



National Institution for Human Rights

The Bahrain National Institution for Human Rights before the International Coordinating Committee of NHRIs

Alkarama Foundation – 15 January 2016

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1. Introduction

The National Institution for Human Rights (hereafter NIHR) of Bahrain, which was founded in 2009, has applied to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) to be accredited for the first time. The NHRI has asked to be granted the A status.

Alkarama would like to contribute to the evaluation of the compliance of the NIHR with the Paris Principles in both legal and practical terms.

In this report, we have attempted to make a formal and substantive evaluation of the NIHR and its role in the promotion and protection of human rights. Regretfully, in spite of attempts by Alkarama to cooperate with the NIHR (via fax and telephone), the institution has not been responsive or forthcoming. Thus this contribution is mainly based on information gathered during cases documentations as well as on an analysis of the legal basis of the NIHR and the broader institutional context in which it operates.

Notwithstanding the increasingly active role of the NIHR and its efforts in improving the human rights situation in Bahrain, this report will outline its lack of compliance with the Paris Principles.

2. Political and Institutional Background

The Al Khalifa family has ruled Bahrain for more than 240 years. Bahrain has been a British protectorate for 110 years before it gained its independence in 1971, prospering economically not just due to its oil discovery in 1932, but also for the strongly emerging finance and banking sector, which was to shape Bahrain's economy for the years to come.

In 1999, the current ruler, Sheikh Hamad bin Isa Al Khalifa succeeded his father as Emir. Backed by a referendum in 2001, he decided to turn the country into a constitutional monarchy. This change entailed promising reforms such as a new constitution and the establishment of a bi-cameral National Assembly of which the lower chamber, the Council of Representatives (*majlis al nuwab*) was elected by universal suffrage, giving women the right to vote for the first time.

Since then, Bahrain proclaims itself a constitutional monarchy, which has been challenged by several international observers due to the lack of parliamentary power and of an independent judiciary.

Indeed, the King is the head of the state, he appoints the Prime Minister, in this case his uncle Khalifa bin Salman Al Khalifa, and the cabinet and has the power to dismiss the government. He also appoints the president and members of the upper chamber of the National Assembly, i.e. the Consultative Council (*majlis al shura*) and can rule by decree and dissolve parliament at his discretion.

Moreover, the King is the chairman of the Higher Judicial Council and appoints judges. While the National Assembly drafts legislation and can propose amendments, the King has the right to veto laws passed by the National Assembly. He has the power to amend the constitution and propose, ratify and promulgate laws. Therefore, the ultimate legislative authority is vested in him.

While political parties remain illegal, political societies are allowed since 2001. In fact, a plethora of political societies from a wide range of society has formed. These operate as quasi parties and are permitted to select election candidates that can act as parliamentary blocs.

In 2002, the opposition led by Islamic parties boycotted the election in protest of the bicameral nature of the parliament that only gives the Consultative Council the right to veto legislation, while the Council of Representatives is denied the same prerogative. Furthermore, since the uprising in 2011, the main opposition party, Al Wafeq, has refused to participate in national dialogue and again boycotted elections with other opposition parties in 2014 in protest of an unfair electoral system and the persecution of its senior members.

In February 2011, as part of the popular uprising in the Arab World, thousands of Bahrainis took to the street, demonstrating for political reform as well as greater political inclusion. Among the demonstrators a large part of the Shi'a community were claiming for more political participation and denouncing the discrimination they were subjected to.

Protests began on 14 February 2011 at the Pearl Roundabout in Manama City and were instantly repressed by the authorities causing numerous victims among both demonstrators and law enforcement personnel. Following an aggravation of the situation, on 14 March troops from Saudi Arabia and the UAE entered Bahrain in virtue of the military assistance cooperation between the countries and at the demand of the Bahraini authorities in order to assist the local security forces. Meanwhile, the King declared martial law and a three-month state of emergency.

The violent crackdown in February and March 2011 of this uprising resulted in 20 deaths among the protesters, including five from torture in detention. Security forces arrested more than 1,600 people who participated in, or allegedly supported, the demonstrations, and held most detainees in *incommunicado* detention for weeks, in some cases months¹.

