations, and disturbs harmony between individuals within the state.
12. Article (7) of the aforementioned Convention obliges the State Party to adopt immediate and effective measures to combat racial prejudice that leads to racial discrimination and to encourage understanding, tolerance, and friendship among nations and racial or ethnic groups, to achieve the goals of international human rights instruments. The Committee on the Elimination of Racial Discrimination reiterated this in its Fifth General Recommendation pertaining to reporting by States Parties<sup>(35)</sup>.
13. The United Nations Declaration on the Principles of Tolerance marks the 16th of November of each year as the International Day of Tolerance, calling for adopting methods and mechanisms to activate and promote the concept of tolerance as a culture, and to pay attention to the religious, political, and social aspects of the meanings of tolerance and cooperation at all levels. The Declaration reflects the United Nations' feeling on the importance of harmony and understanding among the peoples of the earth, and the need to spread and root the values of tolerance as a human perspective and a moral depth that lays the foundations for development as a necessity for the stability of societies through knowledge, openness, communication, and freedom of thought, conscience, and belief<sup>(36)</sup>.
14. Regarding the international efforts led by the United Nations in promoting the state of tolerance and peaceful coexistence, the "Rabat Plan of Action" was launched to constitute a practical tool to prevent incitement to hatred, subsequent to conducting several workshops on the prohibition of incitement to national, racial and religious hatred, organized by the United Nations in various regions of the world<sup>(37)</sup>.

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(35) Fifth General Recommendation of the Committee on the Elimination of Racial Discrimination pertaining to reporting by States Parties, pursuant to Article (7) of the Convention, Fifteenth Session, Document No. (HRI/GEN/1/Rev.9 (Vol.II))

(36) Adopted by the General Conference of UNESCO at its twenty-eighth session, Paris, 16 November 1995, presented to the General Assembly of the United Nations at its fifty-first session, on 10 June 1996, Document No. A/51/201.

(37) The Plan was adopted at a meeting held by the United Nations Human Rights Office in the capital of Morocco, Rabat, in October 2012. The meeting was held to complete the discussions and recommendations that took place since 2011 in four regional workshops to conduct an assessment, at the national and regional levels, of legislative patterns, judicial practices, and public policies on the issue of incitement to national, racial or religious hatred. To view the plan, go to the United Nations website at <https://www.ohchr.org>

### **Third: National strategies, plans, and initiatives**

15. The Kingdom has taken serious steps through the ambitious vision launched by His Majesty the King, which is based on justice and equality as the fundamental guarantee for promoting the values of tolerance and peaceful coexistence through the enforcement of laws and judicial and administrative procedures, and making them available to everyone without discrimination, considering that exclusion and marginalization are a cause for aggression, fanaticism and intolerance.
16. The NIHR commends the pioneering initiatives led by His Majesty the King at the national and international levels, which reflect his unique vision of tolerance and peaceful coexistence in the Kingdom, starting with His Majesty's launching of the Kingdom of Bahrain Declaration as a global document for tolerance on 13 September 2017, which aims at establishing moderation approach and rejecting intolerance, and maximizing the values of the Islamic religion calling for spreading love and peace among human beings. The Declaration is based on five principles that are the pillars of religious tolerance and peaceful coexistence: freedom of religious belief, freedom of choice, God's will, religious rights and responsibilities, and finally faith.
17. The establishment of the King Hamad Global Center for Peaceful Coexistence pursuant to Royal Order No. (15) of 2018, embodies in its vision, mission, and objectives, the principles deriving from the history and civilization of the Kingdom of Bahrain throughout its history, namely, openness to all civilizations, religions, and cultures, and promotion of the values of coexistence, tolerance, and peace, inspired by the purports of the Bahrain Declaration to achieve a number of goals stated in the Royal Decree.
18. The purports of the Declaration are represented by highlighting and introducing the system of values that bring together civilizations and cultures, taking action to enrich the journey of tolerance and peaceful coexistence through it, raising awareness of the importance of the convergence and intermixing of civilizations to achieve global peace and coexistence of humanity, creating an enlightening movement through awareness of the importance of dialogue and converging on the common morals and laws agreed upon by civilizations and cultures, combating extremist ideology that feeds violence, hatred and terrorism, and finally demonstrating the positivity of pluralism, diversity, coexistence, and tolerance in the present Bahraini society and its cultural heritage.
19. To realize its objectives, the King Hamad Global Center for Peaceful Coexistence organizes local and international exhibits, seminars, and conferences; employs various media to endorse a culture of dialogue and support the course of human existence and global peace; coordinates and cooperates with international centers and organizations, other associations, institutions, bodies, and personalities interested in the dialogue of civilizations and cultures; organizes an

International Award to be annually given to persons and organizations to encourage pioneering actions and efforts in the field of dialogue of civilizations and coexistence; and finally, overseeing, in general, the activities undertaken by foreign communities or in which they participate, locally and abroad, that fall within the objectives of the Center.

20. The inauguration of the King Hamad Chair in Interfaith Dialogue and Peaceful Co-Existence on November 5, 2018 at Sapienza University in Italy<sup>(38)</sup>, aims to achieve significant outputs of the new academic discipline in disseminating the culture of tolerance and boosting principles of coexistence and dialogue. It is a landmark and constitutes a scientific and legal precedent at the global level in research and study of the science of religious and peaceful coexistence, as it is a necessary and urgent need that has positive repercussions in promoting interfaith dialogue between people of different religions and achieving the concept of peaceful coexistence in all societies.
21. The King Hamad Global Center for Peaceful Coexistence has clarified that the Chair highlights the role of religion as an identity that brings together followers of religions, and brings them closer to dialogue and studying each other's religions, in order to understand each other. It consists of three academic levels: Bachelor's degree in history, social sciences, and religions; Master's degree in Religious Studies (Theology); and Doctorate degree in religions and cultural reflections; It is open for more than (250) students from around the world.
22. The Center also indicated that the Chair, since its inauguration, has built bridges of communication with the major accredited international organizations, institutions, and research centers; has concluded many joint cooperation agreements to ensure the quality of the programs offered and to keep abreast of humanitarian, legal, and human rights developments, and has also contributed to bringing everyone closer to the dialogue and discussion table by transferring the Bahraini model of peaceful coexistence to the most important parts of the world.
23. Among the initiatives announced by the King Hamad Global Center for Peaceful Coexistence, is developing the King Hamad Faith in Leadership fellowship program, to empower youth, provide them with confidence and experience, develop their abilities, combine brotherhood of humanity with effective leadership skills by international experts and specialists, focusing on explaining and teaching the principles of the "Kingdom of Bahrain Declaration" calling for freedom and increasing understanding and peaceful coexistence among all mankind. The program also includes religious leaders, businessmen, academics, media professionals, government leaders, and diplomats as part of the international programs. The NIHR continues to follow up the actuation of this distinguished initiative.
24. At the initiative of His Majesty the King, it was decided to allocate an award called the "Isa Award for Service to Humanity" to those who work to change the world through their humanitarian

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(38) News published in Bahrain News Agency (BNA) on 5 November 2018 on the following link: <https://www.bna.bh>

initiatives and tireless efforts in finding innovative creative solutions to humanitarian and social issues for the betterment of humanity conditions. The nominees are selected by a special jury that studies and evaluates the work of each candidate, whose efforts have contributed in a humanitarian field. The award includes relief, response to disasters, education, community service, dialogue between civilizations, promoting tolerance, strengthening world peace, civil urbanization, caring for the environment and climate change, scientific achievement, and the alleviation of poverty and destitution.

