



المؤسسة الوطنية لحقوق الإنسان
National Institution for Human Rights



#اضمن_حقك

NIHR Report on Observing the Parliamentary and Municipal Elections of 2018



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Preface:
**The legal basis and the organizational
procedures undertaken by the National Institution for
Human Rights to observe the electoral process**

1. The right to stand for election and to vote is one of the most important civil and political rights and one of the pillars of democratic governance, which is based on the principle that people are the source of all authority. A transparent and fair electoral process is one of the most important guarantees for a country governed by the rule of law. The absence of this right or the interference with its exercise diminishes the legal elements of the State.
2. The Constitution of the Kingdom of Bahrain guarantees the right of citizens to nominate themselves (stand for election) and to vote by explicitly stating in Paragraph (e) of Article (1) thereof that, "Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for election in accordance with this Constitution and the conditions and situations set out in the law. No citizen may be deprived of the right to vote or to nominate oneself except in accordance with the law."
3. In addition, the legislator established a number of laws that laid out the detailed rules regulating, and protecting, the exercise of the right to stand for election and to vote, including Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, and Decree-Law No. (15) of 2002 on the Shura Council and the Parliament (House of Representatives), as amended. The above mentioned legislation sets forth the rules that explain how the Shura Council is formed, the term of its mandate, the conditions observed for appointing its members, and the conditions prescribed for the termination of membership, whether through forfeiture or upon request of the member. In addition, it sets forth the composition of the House of Representatives, the mechanism for electing its members through general, secret, and direct election according to single member electoral system, the prescribed term of office, the conditions and procedures to be taken into account in the nomination for membership of the House of Representatives, the provisions related to electoral propaganda, the prescribed conditions for termination of membership, whether through removal or resignation, in addition to the penalties for violating its provisions.
4. This is in addition to the legislation that regulates matters relating to the right to participate in public affairs, especially the Municipalities Law promulgated by Decree-Law No. (35) of 2001, as amended, which divides the Kingdom of Bahrain into a number of municipalities and the Capital Secretariat. It sets forth the composition mechanism of the members of the municipal councils and the Capital Secretariat Council, the conditions that must be met by those who are members thereof, specifying the powers vested in the municipal councils and the system of work, the provisions related to its executive body, and their allocated financial resources. Decree-Law No. (3) of 2002

on the system of election of members of municipal councils, as amended, sets forth the conditions for electing members of municipal councils, the situations in which this right is denied, the provisions related to the voters lists, electoral domiciles, and election mechanism. Furthermore, the Decree-Law determines the penalties for violating its provisions and specifies the voting age to be 20 years.

5. To complement such legislative system to exercise the right to vote and the right to stand for elections, supplementary legislation to regulate the exercise of this right have been issued. For instance, Decree No. (71) of 2014 on the identification of electoral regions, constituencies, boundaries, and sub-committees for the election of the House of Representatives; Resolution No. (35) of 2014 on the determination of municipal electoral regions, constituencies and their boundaries, and the number of sub-committees for the election of municipal councils; Decree-Law No. (14) of 1973 on organizing propaganda; and Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and municipal councils, which addresses the issues and procedures relevant to electoral propaganda and penalties for violating such.
6. From the international perspective, the right to vote and to stand for elections is established in international human rights instruments, specifically the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006. Article No. (25), thereof, stated that every citizen, without any discrimination, has the right to participate in the management of public affairs either directly or through elected representatives, or to elect and be elected in fair elections held periodically by universal suffrage and secret ballot, guaranteeing the free expression of the will of the electors.
7. The international instruments related to the right to stand for election and to vote affirm that the exercise of this right shall not be based on any discrimination among citizens, whether because of gender, race, language, religion, political or other opinions, national or social origin, wealth, descent, or other reasons. The right of citizens to exercise their political rights, whether through voting or standing for elections, shall be conducted fairly and freely on a periodic basis, over reasonable time periods, within a framework of laws guaranteeing the effective exercise of these rights. Voters shall have the freedom to cast their votes for their chosen candidates, and the freedom to express their opinions independently, without being subjected to violence, threat of using violence, coercion, enticement, or any attempts to interfere with or manipulate such independence in any way.

8. Those international instruments have permitted the inclusion of reasonable restrictions in the legislation regulating the electoral process, which are intended to regulate or determine the right to stand for election and the right to vote without compromising its essence. Among such regulating restrictions of this right is setting a minimum legal age to exercise the right to vote.
9. In order to achieve the actual exercise of the right to stand for election and the right to vote, the State must take effective measures to ensure that this right can be exercised. The electoral rolls should include a record of names and data of those entitled to vote, as voter registration is an integral part of the electoral process. If such lists do not include accurate and updated names and information, a number of citizens may be deprived of exercising their right in this regard.
10. To ensure the full enjoyment of the right to stand for election and the right to vote, these international instruments have affirmed the need to facilitate the exchange of information and opinions relevant to the electoral process freely for all, through free press and other media capable of commenting and informing the public on the course of this process in a transparent manner. Such right requires States to take all necessary measures to ensure the enjoyment of other relevant human rights, such as the right to peaceful assembly and holding peaceful public meetings and the right to form associations, being the fundamental foundation for the effective exercise of the right to vote and the right to stand for elections.
11. In addition, the State should establish an independent electoral commission to oversee the electoral process and ensure its integrity and proper conduct in accordance with the provisions of the law. This commission shall, in particular, ensure secrecy of the ballot during the electoral process and protect voters from all forms of incitement or coercion that may lead them to reveal their electoral orientations. The commission shall also ensure the security of the ballot boxes and that the votes shall be counted in the presence of the candidates or their agents. The decisions taken by that commission in respect of the electoral process shall be subject to judicial oversight, to ensure the confidence of voters and the public in the outcome of that process.
12. In terms of exercising the right to stand for election and to vote, and to complement the reformist approach led by His Majesty the King through the endorsement of the National Action Charter in 2001 and the restoration of parliamentary life, parliamentary and municipal elections were held for the first time in 2002. Subsequent elections were held every four years, in 2006, 2010, run-off elections in 2011, 2012 and 2014, and most recently in 2018. The parliamentary and municipal

elections took place on 24 November 2018, followed by re-elections on 1 December 2018, and resulted in the formation of the House of Representatives and the three municipal councils distributed over the governorates of the Kingdom.

13. In accordance with the powers granted to the NIHR pursuant to Paragraph (e) of Article (12) of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016, the NIHR is competent to, “Monitor violation of human rights, 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 appropriate, express its opinion on their positions and reactions.”
14. Paragraph (g) of the same Article of the Law establishing the NIHR as amended, followed by granting it the right to, “Perform announced and unannounced field visits to monitor human rights situation in correctional institutions, detention centers, labor calls gathering, health and education centers, or any other public place in which it is suspected that human rights violations are taking place.”
15. In fulfillment of its role in the promotion and protection of human rights and fundamental freedoms on the ground, and in response to the need to ensure the enjoyment of those rights and freedoms by all, the NIHR, for the first time since its establishment, and with its broad mandate -pursuant to its establishment Law- as an independent body, monitored the parliamentary and municipal elections of 2018 in the Kingdom of Bahrain, from the moment of calling for the elections and the commencement of its proceedings, to the final announcement of its membership, until appealing the final results.
16. The monitoring of the electoral process included the distribution of a number of members of the Council of Commissioners and of the General Secretariat of the NIHR among several public and provincial ballot and counting committees, totaling (14) general committees and (40) subcommittees, to observe the electoral process to ensure the integrity and impartiality of the elections and their proper implementation, verify the smooth running of the electoral procedures, identify the obstacles that may impede the course of the electoral process, and draw a number of observations and recommendations that would contribute to the improvement of the electoral process and ensure the greatest possible participation of voters and candidates and enable them to exercise their political rights during the coming elections.

17. The established international norms and principles in this regard considers that permitting the monitoring of the electoral process is an indication of safeguarding one of the most important political human rights. Responding to the stipulations of Paragraph (b) of Article (25) of the International Covenant on Civil and Political Rights, to which the Kingdom of Bahrain has acceded under Law No. (56) of 2006, which requires that every citizen should be given the opportunity to participate in public affairs, to vote and to be elected, at democratic periodic elections which should be by universal and equal suffrage and should be held by secret ballot, and without unreasonable restrictions in order to guarantee the free expression of the will of the electors. In addition, responding to the provision of Paragraph (e) of Article (1) of the Constitution of the Kingdom of Bahrain.
18. The role of the NIHR in this regard stems from its firm belief that participation in managing public affairs is one aspect of democracy and one of the ways to enhance the values of good citizenship. Participation in the electoral process, to be elected and to vote for membership of the House of Representatives and the municipal councils, is one of the most important pillars of the reform project of his Majesty the King, who is keen to establish an advanced democratic system based on the integration and participation of individuals in the political decision-making process, and the exercise by the people of their role in urging decision-makers to assume policies serving the public interest.
19. The NIHR believes that observing the electoral process will achieve a number of objectives, which aim at strengthening and advancing the democratic approach of the reform project of His Majesty the King, by providing an objective and independent assessment of the overall administration of the electoral process by the official side, represented by the Supreme Committee for the General Supervision of the Soundness of Elections and its executive committee. In addition, the monitoring process would make the parties involved in the electoral process more receptive to the results, since monitoring by an institution inherently concerned with the promotion and protection of human rights and freedoms is convincing to the public, and increase the voter turnout to participate in the electoral process, and dispel all fears. Besides, monitoring will enhance civic education among the public by expanding the circle of civil society and developing confidence among all the sectors of the society. It also affirms the integrity and transparency of the elections and promotes the positive image of the State in the international community. Such monitoring allows the legislator to reconsider the legislation in force in light of the observations made by the monitoring process. Finally, the monitoring process would verify that all procedures during the various stages of the

electoral process have complied with the legal principles based on integrity and transparency, while ensuring that all the candidates and their agents complied with the rules governing electoral propaganda and the checks on its exercise, including respect for the election silence period.

20. The NIHR has implemented a series of measures prior to announcing its intention to participate in observing the parliamentary and municipal elections of 2018. The first measure is to develop and advance the skills of the employees of the Secretariat of the NIHR in the field of monitoring and observing the electoral process through participating in a workshop on “Elections and the role of national institutions in monitoring elections” in Khartoum, Republic of Sudan. In addition, the NIHR participated in a training workshop on “Monitoring the role of the media during elections” in the Sultanate of Oman. It also participated in a three-day course on “Follow up and monitoring of the electoral process” as part of the National Program on Elections of 2018 “Darreb” (Train), organized by the Bahrain Institute for Political Development. This course included five lectures: the first was on the legislation governing the electoral process; the second on electoral irregularities and crimes; the third on the electoral monitoring skills; the fourth on the election campaigns; and the fifth lecture was on the preparation of the final report on the electoral process.
21. In order to ensure that observing the parliamentary and municipal elections is based on clear and specific legal and practical rules that enable monitors to be familiar with the observation and monitoring aspects in a manner consistent with the provisions of the law governing the electoral process, the NIHR developed a form for monitoring the electoral process on polling day. The form included eighty-eight (88) indicators that cover the course of this process from its very beginning, which precedes the opening of polling stations for voters to cast their ballots, to commencement of poll until its completion, without overlooking the sorting, counting, and announcing the final results stage. The monitor (observer) responds to these indicators in the light of observations that he/she personally monitored at the electoral center, and includes in the form any observations he deems appropriate and worth mentioning in this regard.
22. Subsequently, the NIHR addressed the Minister of Justice, Islamic Affairs, and Endowments (Awqaf) in his capacity as Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections, expressing its desire to participate in observing the parliamentary and municipal elections of 2018 and to obtain the cards authorizing them to enter all ballot and counting stations, after completing the election monitoring forms and the rules and ethics of monitoring and signing them by the NIHR monitoring team.