Due to mounting pressure of the international community, the King appointed the Bahrain Independent Commission of Inquiry (BICI) in July 2011, chaired by Cherif Bassiouni, to investigate allegations of human rights abuses that occurred during the uprising. When the BICI released its report in November 2011, it confirmed that severe human rights violations were committed by National Security Agency and the Ministry of Interior and that the crackdown followed a systematic practice of physical and psychological mistreatment, which in many cases amounted to torture². It is important to note though, that oppositional forces and NGOs such as the Bahrain Center for Human Rights (BCHR) voiced their reservations about the legitimacy of the BICI findings, criticising the commission for incomplete investigations and downplaying the events as an isolated outbreak of violence in an environment where there was otherwise "never a policy of excessive use of force"³. Simultaneously, the report included a catalogue of recommendations to remedy the breaches of human rights and avoid their repetition.

On the BICI's recommendations, the government has established three bodies since 2012: the Office of the Ombudsman in the Ministry of Interior established by royal decree No. 27

¹ Human Rights Watch, "The Blood of People Who Don't Cooperate" Continuing Torture and Mistreatment of Detainees in Bahrain, <https://www.hrw.org/report/2015/11/22/blood-people-who-dont-cooperate/continuing-torture-and-mistreatment-detainees> (accessed 20 December 2015)

² BICI, *REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY* (p. 308), <http://www.bici.org.bh/BICIreportEN.pdf> (accessed 20 December 2015)

³ BCHR, *BCHR Open Letter to Head of the Bahraini Independent Commission of Inquiry (BICI) re statement to Reuters*, <http://www.bahrainrights.org/en/node/4491> (accessed 3 December 2015)

of 2012; a Special Investigations Unit in the Office of the General Prosecutor, established by attorney general's decision No. 8 of 2012; and the Prisoners and Detainees Rights Commission (PDRC), established by royal decree No. 61 of 2013. These institutions share a collective, but partially overlapping, mandate to set an end to torture in interrogation and detention facilities.

Alkarama commends the establishment of these institutions in addressing impunity in Bahrain, but after carefully monitoring their activities, remains critical about their independence, efficiency and transparency. Yet, the subject in focus for the promotion and protection of human rights in Bahrain for this report will be the NIHR, which properly reassumed its work after the uprising in 2014.

3. Essential requirements for the National Human Rights Institution

3.1 Founding Text of the National Institution for Human Rights

The NIHR was initially established by royal decree No.46 of 2009. On 25 April 2010, its 17 members were appointed by royal order No.16 of 2010. Due to the institution's failure to criticize the arrest of political opponents in September 2010 and its inability to reach a consensus regarding the uprising in 2011, some members of the NIHR, including its chairman Salman Ali Kamal Al-Din resigned. As a result, the quorum of the institution was insufficient⁴.

On 11 September 2012, the royal decree No. 28 of 2012 was issued amending certain provisions of decree No. 46, mostly the reduction of the NIHR members from 17 to no more than 15 including the chairman and vice chairman; more clearly defining its mandate and including the provision that the secretary general was to be appointed by a decision of the chairman after the approval of the majority of its members as opposed to appointment by royal decree⁵.

Finally, the decree was amended again by Law No. 26 of 2014, which was ratified by the Shura Council and the Council of Representatives aiming to achieve greater conformity with the Paris Principles.

Independence from the executive is essential for the successful operation of a National Human Rights Institution (NHRI). Alkarama therefore welcomes the recent amendment in the establishment of the NIHR to be based on a law passed by the National Assembly as opposed to a royal decree. On this particular point, it was hence brought further into line with the Paris Principles that stipulate that the founding text of a NHRI should be of a constitutional or legislative nature.⁶

3.2 Nomination Procedure and Composition

The criteria and procedure for the appointment of the NIHR's members are defined in articles 3, 4 and 5 of Law No. 26 of 2014. The members of the NIHR are appointed through

⁴ Front Line Defenders, *Bahrain: Award Winning Repression – EU gives human rights award to non-independent public institutions while the state jails and tortures human rights defenders*, <https://www.frontlinedefenders.org/node/27853>, (accessed on 5 December 2015)

⁵ Annual Report NIHR -2013, [http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf), p. 13

⁶ Paris Principles, "Competence and Responsibilities", para. 2

royal decree No. 20 of 2014 and the Law No. 26 of 2014 states in article 5 that “appointments shall take place after consultation with relevant civil society organisations and various other groups”⁷. Apart from cases of death, resignation, losing Bahraini citizenship or committing a crime against honour or honesty, it is the royal decree that can terminate a membership with a two-third majority recommendation of the other members as set out in article 10 (II) of Law 26 of 2014.