25. The NIHR believes that these initiatives launched by His Majesty the King are only a reflection of his wise vision in promoting the values of tolerance, love, peaceful coexistence, and acceptance of the other at the local, regional and international levels, and the steadfastness of the distinguished position of the Kingdom, throughout its long history, in spreading these values, and its endeavor to extend bridges of communication and encourage dialogue between different cultures and religions in society. Meanwhile, the NIHR, stresses that interfaith dialogue and coexistence among them have become essential to guarantee the enjoyment of various civil, political, economic, social, and cultural rights, and have become an important element for curbing hate and rejecting the other.
26. The Ministry of Justice, Islamic Affairs and Endowments has also developed a strategic plan to effectuate the initiative to promote moderate religious discourse, with the aim of spreading national and human values in various places of worship and religious institutions, preventing extremism, radicalism and rejection of the other, and engaging religious scholars and religious institutions in promoting national belonging and consolidating the values of citizenship, coexistence, and respect for the other, through a package of various specialized programs and curricula in this regard.
27. Recognizing the role played by the media in promoting the values of tolerance and peaceful coexistence, the Ministry of Information Affairs, in its response to the NIHR, made it clear that it had adopted a media plan to shed light on the civilized aspect of the Kingdom of Bahrain in the field of spreading the values of tolerance and peaceful coexistence, and highlight its distinguished role in this regard over the years, by means of television and radio programs, including holding dialogue sessions and interviews with personalities belonging to different religions and sects, and special symposiums on issues related to the values of tolerance and peaceful coexistence in society, and their active role in preserving the national fabric, in a manner that reflects the vision of His Majesty The King in this regard, in addition to periodic media and news coverage at the local and international levels, which confirms the Kingdom's permanent and steadfast commitment to the noble foundations and values that are laid down in the relevant international charters.

28. In addition, reference is made here to the Journalism Charter of Honor, Audio-Visual Media Charter of Honor, and Media Conduct Guide, as tools that promote common national values and the spirit of tolerance and peaceful coexistence, in accordance with an advanced media strategy in line with the relevant international standards<sup>(39)</sup>.
29. In addition to the aforementioned steps that reflect a serious practical reality towards the promotion of human rights and the dissemination of the values of tolerance and peaceful coexistence, the National Plan for the Promotion of National Belonging and Consolidation of Citizenship Values "Our Bahrain"<sup>(40)</sup> which is an embodiment of the Royal vision of His Majesty the King, which aims to preserve the national values, consolidate citizenship values, and adhere to identity with all its values, customs, traditions, and legacies, so the Kingdom of Bahrain remains a homeland, in which the culture of love, brotherhood, and coexistence among the various races, sects, and religions flourishes, and a haven for human rights.
30. The National Plan includes an analysis of the challenges and goals and a consolidation of Bahraini values, identity, and tenets, in addition to defining shared responsibility. The Plan contains five main paths, namely, affiliation programs, public relations campaigns, media initiatives, curricula initiatives, and legislation and regulations initiatives, which will be reflected in a series of initiatives, each of which achieves specific goals, thus, imparting inclusion and completeness to it.
31. The NIHR believes that the National Plan for the Promotion of National Belonging and Consolidation of Citizenship Values will work to advance the efforts to maintain the security and stability of the Country by enhancing the citizens' sense of belonging; thus, it will result in further promotion and protection of human rights in various public fields. The Plan is compatible with the national legislation, the Kingdom's commitments arising from international and regional instruments concerned with human rights, and the United Nations Sustainable Development Goals 2030.
32. It is worth noting that the idea of the National Plan for the Promotion of National Belonging and Consolidation of Citizenship Values is a generous initiative of His Excellency the Minister of Interior on the occasion of celebrating the Community Partnership Day on 20 March 2018; as His Excellency formed the Committee for the Promotion of National Belonging and Consolidation of Citizenship Values comprising (16) members of qualified national personnel, specialists, and experts to develop a national plan that will serve as a guiding document and a general framework for the work of all parties, in the public and private sectors, civil society institutions and the media, in order to enhance loyalty, belonging, citizenship values, and human rights.

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(39) National report submitted pursuant to paragraph (15/a) of the annexes to the resolution of the Human Rights Council, Human Rights Council, Working Group on the Universal Periodic Review, 27th Session, May 2017, Document No. (A/HRC/WG.6/27/BHR/1 ), pg. 20, paragraph 63.

(40) News on launching the National Plan for the Promotion of National Belonging and Consolidation of Citizenship Values (Our Bahrain), published in the Bahrain News Agency (BNA) on 26 March 2019, News Code (BNA 1430 GMT 26/3/2019), can be viewed on the following link: <https://www.bna.bh>

#### Fourth: The practical reality

33. In this regard, the NIHR is of the opinion that criminal protection of human rights, in general, and the values of tolerance and peaceful coexistence, in particular, created by the Bahraini legislator, are an urgent necessity and a primary pillar for an effective legislative policy in the field of protection. Just as a comprehensive legislative countering is required for any encroachment on those values, it is also necessary to criminalize any acts constituting an assault on them, while prescribing the appropriate penalties to be imposed on its perpetrators. This view of the NIHR is based on the premise that there is an inextricable relationship between the right of the individual to practice his beliefs and his right to enjoy the benefits of peaceful coexistence.
34. Steps of tolerance and peaceful coexistence can also be seen by allowing the exercise of religious freedom through an organized structure formed according to the law that is represented by the facilities dedicated to performing rites and rituals specific to the sects, denominations, and religions present in the various regions of the Kingdom. This reflects the diversity of Bahraini society and the prevalence of the spirit of tolerance among its members in light of religious freedom of a pluralistic nature guaranteed by the Constitution and regulated by law.
35. This intermix is an element of strength within the Bahraini society, as it would create coexistence among its people and achieve security and stability for all, in addition to other efforts such as holding programs and activities to promote those values, including preaching and guidance programs, scientific programs, and religious media programs through convening conferences, workshops, dialogues and rapprochement between the various sects, and other activities concerned with advancing the concepts of Islamic discourse.
36. The NIHR believes that this empowerment and protection created by the Bahraini legislator would enhance the state of tolerance and peaceful coexistence in Bahraini society, as they reflect a state of cultural diversity and acceptance of the other. The Human Rights Committee, in its general comment on Article (27) of the International Covenant on Civil and Political Rights, confirmed this matter, stating that, "the protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole<sup>(41)</sup>."
37. The entity entrusted with the implementation of the right to education, represented by the Ministry of Education, has played a pivotal role, considering education as one of the most effective means in rooting the values of tolerance and peaceful coexistence in the structure of the human personality, and enhancing awareness of his/her rights and duties in keeping with the requirements of an institutional civil society founded on the fundamental correlation between freedom and responsibility, by adopting curricula concerned with promoting the values of citizenship for primary education, and introducing the rights and freedoms based on those values across the various components of Bahraini society.

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(41) General Comment No. (23) adopted by the Human Rights Committee pursuant to Article (27) of the International Covenant on Civil and Political Rights- Document No. (HRI/GEN/1?Rev.9(Vol.I))

38. Considering the fact that the media and its various means are one of the forms of freedom of opinion and the right to expression, and that it is the most important requirement for peaceful coexistence in any society, and most influential, as it reflects the social and cultural dimension in democratic systems, it is necessary in building social peace in a society that is based on cultural, religious, and even political pluralism.
39. Therefore, the NIHR affirms that tolerance and peaceful coexistence cannot be realized without the enjoyment of all the members of society of equal room to express their views, concerns, and aspirations in a rational atmosphere, in which each party is heard and all opinions are understood. The NIHR also believes that the modern information revolution brought about by the Internet and modern means of communication has made the world more like a small village, and has facilitated communication between individuals of various nationalities and religions, and shortened distances, thus, made the process of convergence and interaction between different directions possible.
40. In a gesture that reflects the efforts of the Kingdom of Bahrain in promoting the values of tolerance and peaceful coexistence, the Federation of World Peace and Love conferred the Shield of Tolerance on His Royal Highness Prince Khalifa bin Salman Al Khalifa, the Prime Minister, in September 2017, in recognition of the contributions of the Government of the Kingdom of Bahrain in consolidating the foundations of love and peace among peoples regardless of their religious, intellectual, or cultural formations, and for the incessant efforts that contribute to the well-being of society.

#### **Fifth: Judicial and human rights protection**

41. The criminal and procedural protection given to the values of tolerance and peaceful coexistence by the Bahraini legislator - according to the Ministry of Justice, Islamic Affairs and Endowments - has resulted in catching (26) practices undermining the essence of these values, thus constituted a crime according to the law during the years (2017- 2019), of which (22) practices were convicted . These practices were displayed in publicly encroaching one of the faiths and denigrating religious observances.

#### **Sixth: Role of the National Institution for Human Rights**

42. With regard to its mandate in the field of protecting matters connected to tolerance and peaceful coexistence in the Kingdom of Bahrain, the NIHR, during the reporting period, has provided (2) two legal assistances concerning freedom of belief and the practice of religious rites, and has also monitored (2) two cases related to practicing religious rites of persons whose liberty is restricted. The NIHR examined the cases and dealt with them as applicable in each case.