23. Accordingly, the Chairperson of the NIHR issued Resolution No. (44) of 2018 establishing the NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018 under the chairmanship of Dr. Bader Mohammed Adel (Chairman of the Committee on Civil and Political Rights) and the membership of Dr. Khalifa bin Ali al Fadhel (Secretary General).
24. Giving effect to Resolution No. (44) of 2018 establishing the NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018, the General Secretariat Resolution No. (22) of 2018 was issued assigning a number of employees of the General Secretariat to participate in observing the parliamentary and municipal elections of 2018 and establishing an internal committee to prepare a draft report on observing the electoral process. The Committee shall submit its report to the Secretary General, who then forwards it to the Chairperson of the NIHR.
25. In order to build and raise the capacity of the NIHR's task team, which is charged with observation and monitoring, the Chairman of the Committee for Observing the Parliamentary and Municipal Elections of the NIHR presented a training program for the participating team. The Committee held several preparatory meetings for those participating in the national monitoring of the electoral process. During the meetings, the work mechanism of the observers while at the ballot and counting committees was reviewed to verify that the voters' procedures are smooth and easy according to the form for monitoring the parliamentary and municipal elections of 2018 prepared by the NIHR for this purpose. In addition, all information related to the monitoring process and the role of each observer was explained; and the forms for the monitoring of the parliamentary elections and the municipal elections were distributed for each observer in the ballot and counting committees.
26. The Supreme Committee for the General Supervision of the Soundness of Elections held a workshop on 13 November 2018 at Isa Cultural Center for all the participants in the monitoring process of the electoral process. In addition to the NIHR, four civil society associations, namely, Bahrain Transparency Society, Bahraini Human Rights Society, Bahrain Human Rights Watch Society, and Bahrain Public Relations Association requested to participate in observing the elections.
27. During the workshop, the vital role played by the participating organizations in monitoring the electoral process by promoting the principles of transparency, integrity, and sound democratic practice was emphasized. In addition, it was announced that a hotline was dedicated for the direct communication between the Supreme Committee for the General Supervision of the Soundness of Elections and the organizations involved in the monitoring process, in order to submit any

comments or irregularities monitored by the observers on polling day to the Supreme Committee to verify such immediately.

28. In addition, the workshop reviewed the Resolution of the Supreme Committee on national monitoring of the elections. This monitoring includes the entire stages of the electoral process, as well as monitoring the conduct of candidates, voters, political associations, civil organizations, and all individuals and citizens, and ensuring that they respect and observe the relevant statutory rules. Moreover, the need to monitor that places of worship and religious discourse are not used to endorse a candidate or to influence the will of voters, was emphasized. Considering that, the ultimate goal of monitoring is to ensure that the voters can exercise their political rights according to their free will and to ensure the fairness, transparency, and smooth running of the electoral process.
29. The Supreme Committee for the General Supervision of the Soundness of Elections also explained the scope of the work of the observers and monitors on polling day, clarifying that the observers are prohibited from carrying out any action that would obstruct the electoral process or influence the ballot and counting processes. In addition, they are prohibited from interfering to provide voters with advice or counsel, as well as influencing the freedom of voters on polling day. For example, holding any electoral propaganda, placing, carrying, or displaying any tokens belonging to any of the candidates, asking voters about their selected candidate before or after the ballot, or wearing anything that is a sign of his/her political affiliation.
30. The observer should carry his/her identity papers, his/her card or permit issued for him/her in his/her capacity as an observer at all times. The observer should also identify himself/herself to the concerned authorities if requested to do so, and should disclose his constituency and whether any of his/her relatives is a candidate or is directly involved in the electoral process. In addition, the observer may not make any statements or instructions involving invalidation or undermining, whether explicit or implicit, of the decisions of the competent bodies involved in the elections.
31. The NIHR's Committee for Observing the Parliamentary and Municipal Elections of 2018 selected a random sample of the public and provincial polling stations to monitor and ensure the proper conduct of the electoral process. The following public polling stations were visited: Public Center No. (1) Seef Mall, Public Center No. (3) Sitra Mall, Public Center No. (4) Al Hidd Intermediate

Girls School, Public Center No. (5) Bahrain International Airport, Public Center No. (8) Ministry of Education Hall, Public Center No. (9) Wadi Alsail Primary Intermediate Boys School, Public Center No. (10) Awali Club, Public Center No. (11) Bahrain International Circuit (Sakhir), Public Center No. (12) Askar Primary Intermediate Boys School, Public Center No. (13) University of Bahrain, and Public Center No. (14) Muharraq Sport Club.

32. About sixteen (16) Provincial Centers in the four governorates of the Kingdom were visited, namely: Muharraq Secondary Girls School, Hassan Bin Thabit Primary Boys School, Hidd Secondary Girls School, Ruqaya Primary Girls School, Isa Town Primary Boys School, East Riffa Secondary Boys School, Uqba Bin Nafea Primary Boys School, West Riffa Secondary Girls School, East Riffa Primary Girls School, Zallaq Primary Intermediate Girls School, Al Dora Center, Jidhafs Intermediate Boys School, Hamad Town Primary Boys School, Ghazi Al Qusaibi Secondary Girls School, Al A'ahd Al Zaher Secondary Girls School, and Ibn Tufail Primary Boys School.
33. Accordingly, this report is based on all the stages of the electoral process, which commenced from the stage of calling for election and nomination, registration in voters' lists and objections on such, followed by receiving candidacy applications, objections and appeals lodged on such, reaching electoral propaganda and electoral silence.
34. Observing and monitoring the proceedings of voting day followed, starting with the pre-voting stage, voting stage itself, counting and announcing results stage, and finally the stage of receiving and settling elections appeals. The report of the NIHR ends with a set of concluding observations and recommendations, which aim at ensuring the full enjoyment of the right to stand for election and to vote, and the free, impartial, and transparent conduct of the electoral process.

Section I:
**Observing the parliamentary and
municipal elections prior to polling day**

First:
Calling for election and nomination stage

1. Paragraph (e) of Article No. (1) of the Constitution of the Kingdom of Bahrain stipulates that, "Citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election except in accordance with the law". Paragraph (a) of Article No. (42), thereof, stipulates that: "The King shall issue orders to hold elections for the House of Representatives in accordance with the provisions of the law."
2. Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, sets the provisions governing this stage. Article (15) thereof stipulates that, "The date for the general elections of the House of Representatives shall be determined by a Royal Order. The Order shall be issued at least (45) days before the date specified for the elections. The date for run-off elections shall be determined by a decision of the Minister of Justice, Islamic Affairs, and Endowments. The decision shall be issued at least (30) days before the date specified for the re-run. The Order or the Decision shall include the opening and closing dates for nomination." Article (16) of the same law stipulates that, "The Royal Order or the Ministerial Decision calling on voters to the referendum or the elections shall be announced in the Official Gazette."
3. Pursuant to the constitutional and legal procedures, Royal Order No. (36) of 2018 of His Majesty the King of Bahrain concerning determining the date of elections and candidacy for membership of the House of Representatives was issued. Article (1) thereof stipulates that, "Voters registered in the voters' lists, in implementation of the provisions of Law No. (14) of 2002 on of Political Rights, are invited to attend the ballot and counting stations for the election of the members of the House of Representatives on Saturday, 24/11/2018 from 8:00 am to 8:00 pm. Elections are held at Bahraini embassies, consulates, and diplomatic missions abroad on Tuesday, 20/11/2018. In cases where run-off is required, the re-election will take place on Tuesday, 27/11/2018."
4. It is worth mentioning that the above-mentioned Royal Order was issued on 10 September 2018 and published in the Official Gazette on 13 September 2018, pursuant to Article (16) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended.
5. Concerning the municipal affairs, Article No. (13) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, stipulates that, "The date of election of the members of municipal councils shall be determined by a decision of the Prime Minister, including

the date of opening and closing nominations. This Decision shall be published in the Official Gazette at least thirty days before the date set for holding the elections.”

6. Pursuant to the provisions of the above mentioned Article, the Prime Minister’s Decree No. (31) of 2018 of was issued, specifying the date of election and nomination for the membership of the municipal councils. Article (1) thereof, states that, “Voters whose names are registered in the voters’ lists in accordance with the provisions of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, are invited to attend the ballot and counting stations to elect the members of the municipal councils on Saturday 24/11/2018 from 8:00 am to 8:00 pm. In cases that require run-off election, the run-off will take place on Saturday, 1/12/2018 from 8:00 am to 8:00 pm.”
7. It is worth mentioning that the above-mentioned Resolution of the Prime Minister was issued on 24 September 2018 and published in the Official Gazette on 26 September 2018 pursuant to the provisions of Article No. (13) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments.
8. Extrapolating from the above mentioned constitutional and legal provisions and stipulations, the NIHR believes that the Royal Order determining the date for election and candidacy for the membership of the House of Representatives, and the Resolution of the Prime Minister determining the date for election and candidacy for the membership of the municipal councils were issued within the specified constitutional and legal periods. This reaffirms the genuine and sincere intention of the highest-ranking political leadership to further promote democratic life since the onset of the reform project of His Majesty the King - may God preserve him - in respect for the constitutional decisions as the highest document in the legal system of the Kingdom of Bahrain.
9. Pursuant to the provisions of Article No. (17) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, which states that, “The Kingdom of Bahrain shall, in the application of the provisions of this Law, be divided into a number of constituencies, each consisting of a number of electoral districts. Each electoral district shall elect one member. A decree shall be issued defining the constituencies, electoral districts, and their boundaries, and the number of subcommittees required to conduct the ballot and counting processes. The subcommittees shall comprise a chair chosen from among the judicial body or legislators working for the State ministries, government

corporations, and general organizations, and two members, one of them will be the secretary general of the committee. The Minister of Justice, Islamic Affairs, and Endowments shall issue a decision appointing the chairs and members of the committees, as well as their headquarters. The decision shall also specify the eligible person acting in lieu of the chair in his/her absence or inability to carry out the job. The Executive Director of the elections shall appoint a number of employees to help such committees in carrying out its duties according to the needs of each committee”