The NIHR is composed of 11 members including a wide spectrum of professionals from different realms of society such as lawyers, doctors and journalists, women and minorities. In this aspect, Alkarama commends the composition of the NIHR as it is in line with the principle of “the pluralist representation of the societal forces” as set out in the Paris Principles.⁸

Two members of the NIHR are also members of Parliament, which in practice is encouraged by the Paris Principles, yet one of them is a member of the Shura Council, whose members are directly appointed by the King.

Moreover, it is stated in the founding text that the members of the NIHR should be selected on the basis of merit as to guarantee the effectiveness of the institution’s work.⁹ As stipulated by article 4 (b) of Law No. 26 of 2014, members of the NIHR should “have knowledge of and concern with human rights”, without however further specifying the qualifications needed for this position.

Alkarama therefore suggests that identifying more specific qualifications for this position either by law or internal regulations would contribute to the advancement of merit-based selection and consequently improve the effectiveness of the institution.

To conclude, it is welcomed that the selection includes consultations with civil society but there are serious risks that independence is undermined, as it is the order of the king, a royal decree, which ultimately finalises the appointment procedure and also confirms the termination of a membership. This adds to the fact that the one NIHR member is a parliamentarian in the Shura Council, herself appointed by the King. Hence, the appointment procedure does not guarantee full independence *vis-à-vis* the executive as required by the Paris Principles.

3.3 Financial Independence

According to the Paris Principles, the NHRI “shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding”¹⁰ to allow it to have its own staff and premises in order to guarantee its independence from the government.

Law No. 26 of 2014 article 2 lies out that the NIHR is “financially and administratively independent”. Article 20 states that its capital shall consist of “resources allocated to the NIHR in a separate item of the state budget” and “donations”. Yet, no information is available on the NIHR website regarding actual financial support, nor does the institution disclose its spending. We note that the OHCHR guidelines provide that “financial probity

⁷ Law no. 26/2014 Establishing NIHR, published in the Official Gazette, Supp. Issue no. 3168, Vol. 67, 7 August 2014

⁸ Paris Principles, “Composition of guarantees of independence and pluralism”

⁹ International Council on Human Rights policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 15

¹⁰ Paris Principles, “Composition and guarantees of independence”, para. 5

should be ensured by regular public financial reporting and a regular (preferably annual) independent audit."¹¹

Information by our local sources suggests that the NIHR is solely funded by the King. Given the lack of information, we cannot comment on the level of independence guaranteed through its funding, yet we recall that "NHRIs should report on their sources of income as well as their expenditure"¹². In any case, we emphasize the importance of transparency in relation to the NIHR funding and spending as to foster trust within civil society and ensure its accountability.

4. Mandate of the NIHR and Ways of Operation

4.1 Commenting on existing and draft laws

The NIHR of Bahrain is entitled to recommend amendments to both existing and enacting new legislation as specified in article 12 (b) of Law No. 26 of 2014.

As illustrated in the NIHR's annual report 2013, the institution has made recommendations to the government regarding the Law of Trade Unions Freedom and the Citizenship Law as to grant women the equal right to pass on their nationality to their children¹³.

While the NIHR has therefore made use of its capacity to comment on existing and draft legislation, it has to be noticed with great concern that the NIHR has remained silent on a number of legal amendments that violate fundamental human rights.

In July 2013 the National Assembly drafted a set of 22 recommendations, providing the government with powers to arbitrarily arrest, detain and sentence people engaged in acts defined as "terrorist", adopting however an overly vague and broad definition of such acts. The definition, as per Law 58/2006, does not require the intent of death or serious harm for an act to qualify as terrorist act, but rather the use of force or threatening to use force with the aim amongst others of "disturbing public order" or "damaging national unity".¹⁴ While some NGOs voiced their concern that these recommendations might give way to prosecute activists and political opponents for acts falling under their fundamental rights and freedoms¹⁵, the NIHR did not speak up against them or suggest amendments.

Moreover, the NIHR did not publicly denounce several amendments to existing laws that were denounced by numerous NGOs as facilitating the crackdown on political opposition. Indeed, the NIHR did not speak up against the amendment of the Penal Code introduced by Law No 1/2014, which allows for 7 years in prison for "offending the King"; neither the December 2014 Amendment of the Anti-terrorism Law 58/2006, extending periods of pre-charge and pre-trial detention for terrorist suspects, or the July 2015 amendment to the Citizenship Law (1963), which now officially allows for citizenship stripping.