43. Regarding this, the NIHR has spared no effort in monitoring and following up matters related to the state of tolerance and peaceful coexistence in the Kingdom of Bahrain. It reviewed the reports on religious freedom in the Kingdom of Bahrain issued by the US State Department, which indicated a high degree of tolerance in society towards the beliefs and traditions of religious minorities, and the participation of Muslims in their celebrations such as birthdays and sports activities, which reflects a state of tolerance and peaceful coexistence between the various components of Bahraini society and its acceptance of the other<sup>(42)</sup>.
44. The NIHR emphasizes that the integrity of the lives of individuals within the community cannot be maintained without closeness, brotherhood, and harmony among its multiple components, as the values of tolerance and peaceful coexistence are the centerpiece for understanding the human reality; a requirement for rapprochement between sects, religions, and people of different thought and culture; a humanitarian necessity for communication and understanding between humans at the level of human needs; and are considered one of the most important values of the civilization of nations and peoples, as well as being essential for the realization of all types of human rights. Therefore, the promotion and preservation of these values is imperative for the spread of social peace and a general desire sought by every democratic society.

### **Concluding recommendations:**

#### **In light of the foregoing, the NIHR recommends the following:**

1. Call upon the competent authorities to include the terms "tolerance and peaceful coexistence between sects and religions" in the provisions of the Penal Code, and other complementary laws that criminalize the acts that encroach upon these values.
2. Consolidate the culture of tolerance and peaceful coexistence in the educational curricula at all stages, incorporate its concepts into teaching plans, and include them in courses of study, with a focus on the practical aspect.
3. Implement further guidance programs to develop a culture of tolerance and human brotherhood among students within schools and universities, and encourage dialogue among them in order to promote coexistence and social peace.
4. Launch press and electronic channels and institutions specialized in building a culture of tolerance, peaceful coexistence, and acceptance of the other and linking it to human rights, in multiple languages, directed to every segment of society.

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(42) The reports on Religious Freedoms in the Kingdom of Bahrain, issued by the US State Department- Bureau of Democracy, Human Rights, and Labor for the years 2017 and 2018 can be viewed on: <https://www.state.gov>

5. Develop additional intellectual mass media qualification and training programs for workers in the various media fields, to enable them to positively interact with issues of thought, pluralistic culture, and building a moderate media discourse that strengthens the values of tolerance and coexistence and rejects extremism.
6. Pursue building participatory relations between media and other cultural, educational, social, and civil organizations that enhance openness, engagement, and dialogue.
7. Put more emphasis on the importance of adopting moderate discourse by all types and forms of media, and tightening censorship of materials that may contain hate speech and rejection of the other in a manner that threatens tolerance and peaceful coexistence in society.
8. Continue and strengthen work connected with rationalizing religious discourse - regardless of its source - and distance it from inflammatory rhetoric that carries toxic malicious sectarianism, and direct it towards spreading the spirit of tolerance, love, and brotherhood based on respect for the other.
9. Spare religious platforms of everything that affects their status and mission, by confronting attempts to nurture the spirit of hatred, polarization, inflammatory sectarianism, and fanaticism based on doctrinal affiliations, in order to preserve a climate of coexistence, acceptance of the other, national unity, and social cohesion.
10. Call on everyone to protect the democratic path, preserve the climate of coexistence, moderation, and acceptance of others, guarantee respect for human rights, reinforce democracy, and the values of peace, security, and stability, direct efforts towards development, oppose sedition and extremism, and respect the rule of law.

## **Section Three**

### **The Right to Equal Treatment of the Elderly**

1. The right to equal treatment for all individuals is one of the pillars of the principle of the rule and respect of law and it is one of the elements of the legal state and democratic systems founded on respect for human rights. This is only through recognizing it as a right to which all people within the state are entitled without discrimination based on gender, creed, or age or any other consideration.

## First: National Legislation

2. Article No. (18) of the Constitution of the Kingdom of Bahrain establishes the principle of equality and non-discrimination for whatever reasons, and recognizes that equal treatment is a right for all, as it stipulates that, **“People are equal in human dignity, and citizens shall be equal in public rights and duties before the law, without discrimination as to race, origin, language, religion or belief”**.
3. Article No. (5), therein, also stipulates that, **“c- The State shall provide social security for all its citizens in the event of old age, illness, incapacity to work, orphanhood, widowhood, or unemployment. It shall also provide them with social insurance and health care services, and shall strive to protect them from the clutches of ignorance, fear, and poverty.”**
4. In connection with defining the age of the elderly, the Kingdom of Bahrain has tended to consider a person who reaches sixty years of age as an elderly person; this is evident in Article No. (1) of Law No. (58) of 2009 on the Rights of the Elderly, which defines the elderly as, **“Each citizen completing (60) Gregorian years of age”**. The legislator specified two conditions that must be met for a person to be considered “elderly” pursuant to the above-mentioned Law, namely, the person is a citizen and has completed sixty Gregorian years.
5. The NIHR commends the initiative to name the elderly “senior citizens”, under the direction of His Highness Sheikh Nasser bin Hamad Al Khalifa, National Security Adviser, Representative of His Majesty the King for Charity Works and Youth Affairs, Chairman of the Supreme Council for Youth and Sports, and President of Bahrain Olympic Committee President of the Supreme Council for Youth and Sports, and President of the Bahrain Olympic Committee, which shows the Kingdom’s interest and belief in the importance of enhancing the status of this group and its positive role in the development and service of society<sup>(43)</sup>.
6. The law also guarantees the care of the elderly and the importance of helping him/her financially and morally, and providing health care, residential and social services and others. The Law sets forth basic principles for the protection and care of the elderly, including: encourage the elderly to continue giving and contribute in production and benefit from their experiences and capabilities, ensure the integration of the roles of the family, the state, and civil society institutions in caring for the elderly, raise the awareness of the elderly of their rights and enable them to exercise such rights and benefit from them, and address all forms of discrimination and exclusion that the elderly encounters in the family setting and socially. In addition, the Law defines the mechanism for sponsoring the elderly and the procedures related to his/her protection, prescribing a number of penalties for anyone who violates the provisions of this Law.
7. To give effect to the provisions of the aforementioned Law, Resolution No. (1) of 2011 was issued to issue the Executive Regulations of the Law on the Rights of the Elderly, which contains the functions and competencies of the authorities concerned with the elderly, as well as the mechanism

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(43) The reports on Religious Freedoms in the Kingdom of Bahrain, issued by the US State Department- Bureau of Democracy, Human Rights, and Labor for the years 2017 and 2018 can be viewed on: <https://www.state.gov>

for establishing and operating nursing homes for the elderly and the conditions necessary to obtain the required licenses. The Resolution also identified the cases in which the elderly is put in nursing homes, and the health and social services provided to them.

## **Second: International instruments and agreements**

8. At the international level, the first paragraph of Article (2) of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain acceded under Law No. (56) of 2006, states that, **“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”**.
9. In this context, the international community has paid attention to the elderly. The First World Assembly on Aging convened in 1982 to endorse the Vienna International Plan of Action on Aging, which calls for specific actions on issues such as health and nutrition, protection of the elderly consumer, housing and the environment, family, social welfare, employment and income security, education, and research data collection and analysis.
10. The Principles for Older Persons were adopted in 1991 by United Nations General Assembly Resolution No. (46/91), which revolves around the right to independence, participation, care, self-realization, and dignity. However, these principles did not specify when a person is considered elderly.
11. In 1992, the Proclamation on Aging was adopted, in which States were urged to implement the International Plan of Action on Aging and to disseminate the United Nations Principles for Older Persons. The Proclamation views the elderly as contributors to their societies and not as a burden, and encourages community awareness and participation in the formulation and implementation of programmes and projects with the involvement of older persons, in addition to protecting the various rights of the elderly.
12. In addition, the Second World Assembly on Aging held a conference in Madrid in 2002, where it adopted the Political Declaration and the Madrid International Plan of Action on Aging, which lays down international policies, related to the elderly and the promotion of their rights, and affirms the equality of all, and non-discrimination between persons, especially the elderly, on any grounds. The above-mentioned Proclamation pointed out the States’ commitments to respect and protect the economic, cultural, social, civil, and political rights of the elderly, while recognizing the need to strengthen intergenerational solidarity, taking into account the needs of each group in society. The Proclamation aims to achieve a shared vision of equality at all ages, noting that there are international moves to introduce a convention on the rights of the elderly.