10. Article (18) of the same Law mentioned above, stipulates that, “The Minister of Justice, Islamic Affairs, and Endowments shall preside over a supreme committee to supervise the validity of the referendum and the election of the members of the House of Representatives throughout the Kingdom, and to decide on all matters presented to it by the committees mentioned in Article (7) of this Law. The Supreme Committee shall comprise a sufficient number of judges and legal advisers appointed by the Minister of Justice, Islamic Affairs, and Endowments. The Central Statistics Organization shall assist the Supreme Committee in carrying out the preparations for the referendum, election, and nomination, and the supervision of all necessary technical works.”
11. Hence, Decree No. (71) of 2014 on the identification of electoral districts, constituencies, boundaries, and sub-committees for the election of the House of Representatives, whereby the Kingdom of Bahrain is divided into a number of electoral districts, namely, the Capital district, which is divided into ten (10) electoral constituencies; Muharraq district, which is divided into eight (8) electoral constituencies; the Northern district, which is divided into twelve (12) electoral constituencies; and the Southern district, which is divided into ten (10) electoral constituencies. The delimitation of each electoral district is the boundaries of the governorate in which it is located, with a total of forty (40) provincial electoral constituencies.
12. Under the provisions of Decree No. (71) of 2014 on the identification of electoral districts, constituencies, boundaries, and sub-committees for the election of the House of Representatives, and Decree No. (80) of 2014 and Decree No. (44) of 2018, there are (14) public voting and counting centers distributed among the various governorates of the Kingdom. These centers are for the voters who are registered in one of the electoral lists in the Kingdom and wish to cast their votes before such centers, to elect one of the candidates registered in their constituencies, provided that the Minister of Justice, Islamic Affairs, and Endowments issues a decision forming the committees and determining their headquarters.

13. Pursuant to the provisions of Article (18) of Decree-Law No. (14) of 2014 on the Exercise of Political Rights and its amendments, Decision No. (77) of 2018 of the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections of Members of the House of Representatives regarding the nomination of the members of the Committee was issued. The Committee comprises seven (7) judges and consultants. The Supreme Committee is also entrusted with the general supervision of the soundness and integrity of the election of the members of the House of Representatives in all electoral districts and constituencies in the Kingdom, the final announcement of the general election result, and notifying the winning candidates to the House of Representatives.
14. Regarding the municipal elections, Article (5) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, stipulates that, "... the Kingdom of Bahrain shall be divided, in the application of the provisions of this Law, to a number of municipal electoral districts, where each governorate shall be a municipal electoral district, each of which shall be formed of a number of constituencies. One member shall be elected from each constituency...."
15. Article (18) of the same Law stipulates that, "Each constituency shall have one or more committees called (the ballot and counting committee), which shall be responsible for administering the ballot in the constituency and counting the votes. These committees shall be formed by a decision of the Minister of Justice, Islamic Affairs, and Endowments, comprising a chair and a number of members, one of whom shall serve as secretary of the committee. The decision shall also determine the headquarters of these committees and shall specify the person acting in lieu of the chair in his/her absence or inability to carry out the job."
16. Hence, Resolution No. (35) of 2014 on the determination of municipal electoral districts, constituencies and their boundaries, and the subcommittees for the election of members of the municipal councils, whereby the Kingdom of Bahrain is divided into a number of municipal electoral districts, namely, Muharraq Governorate, which is divided into (8) electoral constituencies; the Northern Governorate, which is divided into (12) electoral constituencies; the Southern Governorate, which is divided into (10) electoral constituencies. The delimitation of each electoral constituency is determined by the boundaries of the governorate in which it is located. The total number of the provincial constituencies is (30) constituencies, which are the same provincial centers designated for the election of members of the House of Representatives in the mentioned governorates.

17. The total number of the public voting centers for the municipal ballot and counting electoral process is (14) public centers, distributed across the various governorates of the Kingdom, which are the same public centers designated for the election of members of the House of Representatives.
18. Decision No. (96) of 2018 of the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections of the Members of the House of Representatives was issued forming the ballot and counting committees for the election of members of the House of Representatives. Decision No. (97) of 2018 of the Minister of Justice, Islamic Affairs, and Endowments was issued to form ballot and counting committees for the election of the members of the municipal councils. Pursuant to both decisions, the chairs, secretaries, and members of ballot and counting committees distributed across the governorates of the Kingdom were named, as well as the alternate chairs, secretaries, and members of those committees. The total number of ballot and counting committees, both general and subcommittees, is (54) committees.
19. The NIHR considers that the judicial organizing of the electoral process, whether parliamentary or municipal, is unequivocally clear and sound for the various procedures, measures, and circumstances prior to polling day, whether at the legislative level or at the executive administrative decisions level. In addition, such administrative decisions are issued in sufficient time before the start of polling day, which enhances the transparency of the entire electoral process from the legal and organizational aspects.

**Second:
Registration in voters' lists
and objections stage**

1. In view of the importance of the registration in the voters' lists, and objections thereto, stage, which enables both voters and candidates alike to exercise their right to vote and to stand for election, the provisions of the law and the regulatory decisions have specific and clear texts that show the mechanism of preparation these lists and objections on them.
2. Article (2) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, stipulates the conditions that the citizen must have to meet to be entitled to exercise political rights, namely, "... 1. The citizen shall be 20 year of age on the day of referendum or election. 2. Shall enjoy full legal capacity. 3. Shall be a regular resident of the constituency according to his/her ID card. In case of his/her residence abroad, his/her last place of residence in the Kingdom of Bahrain shall be his/her constituency. If he/she has no residence in the Kingdom, then his/her family's place of residence shall be considered his/her constituency."
3. The law has excluded some categories from the right to vote and denied them such right. Article (3) of the same Law provides that, "A person shall be denied exercising the right to vote, if: 1. Convicted of a felony or an offense against honor or integrity, until rehabilitated. 2. Sentenced to imprisonment for one of the electoral crimes stipulated in this Law, unless the sentence is suspended or the convicted person has been rehabilitated. A person shall be denied nomination to run for the House of Representatives elections, if: 1. Sentenced to a criminal felony even if a special amnesty has been granted to him/her or he/she has been rehabilitated. 2. Sentenced to imprisonment for intentional offenses for more than six months, even if an individual pardon has been issued for the punishment, for a period of ten years starting from the day following the date of execution of or extinguishing the sentence, or as of the date the execution of final sentence has been stayed."
4. Article (4) of this Law entrusted the Public Prosecution with the responsibility to notify the Ministry of Justice, Islamic Affairs, and Endowments of the final sentences, which entail the deprivation of exercising political rights, within fifteen days from the date on which the judgment becomes final. Article (6) of the same Law added that every citizen entitled to exercise political rights shall be registered in the voters' lists.
5. Article (7) of the Law vests the task of preparing the voters' lists, receiving candidacy applications and examining them, and considering objections and requests with the Supervisory Committee on the Soundness of the Referendum and Election. The same Article also specifies the number of its members, the conditions of its membership, and the appointment system. The Article stipulates

that, “In each electoral district a committee called the “Supervisory Committee on the Soundness of the Referendum and Election” shall be formed by a decision of the Minister of Justice, Islamic Affairs, and Endowments. Each committee shall consist of a chair from the judiciary or legal apparatus in the Kingdom and two members, one of them shall serve as the secretary. This committee shall undertake to prepare the voters’ lists, receive, and examine the candidacy applications, prepare candidates’ lists, and look into requests and objections relating to any action or decision issued by it. In general, this committee is responsible for supervising the integrity of the referendum or the election of members of the House of Representatives within the scope of its competence.”

6. Pursuant to the provisions of the above-mentioned Article (7), Decision No. (81) of 2018 of the Minister of Justice, Islamic Affairs, and Endowments was issued to form the committees supervising the soundness and integrity of the election of the members of the House of Representatives, as well as the competencies assigned to them, in particular, preparing the voters’ lists, receiving and examining candidacy applications, preparing the candidates’ lists, and considering the requests and objections relating to any action taken or decision made by them.
7. It is worth mentioning that the Supervisory Committees on the Soundness of the Election of the Members of the House of Representatives have been distributed among the four governorates in the Kingdom, as follows: Capital Governorate Committee, headquarters at Khawla Secondary Girls School; Muharraq Governorate Committee, headquarters at Al Hidayat Al Khalifa Secondary Boys School; Northern Governorate Committee, headquarters at Hamad Town Primary Girls School; and the Southern Governorate Committee, headquarters at Al- Mostaqbal Primary Girls School.
8. The Law provided for the conditions and checks that the supervisory committees must comply with when preparing voters’ lists in the constituencies under their jurisdiction. Article (8) of the above-mentioned Law stipulates that, “1. The lists shall be in alphabetical order based on the official records and documents, in coordination with the Population Registry Directorate of the Central Statistics Organization. 2. The lists shall include the names of eligible voters who meet the conditions stipulated in Article (2) of this Law, taking into consideration the previous participation in the elections based on official records, provided that the voter is not deprived or exempt from exercising political rights at the time of preparing the lists or during the period specified for correct such. The registry shall include the name of the voter, his/her ID number, and his/her normal residency address. 3. The preparation of the lists for each constituency shall be in two copies signed by the chair of the committee, stipulated in the previous Article and the secretary. The committee

shall keep a copy and the second copy shall be delivered to the Ministry of Justice, Islamic Affairs, and Endowments. 4. The names of the electors (voters' lists) shall be displayed for seven days in each electoral district at the headquarters and public places determined by the Minister of Justice, Islamic Affairs, and Endowments, at least forty five days prior to the date set for the election."

9. In addition, Article (11) of the same Law stipulates that, "No amendment to the voters' lists shall be made after the call for a referendum or election, except for corrections in the lists in implementation of the decisions and judgments issued on the appeals regarding registration therein, or on the basis of notifications of the issuance of final judgments or decisions leading to deprivation of political rights."
10. As to the mechanism of objection for the voters whose names are not registered in the lists designated to them, Article (12) of the above-mentioned Law sets out the procedural method regulating this objection, stating that, "Any person whose name is not registered in the voters' list, or if there is an error in his/her registered data therein, is entitled to request the Supervisory Committee on the Soundness of the Referendum and Election, stipulated in Article (7) of this Law, to include his/her name or to correct the details relating to his/her registration. Any person, who is no longer subject to a ban after drawing up the lists, may request including his/her name or to correct the details concerning his/her registration. Any voter whose name is registered in one of the voters' lists, may request the inclusion of the name of a person whose name is neglected unjustly, or the omission of the name of a person who is listed wrongfully, or the correction of the registration data, with regard to the voters' list of the electoral constituency in which the name of such person is registered. The appeal for registration or correction shall be submitted during the display period of the voters' lists. The Committee shall issue its decision on the appeal within three days as of the date of filing the appeal. Failure to issue a decision during this period is an implicit decision of rejection. In case of issuing a decision rejecting the appeal, the concerned party shall have the right to appeal such decision before the Supreme Civil Court of Appeal no later than three days from the rejection. The Court shall decide on the appeals within seven days from the date of commencing the proceedings; its judgment is final with no possibility of appeal."
11. Regarding the municipal affairs, the provisions of Articles (2), (3), (7), (8), (10) and (11) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.