¹¹ International Council on Human Rights policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 13

¹² International Council on Human Rights policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 23

¹³ Annual Report NIHR -2013, [http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf), p. 19

¹⁴ Law No. 58 of 2006, <https://www.unodc.org/tldb/showDocument.do?documentUid=8520> (accessed 5 December 2015)

¹⁵ Mission of the United States to the United Nations in Geneva (Sep. 9, 2013), *Joint Statement Expresses Concern about Human Rights Situation in Bahrain*, <https://geneva.usmission.gov/2013/09/09/joint-statement-expresses-concern-about-human-rights-situation-in-bahrain/> (accessed 5 January 2016)

Furthermore, the NIHR did not criticise these laws in its annual reports 2013 and 2014 even though they were in clear contradiction with domestic and international human rights standards. This lack of engagement and criticism by the NIHR can be perceived as a result of a lack of independence vis-à-vis the executive, especially on politically sensitive issues.

4.2 Monitoring domestic human rights situation

Alkarama welcomes that article 12 (g) of Law No. 26 of 2014 mandates the NIHR to conduct field visits to “correctional institutions, detention centres, labour gatherings, health and education centres, or any other public place in which it is suspected that human rights violations are committed”.

As stated in its annual report, the NIHR conducted a number of visits to detention centres, including Hooraa police station, the reform and rehabilitation centre “Jaw” for men, the equivalent centre for women and the detention centre Drydock.¹⁶

Riots in the Drydock detention centre in August 2013, in which detainees were exposed to assault, beatings and ill-treatment, caused a visit of the NIHR in coordination with the Ministry of Interior to investigate the matter and meet with officials and detainees. Following their visit the NIHR prepared an elaborate report, including recommendations such as “investigating allegations of mistreatment by police officers” and “establishing a culture of human rights for detainees” to the Ministry of Interior. Alkarama commends the efforts of the NIHR in addressing human rights violations with the Ministry of Interior. However, we note that the report has not been made public by the NIHR. Unfortunately, the Institution did not communicate about or denounce publicly the conditions of detention in the above mentioned centres in which torture is used in order to extort confessions against detainees who are often kept *incommunicado* for prolonged periods of time.

Additionally, the NIHR does not suffice in addressing the systematic persecution of oppositional forces in recent years, including political opponents, human rights defenders, journalists/bloggers and media outlets¹⁷. Alkarama regrets that the NIHR did not take up the issue in its annual report 2013 or 2014, neither by making recommendations nor by publishing a report on the matter.

In order for the work of the NIHR to be effective and for the Bahraini population to build faith in the Institution, it needs to publicly address the entire range of human rights violations committed in the country and operate with greater transparency to demonstrate accountability and independence.

4.3 Monitoring and advising on compliance with international standards

Alkarama welcomes that the NIHR in its annual report 2013 criticised the government for breaching its obligations regarding the Convention against Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment (CAT) which it ratified on 6 March 1998, by delaying its reports to the United Nations by several years without justification¹⁸. Moreover, we compliment the Institution’s call in some media outlets such as its *Statement*

¹⁶ Annual Report NIHR -2013, [http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf), p. 22

¹⁷ Bahrain Center for Human Rights, *Violence Against Journalists in Bahrain*, <http://bahrainrights.org/en/node/7645> (accessed 23 November 2015)

¹⁸ Annual Report NIHR -2013, [http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf), p. 41

of NIHR on the Occasion of the International Day in Support of Victims of Torture 2013 to ratify the Optional Protocol to the Convention (OPCAT).¹⁹

The Paris Principles stipulate as part of the responsibilities of a NHRI to “contribute to the reports which States are required to submit to United Nations bodies and committees”²⁰ preferably in form of parallel reports as suggested by the OHCHR.²¹ The NIHR also cites this obligation as part of its mandate in article 12 (d) of its Law 26 of 2014.

To date however, the NIHR has not contributed to the human rights monitoring of the UN mechanisms, neither to the Universal Periodic Review (UPR) of Bahrain, session 13 in 2012 nor to the recent review of the Committee on the Elimination of All forms of Discrimination against Women (CEDAW) session 57 in 2014 or to the CAT session 54 in 2015.