13. Considering the Madrid Political Declaration of 2002<sup>[44]</sup>, the second Article therein, considers the elderly to be every person over sixty years of age. Reviewing the World Health Organization's report on aging and disease<sup>[45]</sup> shows that it is compatible with the aforementioned Declaration, indicating that the pace of population aging is increasing, as the proportion of the world's population aged sixty and over is expected to increase from (12%) to (22%) between the years (2015-2050); thus, countries will face problems in ensuring the readiness of their health and social systems to benefit from this demographic transformation.
14. Although there is no special convention on the rights of older persons, this does not necessarily mean that there are no rights for this group or that they are neglected, as there is a legal provision in most of the conventions related to human rights that addresses equality among people, including this group, and prohibits discrimination on any grounds, including "age".
15. With regard to the 2030 Sustainable Development Goals, the tenth goal, namely, reduce inequality within and among countries, calls for ensuring equal opportunities and reducing inequalities of outcome, by taking measures to eliminate discrimination, and to enable and promote political, economic, and social inclusion for all without regard to age, sex, disability, race, ethnicity, origin, religion, marital status, or other status.
16. This concern is enforced by designating the first day of October of each year to be the International Day for Older Persons by the United Nation; the 2019 theme for celebrating the International Day is, "The Journey to Age Equality". This affirms that development process must include everyone without exception, regardless of the age group to which the person belongs, especially the elderly. The United Nations Expert on the enjoyment of all human rights by older persons confirmed this saying that, "we must stand by the rights of older persons; unlike refugees, women, children, people with disabilities and others, the elderly do not enjoy protection through any of the human rights instruments, which explains the lack of representation of the unique challenges they face<sup>[46]</sup>," while calling on the international community to create a special agreement aimed at promoting and protecting the rights of older persons<sup>[47]</sup>.

### **Third: National strategies, plans, and initiatives**

17. Law No. (58) of 2009 on the Rights of the Elderly stipulates the establishment of a National Committee for Elderly, responsible for proposing a general policy for the elderly and their integration into society and developing a media plan to raise awareness of the rights of the elderly and the role of the family and society in protecting their rights and caring for them. In addition, the National Committee coordinates with the relevant governmental authorities regarding decisions related to the elderly, and coordinates with the competent government agencies to cooperate with international and regional organizations concerned with the rights of the elderly, and to review their decisions and recommendations.

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[44] The Second World Assembly on Aging was held in 2002 in the Spanish capital, Madrid, where the Madrid Political Declaration was adopted. It aims to develop international policies on aging suitable for the twenty-first century. For more information, please visit the section on global issues at the following link: <http://www.un.org>

[45] See the WHO report on aging and disease in the Newsroom section through the following link: <https://www.who.int/ar>

[46] United Nations news site; visit the link: <https://news.un.org/ar>

[47] Report of the Office of the United Nations High Commissioner for Human Rights, Summary Report of the Consultation on the Promotion and Protection of the Human Rights of Older Persons, Document No. (A/HRC/24/25)

18. In 2012, and in implementation of the aforementioned Law, the National Committee issued the National Strategy and Action Plan for the Elderly in the Kingdom of Bahrain. Its vision for the future focuses on improving the quality of life of older persons and their continuous effective participation in the economic, social, cultural, spiritual, and political aspects to remain active elderly persons. The Plan is based on three themes, namely: Development in an aging world, health and well-being with age, and creating a supportive and enabling environment for all ages. Under each of these themes are a number of objectives that the National Committee seeks to achieve through the Strategy and Action Plan.

#### **Fourth: The practical reality**

19. The Elderly Services Office was established under Resolution No. (9) of 2013, to guarantee all rights to this group, especially those rights that are relevant to its nature. The Office has issued a service card for the elderly; it receives, and refers, the application to admit an elderly to a nursing home or an alternative family; it also provides counseling services for the elderly and his/her family members, and caregiver service for the elderly; it conducts surveys on the elderly, in addition to studying the potential of benefiting from the experiences of retired elderly people and urge them to continue to give and be productive.

20. The above-mentioned Law entrusted the Ministry of Labor and Social Development with the task of creating and issuing a special card for the elderly, through which the elderly is granted a reduction of no less than (50%) on the fees imposed by the State and prescribed by a decision of the Council of Ministers, in addition to obtaining discounts on living supplies from participating agencies and companies.

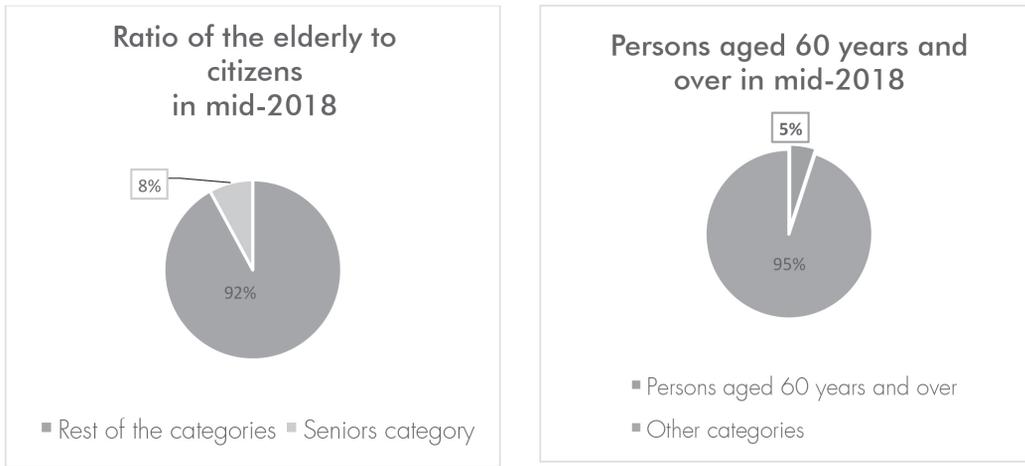
21. In addition, a number of administrative decisions have been issued that exempt the elderly from certain fees, such as exempting the elderly from half of the passport renewal fees, and half of the prescribed fees for renewing vehicle registration certificates and renewing driving licenses, pursuant to Resolution No. (47) of 2014 and Resolution No. (48) of 2014, respectively. In addition, they are exempted from some other fees, such as the fee for updating personal data, based on the directives of His Majesty the King to take into account the needs of citizens<sup>(48)</sup>.

22. In practice, in 2018, the total number of elderly persons in the Kingdom of Bahrain has reached (76,226) persons - according to the statistics of the Information and e-Government Authority - which constitutes (5%) of the population of the Kingdom. Of the total number of elderly persons, (57,649) are elderly citizens, accounting for (8%) of the total number of citizens. The number of elderly male citizens exceeds the number of female citizens, as in 2018, the number of elderly male citizens has reached (29,524) persons, while the number of elderly female citizens has reached (28,125) persons.

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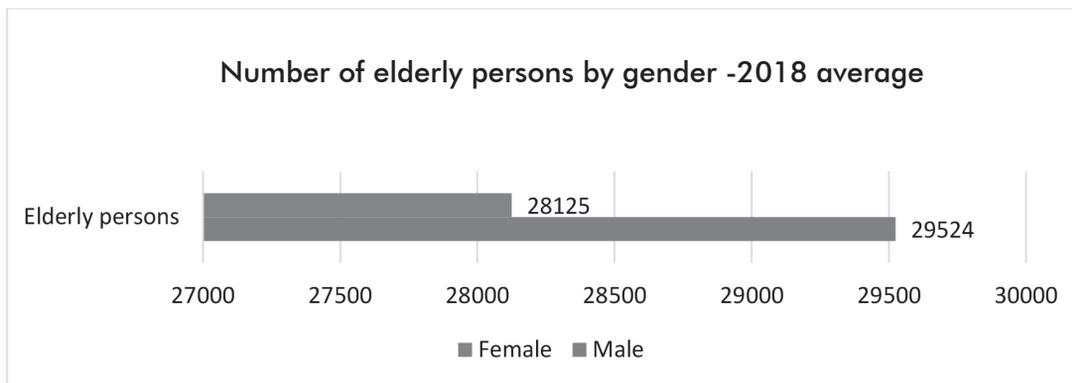
(48) News published in Albilad Newspaper, issue No. (3946) on 6 August 2019, on the following link: <http://albiladpress.com>