12. In practice, the NIHR has monitored and followed up the efforts of the Supreme Committee for the General Supervision of the Soundness of Elections, through various forms of media and social media, which facilitate and ease the electoral process in both its parliamentary and municipal branches with regard to the stage of registration in voters' lists and objection, the time limits to be observed to receive appeals for change and correction of addresses, as well as provision of several means to verify the presence of voters' names, the possibility of correcting the addresses electronically through the website. This guarantees that citizens exercise their right effectively and in line with the relevant international standards and obligations.
13. The NIHR also monitored the official announcement issued by the Supreme Committee for the General Supervision of the Soundness of Elections, which indicated that the number of voters who verified their data in the voters' lists through the supervisory committees distributed among the four governorates of the Kingdom, in addition to the website dedicated to that purpose is (134637) voters.
14. The NIHR believes that these figures assert the advanced level of political awareness and human rights' knowledge of the citizens, the desire to participate in politics and management of public affairs in the Kingdom, the further advancement of democratic life, and the support of the political development process in the Kingdom.
15. According to the official statements of the Supreme Committee for the Supervision of the Soundness of Elections, the electoral bloc that has the right to exercise the right to vote, has reached (365467) voters. The electoral bloc in the Capital Governorate, which includes ten constituencies, has reached (81892) voters. The electoral bloc in Muharraq Governorate, which includes eight constituencies, has reached (79213) voters, while the electoral bloc in the Northern Governorate, which includes twelve constituencies, has reached (125870) voters, and the electoral bloc in the Southern Governorate, which includes ten constituencies, has reached (78492) voters.
16. The electoral bloc was announced after the Supreme Civil Court of Appeal, which is the legally competent court, adjudicated on all appeals lodged by voters against the resolutions issued by the four supervisory committees distributed among the governorates of the Kingdom. The number of appeals considered by the Court is (21) appeals, where the Court upheld the decision of the supervisory committees in (12) decisions, and opposed and canceled (9) decisions.

Third:
**The stage of receiving candidacy applications,
objections thereon, and judicial appeals lodged**

1. Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, regulated the matters relating to receiving the applications for candidacy. Article (15) of this Law stipulates that, "The date for the general elections of the House of Representatives shall be determined by a Royal Order. The Order shall be issued at least 45 days before the date specified for the elections. The date for run-off elections shall be determined by a decision of the Minister of Justice, Islamic Affairs, and Endowments. The decision shall be issued at least (30) days before the date specified for the re-run. The Order or the Decision shall include the opening and closing dates for nomination."
2. The second paragraph of Article (3) of the same Law, has excluded certain individuals from running for office in the House of Representatives, stipulating that, "A person shall be denied nomination to run for the House of Representatives election, if such person is: 1. Sentenced to a criminal felony even if a special amnesty has been granted to him/her or he/she has been rehabilitated. 2. Sentenced to imprisonment for intentional offenses for more than six months, even if an individual pardon has been issued. 3. Leaders and members of dissolved political organizations by a final sentence for committing a serious violation of the provisions of the Constitution of the Kingdom or any of its laws. 4. Anyone who intentionally destroys or disrupts the conduct of constitutional or parliamentary life by terminating or leaving the parliamentary work in the House of Representatives, or had his membership revoked for the same reasons."
3. In completion of the provisions related to the above-mentioned candidacy, Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, sets forth the conditions that must be met by the candidate for membership of the House of Representatives. Article (11) stipulates that, "Without prejudice to the provisions stipulated in the Law on the Exercise of Political Rights, the candidate running for membership of the House of Representatives must: (a) be a Bahraini national, that has acquired the Bahraini nationality for a period of not less than ten years, and is not a holder of any other nationality, with the exception of the nationality of any of the Gulf Cooperation Council countries, provided that his original nationality shall be the Bahraini nationality, and that he/she enjoys full civil and political rights. (b) The candidate's name must be on the voters' list for the constituency he/she represents. (c) Must not be less than 30 years of age on the day of elections. (d) Must be fluent in reading and writing the Arabic language. (e) The membership of the candidate of the Shura Council or the House of Representatives must not have been dropped by a decision of the council to which he/she is member, due to loss of trust or credibility or due to negligence of his/her duties as a member. However, such person may nominate himself/herself if the legislative term during which the decision to drop his/her membership ends,

or if a decision is issued by the Council, in which he/she was a member, cancelling the cause preventing his/her nomination that resulted from dropping his/her membership after the termination of the Council's session during which the decision to drop his/her membership was issued. (f) The membership of the candidate in the House of Representatives has not been suspended due to resignation during the legislative term in which he/she has submitted his/her resignation."

4. On the municipal elections, Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended, regulated the provisions of nomination for membership. Article (14) of the Law stipulates that, "Any person who wishes to run as a candidate for membership of the Municipal Council shall submit the candidacy application, in writing, to the committee provided for in Article (7) of this Law, with recommendations from ten voters from the electoral district. The candidacy application shall specify the constituency in which he/she shall stand for elections. The voter may recommend one candidate only ..."
5. In order to ensure the enjoyment of the right to stand for elections, whether for membership in the House of Representatives or the Municipal Council, the Law guarantees that any candidate, whose name is not registered in the relevant list, may request from the Supervisory Committee on Election Soundness to include his/her name among the candidates, or object on including the name of any candidate during the display of lists period. In all cases, the Law allows the stakeholder to appeal the decision of the committee before the Supreme Civil Court of Appeal. This matter is regulated in Article (13) of Decree-Law No. (15) on the Shura Council and the House of Representatives, as amended, and Article (15) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended.
6. Therefore, the law specifies the procedures to be taken by the candidate to exercise his/her right to candidacy, whether for the membership of the House of Representatives or for the membership of the municipal council. Among the most important of these procedures is to apply, in writing, to the Supervisory Committees on Election Soundness, which are distributed among the four governorates of the Kingdom, after meeting the conditions set out in the earlier mentioned Law.
7. The law entitles any person whose name is not included in the candidates' lists to request the inclusion of his/her name in these lists. In addition, the Law grants the candidate the right to object to the inclusion of the name of any candidate. The committee must issue its decision within three days from the date of submitting the request. The Law considers that failure to issue a decision of

the committee during that period is an implicit decision of rejection. The applicant must appeal the decision before the Supreme Civil Court of Appeal within three days from the date of issuing the decision. The Court shall decide on the appeal within seven days from the date of commencing the proceedings; its judgment is final with no possibility of appeal.

8. On the other hand, the law grants the candidate the right to withdraw his/her candidacy in accordance with Article (15) of Decree-Law No. (15) of 2002 on the House of Representatives and the Shura Council and its amendments. This measure ensures the right of individuals to exercise freely the right of political participation, as well as the right to run for municipal councils, as stipulated in Article (17) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils, as amended. The law also grants the candidate the right to receive the electoral lists of the candidate's constituency, as well as the right to choose an agent, on condition that such agent is registered in the electoral list of the candidate's constituency.
9. In implementation of the law, and to ensure that citizens enjoy their right to candidacy, the NIHR has monitored and followed up the efforts of the Supreme Committee for the General Supervision of the Soundness of Elections, through various media and social media, which facilitate and ease the electoral process in both branches, parliamentary and municipal. Regarding receiving the candidacy applications in such a way that guarantees citizens to exercise their rights effectively and in conformity with the relevant international standards and obligations, starting with reviewing the regulatory legislation and the guidance and outreach instructions, determining the procedures and requirements to be followed, determining the dates, times, and places to proceed with these procedures, receiving requests for correction and objections to the lists, following up periodically all the requirements of this stage, informing the public in due course, as well as issuing a guide that aims at sensitizing the candidates to all their rights, and briefing them, their agents, and their campaign leaders of the legal rules and controls of the electoral process.
10. In practice, during nomination stage, the NIHR has observed the announcement of the Executive Director of the 2018 elections, on opening the nomination of candidates, which began on 17 October 2018 and ended on the 21 October 2018; identifying places of submitting applications, which are distributed among the four governorates of the Kingdom. The total number of applications for candidacy in the parliamentary and municipal elections reached (506) applications, of which (346) applications were submitted for the membership of the House of Representatives and (160) applications were submitted for the membership of the municipal councils. Subsequently,

the candidates' lists were displayed and correction and objection requests were received at the supervisory committees, for three days from 22 to 24 October 2018. During this period, objections are registered and appeals are filed, provided that 7 November 2018 is the day of the final announcement of the candidates' lists.

11. Upon the closure of withdrawal from candidacy, according to the statement of the Executive Director of the 2018 elections, it was observed that only three (3) candidates of the parliamentary elections withdraw, pursuant to Article (15) of Decree-Law No. (15) of 2002 on the Shura Council and House of Representatives as amended, while there were no withdrawals from candidacy for membership of municipal councils.
12. The NIHR has also observed the rejection of a number of candidacy applications for various reasons, such as the candidate's affiliation to a legally dissolved political organization; the criminal record of the candidate; failure of the candidate to complete the required procedures in this regard; or failure to meet the conditions and requirements of candidacy; while granting the rejected candidates the right to appeal to the Supervisory Committees, and then before the competent courts. The NIHR believes that this approach constitutes a tool for protecting and monitoring the exercise of the right to stand for elections.
13. The NIHR followed up on the appeals filed with the Supreme Civil Court of Appeal. It observed, through the official website of the Supreme Committee for the Supervision of the Soundness of Elections, that the Court considered sixty six (66) appeals against the decisions of the supervisory committees, of which the Court approved fifty-two (52) appeals and revoked five (5) appeals, and ordered to re-list the appellants in the candidates' lists. Five (5) appeals lapsed, and four (4) appeals rejected, in form, to be submitted after the scheduled date. Therefore, the number of final candidates for membership of the House of Representatives reached (293) candidates, while the number of candidates for membership of municipal councils reached (137) candidates.
14. The NIHR, through the various media, has also observed an announcement of one of the candidates that he was threatened to withdraw his candidacy decision. This made him lodge a complaint with the Public Prosecution, which initiated the investigation of the incident. The latter procedure aims at protecting such right and ensuring it is exercised freely, without any pressure or fear. In addition, the NIHR observed a report made to the Public Prosecution on persons receiving money from external bodies to harm the interests of the Kingdom by supporting such persons in the

parliamentary elections. The NIHR believes that such practices would prejudice and affect the right of individuals to exercise their political rights. In addition, these practices contradict the democratic systems, which are based on participation in the management of public affairs as well as building of the state and civilization. Noting that the latter case has been referred to the competent court and its judicial proceedings are still pending.