We would also like to draw attention to the fact that the NIHR in its Strategy and Action Plan (2015 – 2018)²² includes the preparation of parallel reports to, amongst others, the Convention for the Protection of Persons from Enforced Disappearances (CPPED), although the Kingdom of Bahrain is no party to the Convention. Alkarama expresses its doubts toward the efficiency of a contribution to a mechanism to which the State is not a party and would rather suggest the Institution submit information it has on enforced disappearance to mechanisms such as the Working Group on Enforced or Involuntary Disappearances.

Alkarama encourages the NIHR to fulfil its mandate by preparing parallel reports to reports submitted periodically by the government of Bahrain for the implementation of the international conventions it has ratified concerning human rights.

4.4 Receiving individual complaints

As stated in Law No. 26 of 2014 article 12 (f), the NIHR with a quasi-judicial competence will “receive, examine and consider complaints related to human rights, refer the complaints, which NIHR deems necessary, to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities.”

Alkarama positively notes that as per annual report 2013, the NIHR dealt with 118 complaints in 2013, offered legal assistance and sent 94 letters to a number of competent ministries and agencies addressing individual human rights violations.²³ According to the information available, it also sent reminders for most of the cases for which it did not receive a response the first time around. However, no more information was made available on the further follow-up procedure or ultimate results of these complaints. As to achieve greater transparency, we believe that the NIHR should clearly state the whole number of complaints it received per year, as opposed to complaints “dealt with”, as well as provide additional information on the follow up and results of these complaints.

¹⁹ NIHR, *Statement of NIHR on the Occasion of the International Day in Support of Victims of Torture*, http://en.nihr.org.bh/Media/pdf/press/26_jun_2013.pdf (accessed 30 November 2015)

²⁰ Paris Principles, “Competence and Responsibilities”, para. 3 (d)

²¹ International Council on Human Rights policy and OHCHR, *Assessing the effectiveness of National Human Rights Institutions*, 2005, p. 19

²² NIHR, *Strategy and Action Plan (2018 – 2015)*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=BHR&Lang=EN (accessed 20 December 2015)

²³ Annual Report NIHR -2013, [http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_\(ENG\).pdf](http://en.nihr.org.bh/Media/pdf/NIHR_ANNUAL_REPORT_2013_(ENG).pdf), pp. 25-37

On 3 December 2015, on behalf of his family, Alkarama submitted the case of Ahmad Sayed Hussein Sharaf Ali Mohamad to the NIHR via fax. Mr Mohamed was arrested on 28 October 2014 by members of the Riot Police and was taken to the Criminal Investigation Centre, where he was severely tortured for 9 days. In September 2015, Mr Ali Mohamed was then sentenced to 25 years imprisonment and stripped of his Bahraini nationality on the basis of an unfair trial that admitted the confessions he made under torture²⁴.

First of all it should be noted that the fax number stated on the website of the NIHR both in English and Arabic is missing two numerals (+973 111 600) and is therefore incorrect²⁵. The correct number was then enquired and the complaint faxed to the NIHR. An additional hurdle encountered by Alkarama was that the form the NIHR provides for the submission of a complaint is formatted in such a way that complicates filling it without advanced computer skills²⁶. Moreover, the submission instructions require one to print the form, sign it and scan it again in order to send it, which could also be avoided to make the process more accessible for families of victims, who might not have access to a printer or scanner. Lastly, the website states "when you make a complaint, you will be given a number for follow-up, allowing you to follow up the complaint."²⁷ Alkarama was not given any reference number. Unfortunately, up until now the NIHR has not reacted to the complaint sent on 3 December 2015 in any way or form.

Taking into consideration the difficulties in submitting a complaint and the lack of effect our submission has had, we argue that the NIHR does not comply with its obligation to act with a quasi-judicial competence in assisting individual cases of human rights violations. Moreover, Alkarama received information from local civil society reporting that in practice, the NIHR does not react to complaints sent by them, confirming thus that the difficulties we faced were no an isolated incident.

5. Public Accountability

5.1 Reporting annually on all aspects of their work

The General Observations of the Sub-Committee on Accreditation of the ICC hold that "Annual, special and thematic reports serve to highlight key developments in human rights situations in a country and provide a public account, and therefore public scrutiny, of the effectiveness of a National Human Rights Institution."²⁸ The Paris Principles provide that NHRIs should "submit to the Government, Parliament and other competent body, [...]reports on any matters concerning the promotion and protection of human rights" and that they "may decide to publicize them"²⁹.