Charts showing elderly percentage of the total population in the Kingdom of Bahrain and the elderly citizens percentage of the total citizens in the Kingdom of Bahrain for the year 2018\*



\* Source: Information and e-Government Authority at the request of the National Institution for Human Rights

Graph showing the number of elderly persons by gender - 2018 average



\*Source: Information and e-Government Authority at the request of the National Institution for Human Rights

23. With regard to the exercise of political rights by the elderly, that is voting right and the right to stand for election, it was found - according to the statistics of the Ministry of Justice, Islamic Affairs and Endowments - that (76) individuals aged (60) years or over nominated themselves for the parliamentary and municipal elections in 2018, of which (9) candidates were able to obtain seats in the Council of Representatives or municipal councils. During the 2018 parliamentary elections, (30,644) voters, aged 60 years or over, participated, which constitutes about (61%) of the total number of this age category whose names are listed on the electoral lists, and (23,774) voters (of the same age category) participated in the municipal elections, which constitutes approximately (63.4%) of those whose names are registered in the electoral lists.
24. In the framework of the communications between the NIHR and the Ministry of Education, the latter indicated that the illiteracy rate in the Kingdom of Bahrain is (2.4%) for persons over the age of (15) years who do not know how to write, read, and perform basic arithmetic. To counter illiteracy, the Ministry of Education provides education for all through allocating (21) education centers for the illiterates.
25. Concerning the right to health and the enjoyment of health care, and according to the statistics of the Ministry of Health, it was observed that the average life expectancy has increased by an average of (2.6) years during the past ten years, which is an indication of the advancement of health care services. Despite that, non-communicable diseases (Cardiovascular diseases, diabetes, cancer, chronic respiratory diseases) are the main cause of death with approximately (81.8%) deaths attributes to these diseases in the Kingdom of Bahrain in 2017. Cardiovascular diseases are among the most common non-communicable diseases that cause deaths in the Kingdom of Bahrain, as (35%) of the mortality rate due to non-communicable diseases is caused by these diseases.

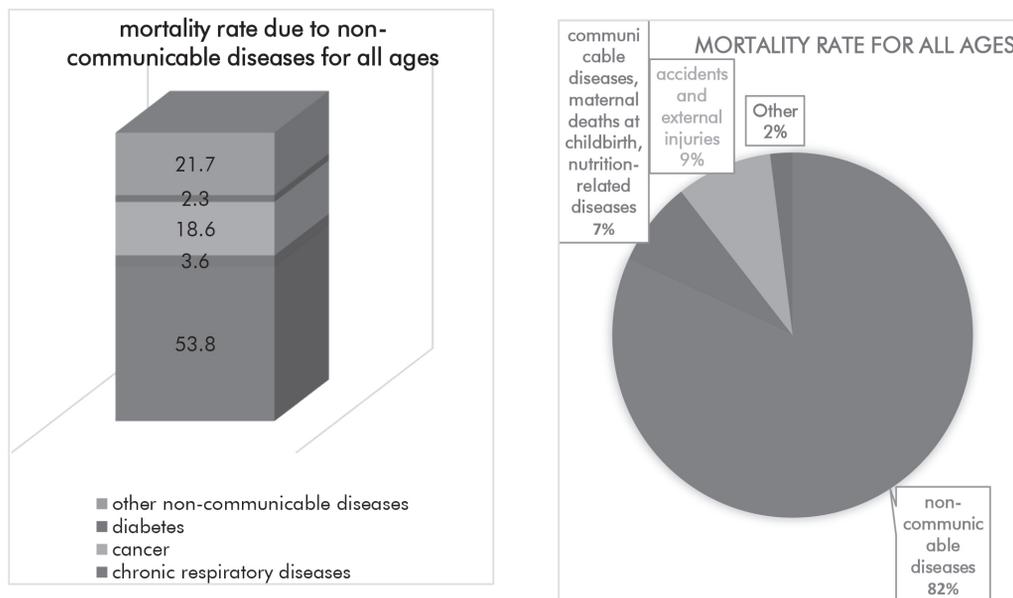
**Table showing the average life expectancy at birth for the years (2009-2018)\***

<b>Year</b>	<b>Average life expectancy at birth (years)</b>
2009	74.6
2010	75.3
2011	76.5
2012	76.5
2013	76.5
2014	76.5
2015	77.2
2016	77.2
2017	77.2
2018	77.2

\*Source: Ministry of Health, at the request of the National Institution for Human Rights

26. The number of patients registered with the Ministry of Health, aged (60) years or over, who suffer from a chronic disease (cardiovascular diseases, diabetes, chronic respiratory diseases, cancer) during the years (2013-2018) is (76,567) patients. The Ministry indicated that it strives to control and prevent these diseases, and that it is committed to the third goal of the Sustainable Development Goals related to ensuring healthy lives and promoting well-being for all at all ages.

**Two graphs showing the causes of death in the Kingdom of Bahrain and Mortality rate due to non-communicable diseases during 2017**

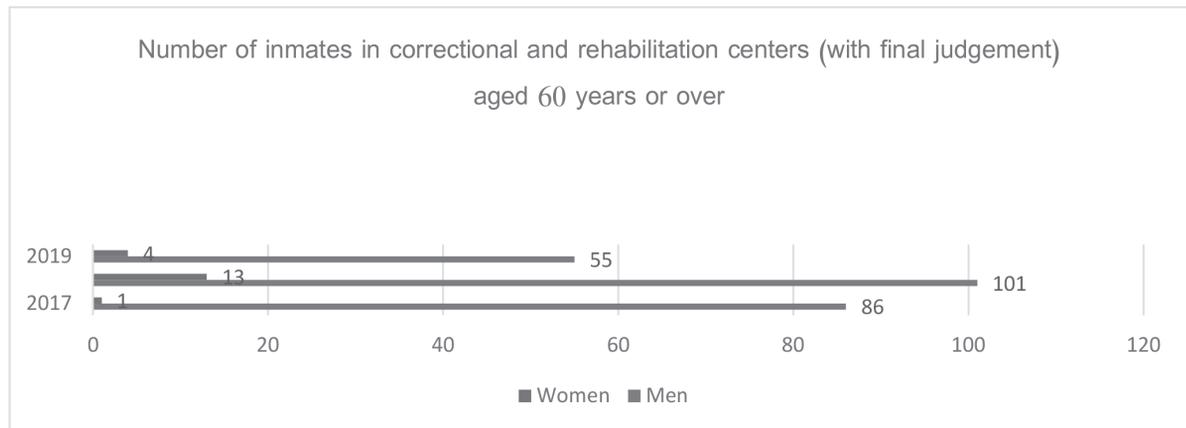


\*Source: Ministry of Health, at the request of the National Institution for Human Rights

**Fifth: Judicial and human rights protection**

27. The number of elderly inmates in reform and rehabilitation centers - according to the statistics of the Ministry of Interior - reached (59) convicts in 2019, of which (4) convicts are women, and (114) convicts in 2018, of which (13) are woman. In view of the health and social conditions of this category, the provisions of the Sanctions and Alternative Measures promulgated by Law No. (18) of 2017 was applied to a number of convicts from the elderly category, who meet the terms of the provisions of this Law. The number of convicts benefiting from alternative penalties reached (41) convicts, of which (37) are male convicts and (4) are female convicts. The prescribed alternative penalties varied, as (35) convicts were sentenced to community service, and (2) convicts participated in courses in alternative rehabilitation programs (diversion), whereas the remaining (4) convicts were compelled to repair the damage caused by their crimes (tort reform).