15. In a step to enable the candidates to use their right to exercise election propaganda, the NIHR has observed the announcement of the Executive Director of the elections, in which the final lists of the parliamentary and municipal elections were presented on 4 November 2018; ahead of the scheduled date on 7 November 2018, and after the closing date of the legal period for considering the appeals by the Court of Appeal. Advancing the date of the announcement is based on the completion of considering all the appeals before the court prior to the specified date.

Fourth:
**The stage of electoral propaganda and
election silence**

1. Electoral propaganda is one of the most important aspects of democratic practice in the electoral process, as it plays a significant role in the electoral campaigns of candidates with various affiliations and orientations, in order to influence the mind-set of public opinion and build specific positions on issues related to the general situation and the concerns of voters. This is achieved by various modern media and means: audio, visual, and printed, especially social media.
2. Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives and its amendments, regulated electoral propaganda and campaign in Chapter Three, thereof. Article (22), and the subsequent articles, set forth the provisions and controls of electoral campaigns. The most important of which is that the election campaign must be free, with the candidate's compliance with a set of controls in the exercise of electoral propaganda; foremost among which is adherence to the provisions of the Constitution, respect for the rule of law, and respect the freedom of opinion and thought of others.
3. Article (23) of the same law followed to lay down the controls on the candidates' advertisements, including posters and electoral statements, the places allotted to them and the equal advertisement spaces for the candidates. In order to ensure a neutral stance of the State in relation to election campaigns, the same Law in Article (24) prohibits government employees, public bodies and institutions, and the heads of municipal councils and their members from carrying out electoral propaganda in favor of any candidate in their place of work, either directly or indirectly.
4. Article (25) of the same Law also prohibits the candidate from receiving any funds for election propaganda from any party, both from within and outside the Kingdom. Article (26) of the same Law also requires that all the media: video, audio, printed, and other, treat all candidates on equal basis to ensure their impartiality and to be free from any bias to any of the candidates.
5. Finally, under Article (27) of the Law, all election propaganda activities in all parts of the Kingdom must cease 24 hours before the date of the ballot. This period is known as the "electoral silence". No candidate is allowed to appear in the media to speak about any matter related to the elections, or to engage in any activity, or to take any action that falls within the context of electoral promotion and propaganda to win the voters, especially meeting in tents and electoral centers.
6. In order to complete the provisions regulating the electoral campaign, Ministerial Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and

municipal councils asserts the obligation of each candidate to the membership of the House of Representatives and the municipal councils to follow the civilized rules of conduct in his/her election campaign without detriment to the character of any candidate, or offending him/her, or raising doubt about his/her competence, directly or indirectly, as well as other organizational matters. In addition, Decree-Law No. (14) of 1973 on Organization of Advertisements regulated the advertising process, beginning with the requirement of obtaining the necessary license (permit). Advertisements should not contravene public security, public decency, or religious beliefs, must not obstruct traffic, and must be in harmony with the aesthetics of the area.

7. In practice, at this stage, and in implementation of the law and the decisions related to electoral propaganda, the Supreme Committee for the General Supervision of the Soundness of Elections has been observed while displaying through the various mass media, social media, and its online account, the legal controls and regulations governing the election campaign. In doing so, it called on the candidates to comply with the rules governing election propaganda, including adherence to the Constitution, respect the rule of law and freedom of opinion and thought of others, preserve national unity, security, and stability of the Country, and refrain from stirring up discord or sectarianism among the citizens, as well as not to violate the electoral silence.
8. In addition, the efforts made by the competent authorities represented by the Ministry of Works, Municipal Affairs, and Urban Planning in organizing the electoral propaganda in the various governorates of the Kingdom, in accordance with the provisions of the law, have been observed. In the same context, it was observed that a number of candidates did not comply with the controls regulating electoral advertising by placing their advertisements in a manner that threatens the safety of individuals, impedes traffic, or damages the green area on the sides of public roads, or the advertisements were displayed on streets prohibited by law.
9. On the other hand, the NIHR monitored the intentional destruction of some of the candidates' advertisements; the NIHR sees this matter as an infringement upon the candidates' right to promote, propagate, and express their opinion, which is guaranteed by the Constitution and regulated by the law. Such conduct also constitutes unfair competition as well as obstruction of the electoral process.
10. The NIHR monitored the initiation of investigation by the Investigation Committee of the Public Prosecution for electoral crimes, into an incident where a number of persons were arrested when they destroyed an electoral advertisement of one of the candidates. After the investigation, the

Committee decided to place one of them in temporary detention pending referral to the court. The NIHR also followed up on the ruling issued by the Lower Criminal Court, which sentenced four defendants to two-month imprisonment for ripping the electoral advertisements of some candidates in the Northern Governorate and a fine of 200 dinars each, and ordered a suspension of sentence.

11. In addition, the NIHR monitored through social media the frustration and annoyance of a number of citizens with some candidates who, as propaganda and publicity, have acted in a way to influence their opinion and choice by conducting house visits and collecting information regarding the number of family members and their telephone numbers. On the other hand, The NIHR has monitored complaints from candidates expressing their annoyance from receiving telephone calls and text messages asking them for money in the form of aid under the cover of poverty, debt, and illness.
12. The NIHR monitored a statement on the official social media account of the Public Prosecutor's Office stating that its Investigation Committee for Electoral Crimes received a report from the Supreme Committee for the General Supervision of the Soundness of Elections about a video that circulated on social media sites, showing the campaign manager of one of the candidates paying money to a number of voters in return for their pledge to vote for the candidate. In addition, the candidate and those running his campaign assisted voters in order to cast their votes in his favor. The Public Prosecution initiated the investigation with all the parties.
13. The NIHR believes that, although the law and the regulating decisions related to the electoral process are based on the principle of freedom of such publicity and propaganda, and that it is restricted by a number of controls to ensure proper practice, it was observed that a number of candidates have used electoral propaganda that is not in conformity with the status of the Council to which such candidates might become members therein. In addition to the specified legal controls, it is necessary in all cases that the election propaganda respects public taste and the moral values of the society.
14. The Supreme Committee for the General Supervision of the Soundness of Elections declared, 24 hours from the date of the ballot as determined by law, that 23 November 2018 is the election silence day in the first round, and that 30 November 2018 is the re-run, in which all election propaganda should be ceased all over the Kingdom.

15. In the same context, the NIHR followed up a number of candidates who, directly or indirectly, continued their election campaigns during the electoral silence period - during the first round and the run-off - by publicizing themselves using promotional public social media accounts. In addition, a number of members of the campaign teams were promoting those candidates, as well as moving their electoral advertisement boards to locations close to the polling and counting stations. All of such actions are in violation of the provisions of the law and decisions governing the electoral process.
16. In this regard, the NIHR affirms that the philosophy behind electoral silence and the associated electoral campaigning practices is to allow voters to determine their choices freely, without confusing or influencing their decisions. Voters, during the hours before the ballot, are usually exposed to psychological pressures that might influence their electoral options. This is the reason for upholding the electoral silence period in the provisions of the Law, in addition to the prohibition of certain practices in electoral propaganda. Such provisions ensure that voters are not influenced or pressured, and that they are able to decide their choices and vote for the candidates who they believe are entitled to run for elections, away from the voices instigating voters to cast their votes for a certain candidate.

Section II:
**Observing the parliamentary and
municipal elections on polling day**

First:
The stage before the commencement of polling

1. Article (19) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights as amended, stipulates that, “Law enforcement in the headquarters of the committees provided for in this Law is vested in the chair of the committee, who may seek the assistance of the Public Security Forces. The Public Security Forces may not enter the premises of the mentioned committees unless requested to do so by the chair of the committee. The candidates or their agents may enter the premises of the sub-committees.” Article (20) of the same Law followed stating that, “The secretary of the committee shall write down the minutes and record the decisions of the committee. The chair and secretary of the committee shall sign the minutes.”
2. While Article (21) of the above-mentioned Law stipulates that, “The referendum or election process shall go on continuously from 8:00 am to 8:00 pm. However, if there are voters at the headquarters of the sub-committee, who have not cast their votes and wish to do so, in that case the ballot shall continue for such sub-committee only. If all voters registered in the list cast their votes before the end of the scheduled time for referendum or election, the chair shall declare the end of the polling process once the last voter casts his/her ballot.”
3. Article (27) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, stipulates that, “All election propaganda activities in all parts of the Kingdom must cease 24 hours before the date of the ballot.” The second paragraph of Article (3) of Ministerial Decision No. (77) of 2006 on organizing the election campaign for elections of the House of Representatives and municipal councils, amended by Decision No. (42) of 2010, stipulates that, “... It is prohibited to hold electoral festivals and gatherings at a distance less than two hundred meters on all sides of the headquarters of the supervisory committees and the polling and counting committees. In all cases, electoral propaganda shall not interfere with security, decency, religious beliefs, or traditions prevailing in the society.”
4. With regard to the municipal affairs, the provisions of Articles (19), (20), and (21) of Decree-Law No. (3) of 2002 concerning the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions regulating the electoral process of the members of the House of Representatives.
5. The NIHR’s team monitored the polling and counting centers during the first round and the run-off of the election of the members of the House of Representatives and the Municipal Councils. The NIHR observed signboards displayed at sufficient distances from the election centers to facilitate

the voters' access to such centers. Other election centers had the signboards displayed at a few meters away from the centers, thus, the voters were not able to locate the centers easily until they approached the signs.

6. The NIHR's monitoring team also observed that the voting process in all the polling stations that it visited started at 8:00 am without exception. In addition, the observers from the NIHR were allowed to be present at the polling stations before voting began and after checking their cards (permits) authorizing such access. The team also observed that all members of the polling and counting general committees and sub-committees were present before the start of the polling process in sufficient time. The observers were also allowed to monitor the procedures for opening the parliamentary and municipal ballot boxes before the start of the election process, which showed that the boxes were empty.
7. The NIHR's monitoring team also noticed that in some election centers there was an obvious presence of various media, especially correspondents of some of the national and Gulf media institutions. However, in other election centers, the presence of media was limited to few hours only.
8. The NIHR's monitoring team observed that in most election centers, the chair of the committee counted and shuffled the polling papers. In other centers, the NIHR's observer could not verify if such procedure was carried out; nor could the observer notice whether there were paper or electronic lists, through which voters can verify their eligibility to vote before entering the polling hall.
9. In addition, the place assigned for the NIHR's team in most of the polling and counting centers allowed the observers to track the voters upon entry into the election center, when cast their votes, and the moment they depart. However, in a few of these centers, and due to the limited space available, the observers were unable to verify up close whether the voters inserted the ballots (polling papers) in the designated ballot box.
10. The NIHR's monitoring team found that all ballot boxes were transparent and covered with a colored lid. The red color was allocated for the elections of members of the House of Representatives, while the green color was allocated for the election of members of the municipal councils.

