

## **NIHR's Consultative Opinion on the proposed law on amendment of article No. (45) of Law No. (23) of 2014 on Issuing the Traffic Law**

### **Introduction:**

In appreciation of the efforts exerted by the esteemed Council of Representatives in relation to the issues of the Human Rights in its capacity as the Legislative charged with protecting the rights and public freedoms; and with all due respect to the considerations sought by the proposed law on amendment of article No. (45) of Law No. (23) of 2014 on issuing the Traffic Law; and based upon the request of the Council's Committee of Foreign Affairs, Defense and National Security, the National Institution for Human Rights hereby refers to you its opinions on the proposed law taking into account the related provisions of the constitutions, international and regional conventions on human rights.

Whereas, the mandate entrusted to the NIHR pursuant to provisions of Law No. (26) No. 2014 on Establishing the National Institution for Human Rights; especially, paragraph (b) of article (12), stipulates that the NIHR will:

**"Study legislation and regulations enforced in the Kingdom which come under the human rights areas together with recommending amendments it deems fit in this respect particularly those consistent with such legislations and the Kingdom's international obligations in the human rights field. The Institution shall be empowered to recommend issuing new legislation related to human rights"**

Thereupon, the NIHR will limit its opinions regarding the proposed law to the aspects that have relation to or influence on the basic human rights and freedoms. The opinion of the NIHR on the proposed law is detailed as follows:

### **Stipulation as mentioned in the proposed law:**

**A new item under No. (25) shall be added to article No. (45) of Traffic Law issued by Law No. (23) of 2014 as follows:**

**25. Photographing a traffic accident and publishing it electronically with exception of the mass media.**

### **Opinion of NIHR:**

The NIHR hereby thinks that the above item, which implies the punishment of each person photographs the traffic accidents in the public places, due to the consequences that may be caused by such acts. It is possible that such images or the persons related to the accident may be published in the social media without procuring the necessary permission. In addition, the gathering caused by the

photographing in the place of accident hinder the work of the security bodies and prevents the traffic movement. However, the right of the mass media and newspapers to cover such news may not be confiscated in this regard. The addition of such item is suitable; especially, the Decree-by-Law No. (15) of 1976 on Issuing the Criminal Law and amendments thereof didn't contain judgment criminalizes such act, but the NIHR hereby finds that the (licensed) mass media shall be excluded exclusively and shall be granted the right to exist in the place of traffic accident and make media coverage thereof.

**Thereupon, the NIHR hereby supports the addition of the above item to the items stipulated in article No. (45) for the mentioned reasons.**