**Graph showing the number of elderly inmates with final judgments in correctional and rehabilitation centers**



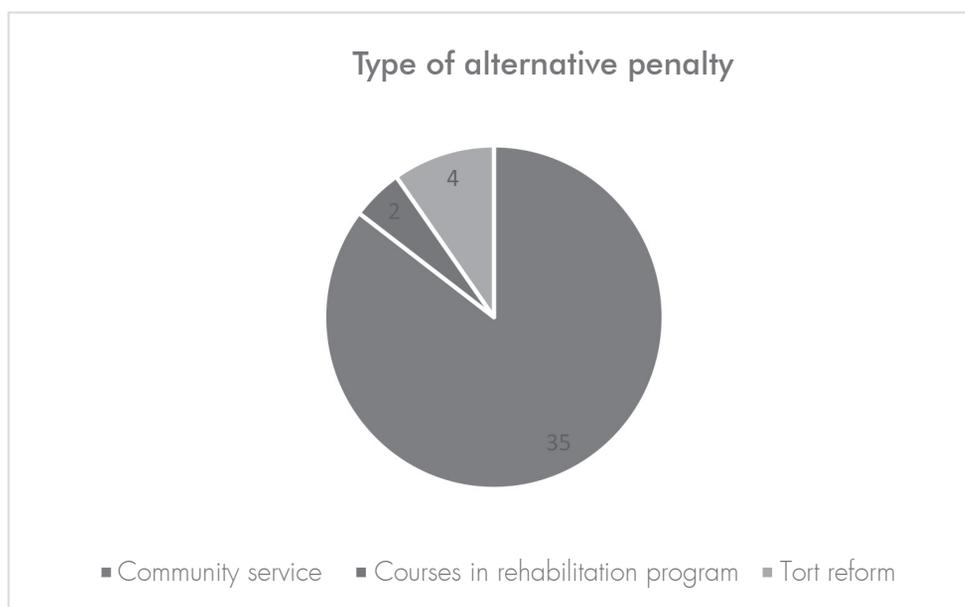
\* Source: Information and e-Government Authority at the request of the NIHR

**Table showing the number of convicts benefiting from applying the Sanctions and Alternative Measures Law**

Gender of those sentenced with alternative penalty	Number
Male	37
Female	4
Total	41

\* Source: Information and e-Government Authority at the request of the NIHR

Chart showing types of alternative penalties and the number of beneficiaries



\* Source: Ministry of Interior at the request of the NIHR

### Sixth: Role of the National Institution for Human Rights

28. At the beginning of 2019, the NIHR launched its Strategy and Action Plan for the years (2019-2021), in which the right to equal treatment - including the rights of the elderly - is one of its strategic goals, as it is based on the fact that everyone has the right to equality and equal treatment without regard to religion, race, age, or any other consideration. Through this strategic goal, the NIHR aims to broadly promote the principle of equality and equal opportunities across various fields in cooperation with relevant local organizations and civil society institutions. In addition, the NIHR intends to study the effects of inequality and discrimination on societal progress.
29. To achieve its desired goals in this regard, the NIHR monitors and follows up on the status of the rights of this elderly category in the Kingdom, holds various events on the right to equal treatment for them, partners with civil society and its institutions, and activates the memoranda of understanding with the relevant competent authorities.

30. On legislative review, in pursuance of its role in this regard, the NIHR submitted its proposal regarding the right to an adequate standard of living, in particular with regard to the right of the elderly to adequate housing, to the government represented by the Ministry of Housing, the Council of Representatives, and the Shura Council. In its proposal, the NIHR concluded that the provisions of the Minister of Housing Decision No. (909) of 2015 regarding the housing system must be reconsidered to provide for more guarantees to ensure that the elderly enjoys housing services and provision of adequate housing, on the one hand, and ensure that the State fulfills its right on the other hand<sup>(49)</sup>.
31. Regarding the NIHR's mandate in the field of protecting the right to equal treatment of the elderly, it has received one complaint related to the right to social security, and has provided (15) legal assistances, mainly on issues pertaining to the right to adequate standard of living, the right to health, and the right to work. In addition, the NIHR monitored (2) cases; the first relates to the right to health, and the second one relates to equality and non-discrimination. The cases were studied and handled separately as required based on its nature; for some cases, the NIHR contacted the relevant authorities to discuss it, identify the cause, and resolve it.

### **Concluding recommendations:**

#### **In light of the foregoing, the NIHR recommends the following:**

1. Call on the competent authorities to study the laws and regulations in force related to the rights of the elderly and to make the necessary amendments thereto in a manner consistent with the relevant international principles, rules, and resolutions; or, to enact a comprehensive and integrated law on the rights of the elderly, provided that the new law keeps pace with economic, social, cultural, civil, and political developments in the last decade.
2. Issue the elderly service card stipulated in Law No. (58) of 2009 on the Rights of the Elderly, for every person who reaches the age of 60 years, automatically, without the need to submit an application for that purpose or any other procedure.
3. Revise the conditions for obtaining housing services prescribed in Decision No. (909) of 2015 regarding the housing system and its amendments by the competent authorities, to raise the age of beneficiaries of housing services and include the age group (over 60 years) among those benefiting from the various housing services, as the current maximum age to be eligible to benefit from most housing services is (55 years).
4. Call on the National Committee for the Elderly - established by Decision No. (79) of 2011 - to exert more efforts and endeavors, with greater attention focused on the media aspect, to highlight these efforts and endeavors, and the services it provides to become a national platform for promoting the rights of the elderly.

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(49) For more information on the proposal of the NIHR regarding the rights of the elderly to an adequate standard of living, please see Section Three of Chapter II entitled (Advisory Opinions submitted by the National Institution for Human Rights to the Government).

5. Update the National Strategy and the Action Plan for the Elderly, to match the development taking place in the field of promoting the rights of this group in various public fields, especially since the current Plan has been issued for nearly (8) years.
6. Call upon the competent authorities to accelerate the pace of work on combating non-communicable diseases, and to raise awareness about such diseases, especially for the elderly, while ensuring the continuity of providing quality health care services for this group.
7. Call on the competent official authorities - in cooperation with civil society organizations concerned with the rights of the elderly - to benefit from the experiences and capabilities of the elderly in the post-retirement stage and to utilize their experiences in a manner that serves the government sector and the community.
8. Diversify the governmental exemptions for the elderly and raise the percentage of discounts on the various fees.

## **Section Four**

### **Protection of the Rights of Expatriate Workers**

1. The right to work is one of the most basic human rights of all kinds, guaranteed by all the constitutions of the world. Given its importance, it requires many components that contribute to enabling individuals to exercise this right to the fullest, as it is not possible to enjoy a decent standard of living for individuals and their family members, unless an integrated set of supporting factors and fundamentals are achieved. These include, but are not limited to, the right to work, which is a right necessitated by human dignity and required by the common good in society, according to sound economic principles and the precepts of social justice between workers and employers.
2. Given that expatriate workers constitute a large segment of the labor market, the Kingdom of Bahrain is striving, through its competent ministries and authorities, to collaborate and cooperate to provide the best practices in the Bahraini labor market, in an effort to create a better work environment for this category.
3. In view of the advantages provided by the Kingdom for making available healthy and suitable work environments for all, the number of expatriate workers has increased in recent years, until it has now become the largest segment in the labor market and its main pillar. The unique investment and economic characteristics of the labor market contribute to attracting and recruiting expatriate workers, compared to the rest of the Gulf countries and the world.

## First: National Legislation

4. Labor Law for the Private Sector No. (36) of 2012 and its amendments regulates the relationship between the worker and the employer, identifying the rights and obligations of each towards the other in a manner that guarantees the worker's enjoyment of rights and privileges as well as the appropriate legal measures. In addition, Law No. (1) of 2008 regarding Combating Trafficking in Persons, includes in a number of its provisions and articles the necessity and importance of providing protection to foreign workers, who have been, or are likely to be exposed to the crime of trafficking in persons.
5. The Kingdom of Bahrain has made concrete efforts and progress in enabling all expatriate workers to enjoy all their basic rights on an equal basis without any discrimination on the basis of colour, sex, origin, or race. In an unprecedented gesture at the regional level of the Gulf Cooperation Council Countries, Paragraph (a) of Article (25) of the Labor Market Regulating Law promulgated by Law No. (19) of 2006, grants the foreign worker the right to change employer - without obtaining the current employer's consent - and to obtain a new work permit.
6. Considering that occupational safety is one of the components of the rights of workers in general, and expatriate workers in particular, the provisions of Labor Law for the Private Sector and its implementing decisions deal with every aspect of achieving occupational safety and safe working environment, such as Decision No. (6) of 2013 on Protecting Workers While on Duty from the Hazards of Fire; Decision No. (8) of 2013 Regulating Occupational Safety and Health in Establishments; Decision No. (12) of 2013 concerning the Notification Procedures on Occupational Accidents and Diseases; and Decision No. (31) of 2013 on Protecting Workers from Electrical Hazards. In addition, expatriate workers are subject to the provisions on work injuries stipulated in Social Insurance Law promulgated by Decree-Law No. (24) of 1976.
7. Out of the concern to protect workers from exposure to the sun in open places during the summer, and given the extremely hot weather, high air temperatures, and high humidity in the Kingdom during this season, these workers could be exposed to many health risks such as sunstroke and falls due to heat stress. Decision No. (3) of 2013 regarding the ban of outdoor work at noon time to prohibit workers, whose nature of work requires being under the sun and in open places, from working between twelve noon and four in the afternoon during the months of July and August every year<sup>(50)</sup>.