11. In all the polling stations visited by the NIHR, the voting booths met the requirements of confidentiality and privacy of voter's choice. However, in one of the polling centers, given it was located in a multi-storey mall with limited area, there was a possibility of knowing the voter's choice on the ballot.
12. However, despite the considerable organizational efforts undertaken by the Supreme Committee for the General Supervision of the Soundness of Elections, electoral propaganda was observed before and during the voting process, particularly in the provincial polling and counting centers. This was represented by displaying advertisements and posters of some candidates, or by people, mostly children, wearing clothes bearing images of those candidates, distributing leaflets or water bottles with pictures of the candidates or other publicity images, or by others calling on the electorate to vote for one candidate or another, or by direct telephone calls asking electors to vote for a particular candidate on the morning of the polling day.
13. The NIHR monitored, in particular, the electoral propaganda near the provincial centers No. (3), (5), and (8) in Muharraq Governorate; No. (4), (8), and (9) in the Northern Governorate, and No. (1), (5), (6), (7), (8), and (9) in the Southern Governorate, as well as the public centers at Awali Club, Wadi Alsail Primary Intermediate Boys School, the Ministry of Education Hall, and Seef Mall.
14. Immediately, the NIHR's team contacted the Supreme Committee for the General Supervision of the Soundness of Elections through the assigned telephone numbers, to report the observation and document such acts, which constitute a violation of the provisions of the law. The NIHR calls on all candidates to respect the provisions of the law governing electoral propaganda, and to refrain from exploiting children by employing them to carry out electoral propaganda for candidates in the streets and public roads, for the best interest of the child. This behavior is not suitable for children; it has negative and dangerous consequences on them and endangers their lives and safety.
15. It should be noted that the NIHR, taking initiative on its own, has already submitted to the Government in 2015 a proposal to amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the Child Law regarding the criminalization of using children in elections, together with recommending appropriate and deterrent penalties for such dangerous criminal acts.
16. Additionally, on the morning of Election Day, in its first round, the NIHR monitored a number of voters receiving SMS messages informing them that their names have been removed from the

voters' lists, and consequently cannot cast their ballots, and asked them not to go to the election centers. At first glance, the SMS appeared real, as if the official authorities concerned have issued it.

17. Consequently, the Supreme Committee for the General Supervision of the Soundness of Elections has quickly considered these messages incorrect and fake, and that it would deal with those, who have sent them, according to legal procedures. The Committee sent SMS messages calling for ignoring any suspicious messages on boycotting the elections, and urging all voters to participate in the electoral process. The General Directorate of Anti-Corruption and Economic and Electronic Security in the Ministry of Interior issued a statement that a number of telephone numbers used in broadcasting fabricated messages about deleting the names of citizens from election lists were detected and monitored.
18. The statement pointed out that search and detection has led to the identification of those behind these messages; and that the investigations indicated that there were a number of perpetrators of such crimes within the Kingdom of Bahrain and in Iran. These perpetrators hacked a number of servers in order to carry out this operation. Legal proceedings are underway, and they were referred to the Public Prosecution. The statement added that monitoring and follow-up indicated that Iran is the source of (40000) emails aimed at affecting the electoral process negatively.

Second: The voting stage

1. Article (9) of Decree-Law No. (15) of 2002 concerning the Shura Council and the House of Representatives, as amended, stipulates that, “The election of members of the House of Representatives shall be in accordance with the single election system.” Article (22) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, stipulates that, “Every voter shall submit to the sub-committee, when casting his vote, a proof of his/her identity by presenting a passport or any official certified document. A check is placed before the voter’s name in the voters’ list, by hand or electronically, to indicate that the voter cast his/her ballot; or any other means to indicate voting, provided it is approved by the Chairman of the Supreme Committee stipulated in Article (18) of this Law.”
2. Article (23) of the same Law followed by stipulating that, “The referendum and election shall be conducted by universal direct secret suffrage. The vote shall be made in a referendum or election by marking on the card prepared for that purpose and in the place allocated for the ballot. A voter may not cast his vote more than once in a referendum or a single election. Voters who cannot write or read, or blind, or with special needs who cannot cast their votes by themselves on the ballot card, shall vote verbally, and the chair of the committee shall mark the voter’s choice in the presence of one of the committee members on the ballot card, which shall be inserted in the ballot box.”
3. Regarding the municipal affairs, the provisions of Articles (22) and (23) of Decree-Law No. (3) of 2002 on the system of election of members of municipal councils and its amendments, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.
4. Accordingly, the NIHR’s team monitored the polling and counting centers during the first round and the run-off of the election of the members of the House of Representatives and the Municipal Councils. It was observed that all those centers, through the organizing body (verification officers), verified the identity of the voters, by checking their passports, identity cards, or any certified official documents such as election cards issued by the Ministry of Interior to holders of lost or damaged passports, or passports procedurally preserved or confided to another party.
5. The NIHR’s monitoring team found that, although the organizers had carried out prior verification of veiled women to match their identity, the matching process in most of the electoral centers was not strictly accurate and organized, and did not take into account the required privacy of veiled women.

6. As soon as a veiled woman enters the center, she is called upon and heads toward a place dedicated for identity matching process; this place is not well prepared for such purpose in terms of its location in the center and the absence of a full-time female identity matcher to perform this process. In addition, once this process is carried out, the woman heads toward the verification officers, who sometimes, especially during peak periods, do not have a formal proof that the woman's identity has been actually verified. Therefore, the NIHR calls for developing a clearer, more precise and seamless mechanism that secures the smooth entry of veiled women, ensures that their faces match their identity documents, and takes into account their privacy in this regard.
7. The NIHR's monitoring team found that all the ballot papers were the official papers dedicated to this purpose. The ballot papers for the election of members of the House of Representatives had a red background, while those for the election of members of the municipal councils had a green background.
8. The NIHR's monitoring team also noted that the voting process begins with the voter presenting his/her passport or election card issued by the Nationality, Passport, and Residence Affairs Directorate at the Ministry of Interior and the ID card. The verification officer at the polling and counting center then checks the voter's right to vote, gives the voter the ballot paper, and stamps the passport or the election card indicating his/her participation in the voting process. A number of the NIHR's monitoring team found that the stamp on the passport or the election card was being verified for each voter who had completed the ballot, before leaving the electoral center. However, in other centers, this regulatory action was not being followed.
9. In the same context, it was noticed that there were electronic devices at the exit gates of some of the polling stations that detect ballot papers, which the voters might take out from the center, since all the ballot papers contain a sensitive electronic tape that gives a signal once a paper passes through the detector. However, it was not clear to the monitoring team whether the said devices were effective or not.
10. The NIHR also noted that all the ballot papers were inserted in the ballot boxes, under the watch of the polling and counting committee.
11. The NIHR's monitoring team noted that a number of public polling and counting centers ran out of the ballot papers allocated to one of the constituencies. The NIHR stresses the need for the chairs of

the committees and their staff to continuously follow-up the ballot papers to ascertain the adequacy of the remaining ones, and ensure they do not run out of them, so as no voter misses his/her right to vote.

12. The NIHR also monitored on one of the social media accounts, a post by one of the candidates that included a video footage of a ballot paper, which indicated that the voter chose this same candidate. This action is considered an electoral irregularity; the video footage was sent to the concerned officials of the Supreme Committee for the General Supervision of the Soundness of Elections to document this violation.
13. During the parliamentary and municipal elections for the first round and the re-run, it was observed that the candidates or their agents were present in the provincial electoral centers, in the space provided for that purpose. However, the public polling and counting centers had very slight presence of the candidates or their agents. In any case, an observer of the NIHR's monitoring team has noticed an attempt within the electoral center boundaries to influence the choice of one voter, in the presence of a candidate.
14. It was observed that there were no incidents in which voters were prevented from casting their votes in the electoral process, except for very few cases where the voters' names were not registered in the voters' lists. The said voters were asked to head to the supervisory centers in their governorates. The NIHR hopes that the Supreme Committee for the General Supervision of the Soundness of Elections pays more attention to increase the awareness of the voters on the need to make sure that their names are registered on the voters' lists during the period prescribed by the Law, to avoid being prevented from voting on polling day. In addition, raise the voters' awareness on resorting to the supervisory centers in their governorate if their names are not registered in the voters' lists on polling day. The non-registered voters did not know about this procedure only until they headed to the public or provincial polling centers, thus, they went through the trouble of reaching those centers and had to wait there for a while.
15. Moreover, the NIHR's monitoring team did not observe any cases where non-voters were allowed to enter the polling and counting halls, except for some children accompanying their parents. In addition, voters sometimes gave their children the ballot paper to insert it in the ballot box under the direct watch of the voter and the polling and counting committee.

16. The NIHR's monitoring team did not observe any incidents where the members of the polling and counting committee were exposed to harassment by the candidates or voters, except for one case where a candidate was engaged in an altercation with the members of the polling and counting committee due to overcrowding.
17. In connection with the polling process, it was noted that there were a number of illiterate voters during the first round and the run-off of the parliamentary and municipal elections. In such cases, the organizers of the center issue the ballot paper to the illiterate voter and directly instruct him/her to go to the head of the polling and counting center. The latter reads the names of the candidates to the illiterate voter, showing them their pictures so that the voter can choose freely and secretly in this regard. This procedure is in agreement with the prescribed legal rules.
18. With regard to the special needs categories of persons with disabilities and the elderly invalids, the NIHR's monitoring team observed that the organizers of the polling and counting centers assisted them and facilitated their procedures as of entering the centers until they exited. However, there was no designated queue (line) for those people in any of the centers that the NIHR has monitored. Nevertheless, this shortcoming did not affect the smooth running of the voting process for them, noting that all the electoral centers were, from a technical standpoint, prepared to accommodate the participation of these groups.
19. In a related context, the organizers of the polling and counting centers did not allow the persons accompanying those with disabilities to enter the polling hall with them during the voting process. The organizers carried out this process themselves, especially in the cases where the accompanying person is a non-eligible voter, such as domestic workers. In the cases where the person with disability cannot choose the candidate because of his/her disability, the head of the center is the authorized person to handles these cases in accordance with the provisions of the law.
20. One of the observers of the NIHR's monitoring team observed two similar cases in one of the public centers, that when the voter applied for the ballot paper for his constituency, he found out that the ballot paper issued to him belonged to another electoral district, different from the one assigned to him in the voters' list, and contrary to what is registered in the official website of the Supreme Committee for the General Supervision of the Soundness of Election.