Alkarama welcomes that the NIHR published the Arabic version of its annual report 2013 and 2014 on its website. However, we regret that only the annual report 2013 is available in

²⁴ Alkarama, *Bahrain: Student Sentenced to 25 Years of Imprisonment on the Basis of Confessions Under Torture*, <http://en.alkarama.org/bahrain/press-releases/1960-bahrain-student-sentenced-to-25-years-imprisonment-on-the-basis-of-confessions-under-torture> (accessed 5 January 2016)

²⁵ NHRI, <http://en.nihr.org.bh/LeftMenu/ComplaintForm/ComplainsForm.aspx> (accessed 3 December 2015)

²⁶ NHRI, http://en.nihr.org.bh/Media/pdf/ComplaintForm_En_v2.pdf (accessed 3 December 2015)

²⁷ NIHR, <http://en.nihr.org.bh/LeftMenu/ComplaintForm/ComplainsForm.aspx> (accessed 3 December 2015)

²⁸ International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights, *General Observations of the Sub-Committee on Accreditation (as updated May 2013)*, <http://nhri.ohchr.org/EN/AboutUs/Governance/Documents/ICC%20SCA%20General%20Observations.pdf> (accessed 3 December 2015)

²⁹ Paris Principles, "Competence and Responsibilities", para. 3 (a)

English. We highly encourage the NHIR to translate its reports without undue delay as to make it available to a wider spectrum of society.

Alkarama noted that the NIHR informs the public about its activities in an episodic newsletter on a regular basis and has issued statements regarding the promotion and protection of human rights, including amongst others, statements on the protection of children; persons with disabilities; women and detainees³⁰. However, it has not published any thematic reports on reoccurring patterns of human rights violations committed by the Bahraini government such as the excessive use of force to crush protests, the crackdown on freedom of expression and the practice of torture.

In order to gain the trust of the public and prove that the Bahraini society can hold it accountable for its actions, the NIHR must be transparent and speak up against all human rights violations without exception. This should be accomplished by regularly releasing public reports to show that its activities and its progress are in line with the Paris Principles as well as its own mandate and objectives.

6. Conclusion and Recommendations

6.1 Conclusion

The Bahraini government has made some notable efforts in implementing the BICI recommendations by establishing the Office of the Ombudsman, the Prisoners' and Detainees' Rights Commission, the Special Investigation Unit and the reform of the legal basis of the National Institution for Human Rights. However, the lack of civil and political freedoms as well as the independence of the judiciary and the practice of torture remains areas of concern. The importance of an independent, effective and functional NHRI in the promotion and protection of human rights is therefore crucial.

We do acknowledge that the NIHR of Bahrain has started to play a more active role in the promotion of a human rights culture and has made efforts to bring its mandate and objectives in greater line with the Paris Principle. However, we regretfully note that it still lacks independence of the executive, e.g. in the appointment procedure of its members, it lacks transparency and it lacks the willingness to take a stand against the most problematic government policies and actions.

6.2 Recommendations

6.2.1 To the Subcommittee on Accreditation

For these reasons, we suggest that the Sub-Committee on Accreditation recommends to the International Coordinating Committee of the National Human Rights Institutions to accredit "B" status to the NIHR of Bahrain, due to its lack of compliance with the Paris Principles as argued above, and especially its lack of full independence vis-à-vis the executive.

6.2.2 To the National Institution for Human Rights

To comply with the Paris Principles, the NIHR should ensure real independence from the executive, and take concrete actions to guarantee that it can take a public stand against violations in order to effectively contribute to improving the situation of human rights in Bahrain.

³⁰ NHRI, <http://en.nihr.org.bh/LeftMenu/StatisticsReports/StatisticsReports1/> (accessed 5 December 2015)

Therefore, we recommend the NIHR to:

1. Demand the amendment of the current legislation on the appointment of the NIHR members to an election like, clear, transparent, merit based and participatory selection and appointment process and ensure that its active members are in no way directly tied to the executive;
2. Publicly report on its funding, budget and spending in a transparent manner;
3. Take a public stand on the perpetration of the most serious human rights violations, address existing and draft legislation that facilitate their abuse and publish thematic reports respectively;
4. Engage more actively in the cooperation with international human rights mechanisms, in particular the UN, and contribute parallel reports to its review circles;
5. Facilitate the complaint mechanism to make it more accessible to the population.