## Second: International Instruments and Agreements

8. The accession of the Kingdom of Bahrain to the International Labor Organization in 1977 is an important feature of the aspirations of the Kingdom of Bahrain in being a role model, and a leading example, in the field of protecting and promoting the rights of expatriate workers on

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(50) For additional information on this issue, please view Section Three of Chapter I titled (The Tenth Anniversary of the Establishment of the NIHR); the same subject is addressed in Section Three of Chapter II titled (Advisory opinions submitted by the NIHR to the Government)

its land. This prompted the Kingdom of Bahrain to join and ratify a number of international and regional conventions concerning the right to work and regulating the rights of expatriate workers.

9. Among the most prominent international agreements pertaining to work and workers to which the Kingdom has acceded are, Convention No. (105) of 1957 on the Abolition of Forced Labor pursuant to Decree No. (7) of 1998; and Convention No. (159) of 1983 on Vocational Rehabilitation and Employment (disabled persons) pursuant to Decree-Law No. (17) for the year 1999. In addition, the Kingdom of Bahrain has ratified Convention No. (111) of 1958 on Discrimination (Employment and Occupation) under Decree (11) of 2000, and Convention No. (155) of 1981 on Occupational Safety and Health and the work environment, pursuant to Law No. (25) of 2009.
10. The Kingdom of Bahrain has also acceded to Convention No. (138) of 1973 regarding Minimum Age for employment, under Law No. (1) of 2012, noting that the ratification or accession of the Kingdom of Bahrain to the aforementioned ILO conventions constitutes the Kingdom's commitment to the most significant international standards and obligations related to the right to work.

### **Third: The practical reality**

11. In order to verify that all establishments, on which the provisions of Decision No. (3) of 2013 regarding banning outdoor work at noon time apply, are abiding by the work ban as provided for; the Ministry of Labor and Social Development conducted (11235) inspection tours and visits during 2019, compared to (10185) visits during 2018 and (7890) visits during 2017.
12. As a result of the Ministry's intensive awareness campaigns calling on the establishments working in the field of construction and contracting to abide by the provisions of the ban order, societal awareness of the need to report ban violations has increased. Accordingly, the Ministry has launched a hotline to receive reports of violations pertaining to the application of midday ban Decision. The hotline has received (8) reports during 2017, (11) reports during 2018, and (32) during 2019.
13. These inspection tours and visits have contributed to decreasing the number of establishments violating the provisions of the midday ban Decision during the current year (2019), which amounted to (56) establishments, compared to (156) violating establishments during 2018, and (92) violating establishments during 2017. The Ministry took the necessary measures to refer these violations to the Public Prosecution, as it is the competent authority in initiating these violations. The percentage of compliance with the provisions of the decision to ban work at noon during 2019 has reached a peak of (99.5%), according to the response of the competent authority to the inquiries of the NIHR on the extent to which the Decision banning work at noon is being implemented, as the NIHR submitted its proposal regarding amending the work ban times (spatial and temporal) to the Ministry of Labor and Social Development<sup>(51)</sup>.

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(51) For more information on the NIHR's proposal to amend the noon work ban times, please see the Section Three entitled (Advisory Opinions submitted by the National Human Rights Institution to the Government) of Chapter II of this Report.

14. As for institution building, the Labor Market Regulatory Authority was established by Law No. (19) of 2006 on Regulating the Labor Market, where Article (4) therein stipulates that, “the Authority shall assume all the tasks and powers necessary to regulate the labor market in the Kingdom, and regulate work permits for foreign workers, licensing recruitment (manpower) agencies, employment offices, and work permits for foreign business proprietors working in the Kingdom.” The Labor Market Regulatory Authority has a number of competencies, the most important are the following:
- Prepare a national plan for the labor market, which includes the strategy and general policy of employment of Bahrainis and foreign workers
  - Collect and analyze data, information, and statistics related to the economic situation in the Kingdom, in particular with regard to the labor market.
  - Supervise the issuance of work and residence visas to the Kingdom, and the issuance of the official identity card for foreign workers in coordination with the competent official authorities.
  - Issue work permits for domestic workers and those who fall in similar category, and request medical examinations for foreign workers and the necessary tests in coordination with the competent official authorities.
  - Collect all fees related to work permits and licenses issued in accordance with the provisions of the law.
15. In addressing the phenomenon of illegal and irregular workers in the Kingdom, the Authority has launched the “flexible work permit” system, which is applicable to expatriate workers with canceled work permits, and expatriate workers with expired work permits that have not been renewed by their employers, excluding regular workers, domestic workers or the like, or workers leaving work.
16. This System allows expatriate workers to work for any employer for a renewable period of two years, and to work, by temporary direct contracting, in any profession that does not require a professional license to practice it, whether full-time or part-time. The System also allows the worker to normally leave to his/her country and return during the validity period of the work visa. In addition, it provides for protecting the worker from any attempts of exploitation or trafficking.
17. In the same context, the NIHR followed up, through mass and social media, the disparate views regarding the flexible work permit system between the government represented by the Ministry of Labor and Social Development and the Labor Market Regulatory Authority on the one hand, and the Council of Representatives and the Bahrain Chamber of Commerce and Industry on the other. The NIHR also followed up the course of the plenary session dedicated by the Council of Representatives to discuss the government’s policy regarding the flexible work system, the proposals concluded therein, and the call to discontinue the flexible permit system, compensate

merchants/traders for the damages that resulted from the application of this system, review the labor market again, draft an agreement between the worker and the employer certified by Ministry of Justice, Islamic Affairs and Endowments to preserve the rights of the worker and the employer, issue a clearance from the competent authorities when the worker leaves the country to preserve the rights of others, prohibit workers from transferring employment to another employer before the lapse of two years, and require workers to pay (500) dinars as a security deposit upon entering the Kingdom to preserve his/her rights and cover any subsequent claims against him/her<sup>(52)</sup>.

18. In this sense, the NIHR calls for discussing the current flexible work permit system among the competent government agencies, the legislative authority (Council of Representatives and the Shura Council), the Bahrain Chamber of Commerce and Industry as it represents and reflects the voice of merchants, and the relevant civil society institutions, to find a middle ground and come up with a more broadly acceptable formula and mutual action points that constitute a new perspective for this system, in a manner that preserves the rights of all stakeholders and respects the international obligations of the Kingdom of Bahrain in this regard.
19. For the purpose of providing the necessary protection for expatriate workers, a comprehensive center has been established under the umbrella of the Expat Protection Center called "Iwa'a" that can accommodate (200) persons in emergencies, and (120) persons under normal situations, in accordance with international standards and specifications. The center provides preventive and counseling services to expatriate workers, and it also takes in victims of trafficking in persons or persons who are likely to be exposed to the crime of trafficking.
20. According to the Labor Market Regulatory Authority, in response to the NIHR's request for information on the number of reports received via hotline (995) during the years (2017, 2018, and 2019) on cases of trafficking in persons, the Authority made it clear that it has not registered any trafficking case through those calls; even though it received (5,388) calls during 2017, (6,065) calls during 2018, and (5,588) calls until September 2019.
21. In connection with combating the crime of trafficking in persons, the "National Referral Mechanism for Victims of Trafficking in Persons" was launched, which is the first mechanism of its kind in the region. It contributes to educating citizens, residents, and migrant workers alike about the concepts and practices of trafficking in persons and their rights in accordance with Law No. (1) of 2008 regarding Combating Trafficking in Persons.
22. In the context of protecting the financial rights of expatriate workers, the Ministry of Labor and Social Development, in its response to the NIHR regarding the measures taken by the Ministry in the cases of non-payment, delay in payment, or stalling in payment of wages due to workers, stated that when it receives a complaint regarding workers' not getting paid their wages, it deals

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(52) The sixteenth ordinary session, held on Tuesday, April 2, 2019, in which the request submitted by a number of Representatives to raise a general topic for discussion to clarify the government's policy regarding the flexible work system issued by Decision No. (108) of 2017.