21. On the other hand, the NIHR's monitoring team did not observe any tampering with the ballot boxes in any way by voter or others, nor voters or others impersonating someone else for the purpose of voting.
22. Through the visits carried out by the NIHR to the provincial and public polling stations, the observers did not notice the polling and counting committees opening additional ballot boxes other than the original ones at the start of the voting process, except in the Awali Club public center. During the first round, the committee opened two additional boxes for the parliamentary and municipal elections of the Southern Governorate independently. In addition, during the re-run, the committee opened an additional box for the parliamentary elections and another box for the municipal elections. In all cases, these additional boxes were displayed to everybody present to confirm that it is empty of any contents or ballot papers before placing such boxes. Moreover, the closed filled boxes were placed in front of all.
23. The polling stations, which the NIHR monitored, closed the polling boxes at exactly 8:00 pm. Some of the heads of the polling and counting committees called on the NIHR's team to verify closing the ballot boxes on time with the designated lock (seal).
24. During the voting process, no objections affecting the process of parliamentary or municipal elections were reported by the voters, candidates, or others. However, it was proved to a member of the NIHR's team that one of the candidates objected before the polling and counting committee at Seef Mall public center to the presence of barriers that prevent him from monitoring the polling boxes. In addition, another candidate objected before the polling and counting committee at the Awali Club public center to the smoking of the chair of the committee in the election center.

Third:
The stage of counting and announcing the results

1. Article (24) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, stipulates that, “When the designated time for referendum or election ends, the chairman of each subcommittee shall declare the end of the voting process after ensuring that all voters present in the committee’s headquarters have cast their ballots at that time. Such shall be recorded in a report signed by the chairman and the secretary of the committee, after which the subcommittee shall begin the process of counting votes. Every candidate or his/her agent shall be allowed to observe the ballot counting process, excluding the deliberations of the committee.”
2. Article (26) of the same Law followed, stipulating that, “All votes shall be disqualified and void if the vote cast in the ballot paper is conditional, or given to more than the required candidates, or marked on a paper other than the provided ballot paper, or bore any marks that would disclose the identity of the voter.”
3. Article (27) of the above-mentioned Law stipulates that, “The subcommittee shall decide on all matters relating to the referendum or election process, and the validity or the invalidity of the ballot vote of any voter. The deliberations of the committee shall be confidential, and shall be only attended by the chairman and members of the committee. The decisions of the committee shall be issued by an absolute majority, and shall be recorded in the minutes of the committee, and shall be reasoned and signed by the chairman and the secretary of the committee.”
4. Article (28) of the same Law stipulates that, “The chairman of the committee provided for in Article (7) of this Law shall announce in each electoral district the results of the election of the members of the House of Representatives in all constituencies of his/her region, and the number of votes obtained by each candidate in his/her constituency, after the arrival of all the minutes of polling and counting committees and the ballot papers from the subcommittees in the region. A copy of the results together with all minutes and ballot papers shall be sent to the Supreme Committee provided for in Article (18) of this Law, which shall make the final announcement of the general results of the election of the members of the House of Representatives and shall notify the winners of their membership to the Parliament. The General Secretariat of the House of Representatives, following the announcement of the results of the election, shall hand in to each wining member a certificate of membership of the House of Representatives.”

5. Article (29) of the above Law stipulates that, “The Chairman of the Supreme Committee provided for in Article (18) of this Law shall announce the results of the referendum after receiving all the minutes of the subcommittees.”
6. Article (19) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives and its amendments stipulates that, “If the number of candidates applying for membership in the House of Representatives in an electoral district is the same as the number of members specified for such district, or if only this number of candidates remains for any reason whatsoever, the Minister of Justice, Islamic Affairs, and Endowments shall announce those candidates as winning members without the need to conduct election in the district.”
7. Article (20) of the same Law followed, stipulating that, “The member of the House of Representatives shall be elected by an absolute majority of the number of valid votes cast in the election. If this majority is not achieved by one of the candidates in the electoral constituency, there shall be a re-election (re-run) between the two candidates who have obtained the largest number of votes. If another candidate had equal votes to the second runner up, such candidate shall participate in a second election re-run, in which case the candidate with the highest number of votes shall be considered the winner. If more than one candidate received equal votes, lots shall be drawn among them with the knowledge of the chairman of the sub-committee. In all cases, the chairman of the sub-committee shall establish in the minutes of counting the number of votes received by each candidate in his/her constituency. The chairman of the committee and the secretary shall sign this minutes and the ballot boxes shall be closed. The minutes and ballot papers shall be sent to the Chairman of the Supervisory Committee for the Soundness of Elections, who shall announce the name of the winning candidate.”
8. Regarding the municipal affairs, the provisions of Articles (23), (24), (25), (26), (27), and (28) of Decree-Law No. (3) of 2002 on the system for the election of members of municipal councils, as amended, bear, in substance, the same provisions governing the electoral process of the members of the House of Representatives.
9. Through the field observation of the NIHR’s team of the polling and counting centers, which were visited during the first round and the run-off of the elections of the members of the House of Representatives and municipal councils, in which they were present in the polling and counting centers during the stage of closing the ballot boxes, commencing the sorting and counting of ballots,

and announcing the results, it was found that all the public and provincial election centers were closed at 8:00 pm, in the presence of candidates or their agents, civil society organizations, and the NIHR's team. Some of the heads of the polling and counting centers requested the representatives of the NIHR to be present to establish the closing of these boxes with the provided locks. The name of the governorate, type of elections, as well as a number of the box was written on the boxes.

10. In addition, the process of sorting and counting by the organizers of the election center - which was carried out before the observers of the NIHR - varied from one center to another. However, they had, in general, almost the same system, starting with opening the parliamentary or municipal ballot boxes by the head of the committee, emptying them, and making sure they are empty of any ballot papers. Then the polling center organizers sort out the correct and invalid ballots, followed by sorting and counting them more than once under the watch and direct supervision of the chairman of the center. Meanwhile, there is another group of organizers counting the remaining unused ballot papers.
11. The NIHR believes that, despite the quality prior training of the organizers of the electoral centers in the process of counting and sorting, it observed that the organizers of the counting process are the same organizers of the electoral center since 8:00 am until its closure. The NIHR noted that they appeared tired and exhausted during the counting process, which lasted in some public centers during the first round until the early hours of the following morning.
12. Based on the above, the NIHR proposes that a team other than that involved in the organization of the ballot carries out the counting and sorting process. Such proposed team begins its work at the electoral center starting at 6:00 pm, and continues until the polling is closed and the counting process commences until the announcement of the final results. This has a positive impact on the performance of the said team and reduces the likelihood of any potential errors that may arise during this process, as well as accelerates the announcement of the results.
13. In a related context, the NIHR's team noted the absence of surveillance cameras and display screens (monitors) in polling and counting stations, which make it possible to observe the sorting and counting of ballot papers. However, this process took place under the watch of those present and in the area allocated for ballot. However, the presence of media during this stage was very limited in some polling centers, and absent in other centers.

14. In all cases, the polling and counting committee at the electoral center prepared minutes containing the name of the winning candidate, the number of votes received by each candidate in his/her constituency, and announced the result. The chairman and secretary of the committee sign the minutes and close the ballot boxes. The NIHR's monitoring team did not observe, during this stage, and during the announcement of the results, any objections at the time.
15. In this regard, the NIHR commends the good organization and training provided to the organizers of the polling and counting process in the electoral centers. This was reflected positively on the smooth running of the electoral process. However, the said organizers, in any event, 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 NIHR has monitored through social media a video footage, which seems to be of one of the organizers in a provincial center, who has clearly demonstrated his joy with the winning of one candidate while the chairman of the center was announcing the results. The impartiality and independence of the organizers of the polling and counting centers reflects the integrity of the entire electoral process.
16. According to the official statistics issued by the Supreme Committee for the General Supervision of the Soundness of Elections, the number of candidates in the parliamentary and municipal elections of 2018 was (430) candidates, of which (293) candidates, including (39) women candidates, were running for the membership of the House of Representatives. Whereas the number of candidates for the membership of municipal councils was (137) candidates, of which (8) candidates were women.
17. According to the relevant official figures, the participation rate in the parliamentary elections was (67%), compared to (53%) in the previous elections. Whereas the participation rate in the municipal elections was approximately (70%). Voting abroad in the first round was the highest percentage participation in the history of elections in the Kingdom, and the number of votes in the elections was the highest compared to the previous municipal elections.
18. With regard to the 2018 parliamentary elections, (9) candidates, of which (2) are female candidates, secured more than (50%) of the votes, which enabled them to obtain seats in the House of Representatives from the first round of elections. Run-off election took place in (31) constituencies; (9) women were able to stand for run-off election, of which (4) women won seats in the elected

council, with a total of (6) seats in the House of Representatives; the highest women membership in the history of parliamentary life in the Kingdom.

19. In terms of municipal elections, two candidates were elected for municipal council membership by acclamation; one of them is a woman. Polling was conducted in (28) electoral districts in which (5) candidates won municipal council membership from the first round. Run-off was carried out in (23) electoral districts. Four (4) women candidates took part in the run-off, of which (3) women were elected for municipal council membership, bringing the total number of women members in municipal councils to (4) women.

Section III:
**Observing the parliamentary and
municipal elections following polling day**
**(The stage of receiving and
adjudicating electoral appeals)**

1. Article (62) of the Constitution of the Kingdom of Bahrain stipulates that, “The Court of Cassation shall be competent to adjudicate appeals relating to elections of the House of Representatives, in accordance with the governing law.” Article (21) of Decree-Law No. (15) of 2002 on the Shura Council and the House of Representatives, as amended, stipulates that, “Every candidate in the electoral district shall have the right to challenge the outcome of the election held in his/her constituency before the Court of Cassation within fifteen days from the date of the announcement of the general result of the election. If the Court establishes, after examining the papers and hearing the statements of both the appellant and the contested elected candidate (appellee) and any person the Court sees fit to hear his/her testimony, the validity of the appeal, it shall nullify the victory of the contested elected member. In this case, the Court may decide to win the candidate whose election is valid, provided the reasons and circumstances of the appeal do not necessitate election re-run. The submission of the electoral challenge shall not preclude the member challenged (appellee) from the exercise of his/her powers in the House of Representatives during the period prior to the issuance of the Court’s ruling on the appeal. The effect of the ruling of the invalidity of the election of the member shall be limited to the future without rebound on the period before the Court delivered its judgment.”
2. Regarding municipal affairs, Article (29) of Decree-Law No. (3) of 2002 on the system of electing members of municipal councils, as amended, bears the same substance as the previous provision on challenging the elections of the House of Representatives.
3. In accordance with the terms of reference of the Court of Cassation on elections, the Court has adopted a number of relevant principles in the last years, from 2002 to 2014, to serve as a guide to every new electoral process.
4. The Court of Cassation in a number of its successive rulings on the integrity, soundness, and validity of the electoral process stated, “Integrity of the electoral process is the origin; meaning that the election cannot be invalidated unless it is firmly established that the electoral process is invalid, thus affecting its results.”
5. This principle is one of the main doctrines and principles of the Court of Cassation, as it had made repeated references to it on more than one occasion, starting with its ruling on Appeal No. (2) against municipal elections of 2002, in the session dated 10 June 2002; Appeals No. (13) and (102) against the 2011 parliamentary elections, in the session dated 3 October 2011; Appeal No. (104)

against the 2011 parliamentary elections, in the session dated 10 October 2011; and Appeal No. (104) against the municipal elections, in the session dated 21 December 2014.