- with the case in a strictly confidential manner; the competent personnel record the complaint, then an inspection visit to the facility/establishment is conducted, and upon verification of the complaint, a report of the inspection visit is prepared.
23. Subsequently, the employer and representatives of the workers are summoned to the Ministry to negotiate the scheduling of payments due during a specified period of time with the workers' approval; then, the facility is included in the Ministry's follow-up list until all overdue wages are paid in full and its legal status is modified accordingly. If the company/facility complies with the agreement, the complaint is put away.
  24. In the event that the employer does not comply with the agreement, an official violation report is made in accordance with Clause (c) of Article (40) of the Labor Law for the Private Sector, which states that **"if the employer is late in payment of the worker's wages due, he/she must compensate the worker at a rate of 6% annually of the wage, for which payment is delayed for a period of six months or less from the date of entitlement to the wage; this percentage shall be increased by 1% for each month of delay thereafter, provided that it does not exceed 12% annually of this wage."**
  25. Based on the cooperation and coordination with the Public Prosecution, the Ministry of Labor and Social Development addresses the Ministries Prosecution to investigate the violation and refer it to the court according to the procedures in force in this regard. If the competent court finds that the employer has refrained from paying the wages on time, the employer, or the person responsible for the violation, shall be sentenced pursuant to Article (188) of the Labor Law for the Private Sector, which states that, **"Any employer or his/her substitute who violates any of the provisions of Chapter Six and the decisions issued in implementation thereof, shall be punished with a fine of no less than two hundred dinars and not more than five hundred dinars."**
  26. The court can impose the penalty stipulated in Article (302) of the Penal Code promulgated by Decree-Law No. (15) of 1976, which states that, "without prejudice to the provisions of Article (198), imprisonment and a fine or one of these two penalties shall be imposed on any person who uses forced labor in any work or withholds all or part of their wages unjustifiably", when such penalty is harsher than the penalty stipulated in Article (188) of the Labor Law for the private sector.
  27. Moreover, the Ministry of Labor and Social Development works on intensifying its efforts in conducting inspection visits to the establishments that are not committed to paying wages, coordinating jointly with the competent departments to register the establishments that have failed to pay wages in the follow-up list, and carrying out periodic inspection visits to ensure their commitment to fulfilling all workers' dues. The Ministry was able to settle approximately (64%) of

the total number of the registered complaints amicably and in agreement with the parties to the conflict, without the need to resort to the judiciary.

**Cases received by the Ministry of Labor and Social Development related to non-payment of wages by some business owners during the period (2017 - 2019)\***

Measure Taken	2017	2018	(August) 2018
Fully settled and all arrears of wages paid	88	259	40
Committed to scheduling of payments	68	12	41
Referred to judiciary	7	6	8
<b>Total</b>	<b>163</b>	<b>277</b>	<b>89</b>

\*Source: Ministry of Labor and Social Development at the request of the NIHR

**Fourth: Judicial and human rights protection**

28. With regard to the judicial aspect, the labor courts in the Kingdom has considered (22,185) cases during the period (2017 - 2019), of which (8,434) cases are registered at the Office in charge of labor actions and (13,724) cases are before the Higher labor courts. In addition, (14,601) judgments were issued by labor courts during the past three years, where the Office in charge of labor actions issued (7181) judgments, of which (6,764) judgments were in the interest of the worker, and (417) judgments were in the interest of the employer.

**Fifth: Role of the National Institution for Human Rights**

29. In implementing its role in promoting and protecting the rights of expatriate workers, the NIHR has opened an office in the Migrant Workers Protection and Support Center, affiliated to the National Committee for Combating Trafficking in Persons to form a bridge for cooperation and coordination with relevant ministries, government agencies, civil society institutions, and above all the National Committee for Combating Trafficking in Persons and in cooperation with the Labor Market Regulatory Authority. This constitutes a link between the NIHR and the expatriate workers in order to reach the maximum levels of promotion and protection of their rights.

30. The NIHR's office at the headquarters of National Committee for Combating Trafficking in Persons (NIHR's branch at the Migrant Workers Protection and Support Center) is specialized in receiving complaints from expatriate workers related to human rights, studying and examining them, and referring such complaints to the competent authorities, with effective follow-up; or informing and enlightening the complainants of the procedures to be followed and assist them in taking them, or in assist in settling the complaints with the competent authorities.
31. Within the framework of its broad mandate in the field of protecting the rights of expatriate workers, the NIHR has monitored through local newspapers and social media (8) cases related to allegations of workers carrying out their work under the sun during the work ban period. Some cases were about the legality of the residence of foreign workers, and other cases related to the rights of domestic workers. The NIHR has studied all the cases and communicated in their regard with the competent authorities to discuss them, find out the causes, and settle them.
32. In addition, the NIHR received one (1) complaint and provided legal assistance for (10) cases, where all of the complaints and cases dealt with different topics related to the rights of expatriate workers; The NIHR studied all the cases and each case was handled separately as required by its nature.

### **Concluding recommendations:**

#### **In light of the foregoing, the NIHR recommends the following:**

1. Call for the prompt issuance of the Bill on Domestic Workers (prepared in light of the proposed law submitted by the Council of Representatives), to include the rights and obligations of the relevant parties, in a manner consistent with the developments in the international community and in line with the Kingdom of Bahrain's international obligations in this regard.
2. Call for carrying out the necessary amendments to Law No. (1) of 2008 on Combating Trafficking in Persons to ensure its comprehensiveness and consistency with the relevant international and regional instruments, starting from the prevention stage to remediation, and all the way to punishing perpetrators.
3. Call upon the competent authorities addressed in the provisions of Law No. (1) of 2008 on Combating Trafficking in Persons to develop a national strategy to combat this crime in cooperation with the NIHR.
4. Call upon the concerned authorities to activate the role of the Regional Research and Training Center for Combating Trafficking in Persons, which was established in cooperation between the Labor Market Regulatory Authority and the United Nations Office on Drugs and Crime in the Gulf Cooperation Council countries<sup>(53)</sup>.

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[53] In April 2019, the Council of Ministers approved a memorandum of understanding between the Labor Market Regulatory Authority and the National Committee to Combat Trafficking in Persons in the Kingdom of Bahrain on the one hand, and the United Nations Office on Drugs and Crime for the Gulf Cooperation Council Countries on the other hand, regarding the establishment of a training center for national cadres and the development of a strategic plan for the work of the Regional Center for Training and Building Capacity to Combat Trafficking in Persons, news published in Akhbar Al Khaleej newspaper on June 22, 2019 - <http://www.akhbar-alkhaleej.com/news/article/1171915>

5. Take strict legal measures against employers who are found to have been unfair, abusive, or delayed in payment of workers' wages, and take preventive administrative measures that put a stop to abuse or stalling in such cases, including the mandatory transfer of wages to workers' bank accounts.
6. Reconsider the provisions of Decision No. (3) of 2013 on banning outdoor work at noon time, by extending the ban period contained therein in terms of time and place, in a manner commensurate with the high temperatures in the Kingdom of Bahrain during the months (June-September) of each year, and in a way that prevents workers from being exposed to the risks of sunstroke and falling when performing work outdoors as a result of heat stress<sup>(54)</sup>.
7. Call for reaching a more broadly acceptable formula on the flexible work permit system between the competent government agencies and the legislative authority (Shura and Representatives Councils), and the Bahrain Chamber of Commerce and Industry and relevant civil society institutions, in a manner that preserves the rights of all stakeholders, and takes into account the international obligations of the Kingdom of Bahrain in this regard.
8. Produce television awareness series to explain the rights of foreign workers, as well as the rights of business owners, and how to act in various cases that arise in the employer-worker relationship.

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(54) For more information on the NIHR proposal to amend the period of work ban at noon, please view Section Three of Chapter II titled (The advisory opinions submitted by the NIHR to the government).

**“[The United Nations General Assembly] Encourages National Institutions for the Promotion and Protection of Human Rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Program of Action and relevant international human rights instruments”**

Para. 9, UN General Assembly Resolution (A/C.3/74/L.44/Rev.1)

Agenda item 70 (b) Promotion and Protection of Human Rights –  
National Human Rights Institutions

12 November 2019