6. In order to confirm the integrity of the electoral process, the Court of Cassation, in its ruling on Appeal No. (115) against the parliamentary elections of 2014, on 27 November 2014, stated that, "The Bahraini legislator has set bounds to the electoral process with guarantees that ensure its integrity and transparency. Hence, it subjected the electoral process to full judicial supervision, and entitled any candidate in the constituency to challenge the results of the election held in his/her constituency, and vested the jurisdiction to consider these appeals with the Court of Cassation, the apex of the judicial system in the State."
7. Regarding who can file electoral appeals, the Court of Cassation confirmed that only the candidates have the right to challenge the validity of the election, while the voters are excluded from such. The Court held that, "the electorate (body of voters) shall not contest the election results. This right is limited to the candidates in the constituency where the validity of the election is contested." The Court's rulings based on this principle recurred in Appeal No. (19) and Appeal No. (21) against the parliamentary elections of 2002, in the sessions dated 8 November 2002 and 18 November 2002, respectively.
8. In all cases, the Court of Cassation, in its Appeal No. (16) against the Parliamentary Elections of 2002, on 5 November 2002, stated that, "The results of the election shall not be contested on grounds of the inclusion of the name of the successful candidate in the voters' list or in the candidates' list in the constituency in which the candidate has won the membership of the House of Representatives, as these are procedures prior to the election process, which are resolved by decisions or final judgments that have binding force in this regard."
9. With regard to both the candidate and his/her agent, the Court of Cassation established that the agent must be one of the voters in the constituency of the candidate and gave both of them the right to object to all that appear before them during the polling and counting process. This confirmation was evident in Appeal No. (115) against the parliamentary elections of 2014 on 27 November 2014, whereby the principle states that, "Each candidate may choose a voter from among the voters registered in the voters' list in the constituency of the candidate as his agent to the sub-committee. The candidate shall submit the name of his/her agent to the Ministry of Justice at least seven days before the election day."

10. In the same context, the Court of Cassation in Appeal No. (2) of 2006 on 29 November 2006, affirmed that “Each candidate may choose an agent for him/her in the sub-committee. The candidate and his/her agent shall be entitled to object to any observations concerning the polling or counting processes to the chairman of the committee.”
11. Although the law has granted the candidate or his/her agent the right to attend the polling and counting process, yet, their absence does not affect the validity of the electoral process. Since, “The right of the candidate or his/her agent to enter the polling hall and attend the counting process means that both are not required to be present. His/her absence thereof does not affect the validity of the polling or counting process as long as he/she was not prevented from attending.” This is evident in Appeal No. (3) against the parliamentary elections of 2006, on 4 December 2006.
12. As for the polling process, the provisions of the Court of Cassation confirmed the secrecy of the voting process, and indicated that the voter is completely free to choose the candidate he deems appropriate without interfering in his/her selection. This was adopted in several principles and rulings. On the session held on 9 November 2002, in the ruling on Appeal No. (15) against the parliamentary elections, the Court affirmed that, “The voter has the freedom to of decision regarding the candidate of his/her choice, since the election is by universal, direct, and secret ballot, away from any influences that may discourage him/her from selecting the candidate he/she sees fit to represent him/her.”
13. One of the rules adopted by the Court of Cassation on the announcement of results is the ruling in Appeal No. (104) against the parliamentary elections of 2011, on 10 October 2011, to confirm that, “The provincial polling and counting committee (sub-committee) is not able to know the winner of the election, and therefore is not in a position to announce it, considering that this matter is connected with to the collection of all the votes in both the provincial (subcommittee) and public committees as well as the committees abroad.”
14. In Appeal No. (13) against the parliamentary elections of 2002, on 15 November 2002, the Court of Cassation determined that the Chairman of the Supreme Committee for the General Supervision of the Soundness of Elections is responsible for the announcement process. The rule states that, “The Chairman of the Election Safety Supervisory Committee shall announce the results of the election of the members of the House of Representatives in all constituencies of his/her region and the

number of votes obtained by each candidate in his/her constituency. A copy of such result shall be sent to the Supreme Committee for the General Supervision of the Soundness of Elections, which undertakes the announcement of the final results.”

15. In a related context, the Court of Cassation explained that the final announcement process does not require mentioning the number of votes and that it is sufficient to declare the names of the winners of the seats in the councils. In Appeals No. (5) and (7) against the parliamentary elections of 2002, on 29 October 2002, it stated that, “There is no requirement that the statement of the Minister of Justice contains the number of votes secured by each candidate; it is sufficient that this statement includes the announcement of the final results and notifies the winners of membership.”
16. The Court of Cassation required that the appeal be based on valid and serious grounds, as well as clear facts and evidence. In Appeal No. (114) against the parliamentary elections of 2014, on 27 November 2014, the Court ruled that, “Challenging the outcome of the elections is required to be based on serious reasons and evidence suggesting that an error has marred the voting or counting process, which means that the appeal should not be taken as a means to lean on the Court of Cassation to order the re-counting of ballots for the mere suspicion of errors.”
17. If, however, there are serious and valid reasons and evidence that give rise to believe an error has marred the voting or counting process, then, the Court of Cassation shall have the right to recount the ballots itself. This is explained in the Court’s opinion in Appeals No. (2), (9), and (11) on 28 October 2002, for the first appeal, and on 30 October 2002 for the other two appeals, that, “The Court of Cassation has the right to access the electoral papers to ensure their soundness and conformity with the results of the elections that have been announced.”
18. On the practical side, the NIHR monitored, on the official account of the Bahrain News Agency (BNA), news reporting that the Court of Cassation had adjudicated the last electoral appeal filed in the Court, in which candidates for the parliamentary council and municipal councils were challenged. The Court held its sessions on Thursday, 20 December 2018, under the chairmanship of Counselor Abdullah bin Hassan Al Boainain, and the membership of Counselor Abdullah Ya’coub Abdulrahman and Nader Al Sayed Ali Ali Abdulmutallab to consider four electoral appeals filed by three candidates for the membership of the House of Representatives and one appeal filed by a candidate for the membership of the Municipal Council. The Court rejected all the appeals.

19. The NIHR appreciates the important role played by the Court of Cassation as the body mandated by the Constitution to consider electoral appeals. This highlights the importance and seriousness of the attention paid to the credibility, transparency, and impartiality of the electoral process. Thus, the highest courts in the Kingdom were given the task of monitoring the conduct of the election process and adjudicating election appeals, due to competence and long working experience of its members, making them the most capable and efficient to carry out this responsibility, and they were worthy of such.

Concluding Recommendations

In light of the above, the National Institution for Human Rights recommends the following:

1. Classify the referendum and elections crimes mentioned in Article (30) of Decree-Law No. (14) of 2002 on the Exercise of Political Rights, as amended, as urgent; and establish a competent and temporary court to consider and adjudicate these crimes.
2. Issue a new law on organizing media and electoral propaganda for the elections of the members of the House of Representatives and the municipal councils, to include all the issues related to the organization of such propaganda, allocated funds, means of exercising it, and the related prohibitions. In addition, the new law must include deterrent penalties that prevent the violation of its provisions. The said law must also provide for provisions that regulate the issue of funds and campaign spending, in particular, provisions setting maximum limits to spending and financial expenditures on electoral campaigns.
3. Make available ballot papers in Braille for the blind to enable them to participate actively in the electoral process.
4. Amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the Child Law, to the criminalize the use of children in the elections, and to propose appropriate and deterrent penalties for such dangerous criminal acts, focusing on the best interest of the child.
5. Amend the provisions of Decree-Law No. (14) of 2002 on the Exercise of Political Rights and its amendments, so as to allow the candidate to choose more than one agent to follow up on the electoral process, provided the number of agents does not exceed the maximum number of the public electoral centers.
6. Pay more attention to increase the awareness of voters on the need to ensure that their names are on the voters' lists during the period prescribed by the law, thus avoiding being prevented from casting their votes on polling day, through all forms of media and social media, well before the due date set by the law.
7. Pay more attention to increasing the awareness of the individuals, whose names are not registered on the voters' lists, on the need to head to the supervisory centers of their governorate on polling day, using all the forms of media and social media. Such individuals were not aware of this procedure

until after they went to the provincial or public centers to cast their votes. Thus, they went through the trouble of reaching those centers and had to wait there for a while.

8. Conduct the counting and sorting process by a team other than those involved in the organization of the voting process. Such proposed team begins its work at the electoral center starting at 6:00 pm, and continues until the polling is closed and the counting process commences until the announcement of the final results. This shall have a positive impact on the performance of the said team and reduce the likelihood of any potential errors that may arise during this process, as well as accelerate the announcement of the results.
9. Use modern electronic technologies that ensure more accuracy in the counting and sorting of ballot papers. In addition, provide polling and counting centers with surveillance cameras and display monitors to allow the candidates and their agents as well as the observers of the conduct of the electoral process to follow up the process of sorting and counting ballot papers.
10. Pay more attention to training and qualifying law enforcement personnel on controlling and tracking electoral crimes, especially those committed through modern means of communication, and bringing perpetrators to justice in order to ensure the proper conduct of the electoral process.
11. Pay more attention to the training aspect of the organizers of the polling and counting process in the electoral centers. In addition, issue a code of conduct to regulate their work, which includes that they must refrain from expressing their opinion, explicitly or implicitly, or promoting one of the candidates, or interfering in the choices of the voter during the ballot. The neutrality and independence of the organizers at the polling and counting centers reflects the integrity of the entire electoral process.
12. Call for the establishing of a clearer, precise, and seamless mechanism that secures the smooth entry of veiled women, ensures that their faces match their identity documents, and takes into account their privacy in this regard.
13. Call for paying greater attention to civil society institutions and human rights defenders concerned with monitoring the electoral process by providing them with dedicated spaces within all polling and counting centers, close to polling and counting committees, enabling them to monitor and

observe all stages of the electoral process on polling day, until counting of the ballots and announcing the final results.

14. Pay more attention to the ongoing media coverage of the electoral process by the Supreme Committee for the General Supervision of the Soundness of Elections, through prompt and continued updating of the information, data, and statistics posted on its website and electronic accounts, including the decisions and judicial rulings related to the electoral objections and appeals. Such will become the source of information and database for professionals, researchers, academics, and the public.
15. On-going follow up by the chairs of the provincial and public electoral centers and their employees, to verify the adequacy of the remaining ballot papers to ensure that they do not run out, which influences the flow of the electoral process, so as no voter misses his/her right to vote.
16. Continue the efforts of the Ministry of Information Affairs in raising awareness of the electoral process using infographics to include all stages of the electoral process, as well as the rights and duties of voters and candidates, owing to their clear impact in promoting the concepts of the electoral process and delivering such in a simplified form, easy to understand by all.



Tel: +973 17111666, Fax: +973 17111600
P.O. Box: 10808, Manama, Kingdom of Bahrain



NIHR Bahrain



+973 17111666



nihrbh



80001144

info@nihr.org.bh

www.nihr.org.bh

