



**Summary Assessment of  
the  
National Institution for Human Rights of Bahrain**

**Briefing submitted to the  
Sub-Committee on Accreditation of National Human Rights Institutions  
for consideration at the October 2023 assessment of the  
National Institution for Human Rights of Bahrain (NIHRB)**

**June 2023**

## Overview

1. This briefing assesses the compliance, in law and practice, of Bahrain's National Institution for Human Rights (NIHRB) with the United Nations' Principles relating to the Status of National Institutions (the [Paris Principles](#), see below) and the NIHRB's general role in promoting a culture of human rights, including adherence to international human rights standards, as well as its legislative and investigative practices.
2. While intended to be used by [Global Alliance of National Human Rights Institutions](#) (GANHRI)-linked officials, this text is also written with the general reader in mind.

## Paris Principles, GANHRI and the NIHRB

3. Adopted by United Nations' General Assembly [resolution 48/134](#), the 20 December 1993 Paris Principles set out the required standards in terms of the character and conduct of states' National Institutions for Human Rights (NIHR).
4. The Paris Principles provide for the international standards for the formation and function of National Human Rights Institutions (NHRI). They require NHRIs to protect and promote human rights. They set out six main criteria for NHRIs to meet, all of which - save one - are summarily addressed below:
  1. Mandate and competence: a broad mandate, based on universal human rights norms and standards
  2. Autonomy from the Government
  3. Independence guaranteed by statute or Constitution
  4. Pluralism
  5. Adequate resources
  6. Adequate powers of investigation
5. GANHRI is an international umbrella body that supports national human rights institutions to promote and protect human rights. It also assesses NIHRs' fulfillment of the Paris Principles.
6. GANHRI's Subcommittee on Accreditation (SCA) provides an A rating for full compliance with the Paris Principles, B for partial, and C for non-compliance. NIHRs with an assessment of C are not part of the GANHRI framework.
7. The Government of Bahrain (GoB)'s established the Bahrain's National Institution for Human Rights (NIHRB) on 10 November 2009 by Royal Order No. 46 of 2009. On 25 April 2010 the GoB appointed its members. In August 2014, the Council of Representatives and the Shura Council adopted [Law No. 26 of 2014](#) with a view to give it more independence.
8. In May 2016, GANHRI's SCA accorded to the NIHRB B status for its partial compliance with the Paris Principles.<sup>1</sup> The law was later amended in 2016 by Decree-Law No. 20 of 2016. Between 23-27 October 2023, GANHRI's SCA will re-assess the NIHRB's grading of Bahrain.
9. On October 6, 2016, the King of Bahrain issued Decree-Law [No. \(20\) of 2016](#) on amending certain provisions of Law [No \(26\) of 2014](#) on the Establishment of the NIHRB. [Royal Order No. 17 of 2017](#), further determined the appointment of members to its Council of Commissioners.

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<sup>1</sup> GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 9-13 May 2016, available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-FINAL-REPORT-MAY-2016-English.pdf>

## Mandate and Competence: A Broad Mandate, Based on Universal Human Rights Norms and Standards<sup>2</sup>

10. While the NIHRB carries a broad mandate, on account of a lack of independence, its investigative depth and scope are both narrow and shallow. As a result, it has repeatedly demonstrated a lack of credibility and ineffectiveness in dealing with complaints received from victims of human rights violations, especially in respect to [torture](#), [arbitrary detention](#) and [medical negligence](#). It is for this reason that independent human rights organizations outside of Bahrain shun engagement with it.
11. On the basis of a two-year assessment of its output, including analysis of its Twitter feed and the character of the messages it conveys, SALAM DHR believes that the NIHRB [whitewashes](#) the GoB's image with statements that, inter alia, praise the GoB as a model of democracy and political reform, while continuously ignoring complaints verified or documented by other, [independent human rights organizations](#), including scores of human rights violations of scores of political detainees as well as prisoners of conscience. The NIHRB typically ignores and, occasionally, refutes such assessments.

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<sup>2</sup> Under General Assembly resolution 48/134 of 20 December 1993, the NIHR shall be:

- (1) be vested with competence to promote and protect human rights;
- (2) given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence; and have, inter alia:
- (3) the following responsibilities:
  - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
    - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
    - (ii) Any situation of violation of human rights which it decides to take up;
    - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
    - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
  - (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
  - (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
  - (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
  - (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;
  - (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
  - (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

## Autonomy From the Government<sup>3</sup>

12. Legislation referred to above, issued in 2016 and 2017, does not guarantee autonomy from the GoB, but rather ensures the NIHRB's subservience to government writ and control insofar as:
- (i) The appointment by way of Royal Order by the King's office of members to the Board of Commissioners carries a four-year mandate subject to renewal by the ruler's office. It structurally fails to guarantee the impartiality or autonomy of the selection and appointment process;
  - (ii) Despite the express recognition in Article 5a of Decree-Law No. (20) of 2016 in respect to prior consultation with relevant civil societies, neither the GoB nor the NIHRB itself conducted any form of recognizably transparent consultation with any human rights organization within Bahrain's civil society or internationally, in contravention to the GoB's own provisions; and
  - (iii) Neither the GoB nor the NIHRB have publicized vacancies to roles on the NIHRB and they have never made clear nor transparent the process relating to nominating and screening candidates; conducting consultations with CSOs, or identifying the individuals involved in the work of the NIHRB.
13. The GoB maintains *direct* or *indirect* links to four of the 11 NIHRB's members of its Board of Commissioners (BoC)<sup>4</sup>:
- (i) Shura Council member, [Ms. Hala Fayeze](#) is a BoC member in a context in which Shura Council members are appointed by the King himself. While [Decree Law No. \(20\) of 2016](#) states that members of the legislative body do not have the right to vote, they may attend sessions, at which key decisions are made.<sup>5</sup>
  - (ii) [Mr. Ahmed Salloum](#), a member of the House of Representatives (Majlis al-Nuwab, or Chamber of Deputies) is likewise a BoC member and while this body is elected by universal suffrage, the process to be able to stand requires, typically, evidence of loyalty to the GoB;
  - (iii) [Yasser Ghanem Shaheen](#), BoC Secretary General, is a former Ministry of Foreign Affairs official; and
  - (iv) Dr. [Fawzia Al-Saleh](#) is a former member of the Shura Council.
14. Paragraph 1 (see a- e) of General Assembly resolution 48/134 of 20 December 1993 envisions a composition and structure that encapsulates broad social representation while guaranteeing independence. Apart from the flawed composition and structure of the Commissioners, the NIHRB's designated '[Partners](#)' were similarly government-inclined, and failed to adequately account for the very samples provided for in the UN resolution. The five institutions designated as partners are all subject to effective government control as are the further

<sup>3</sup> General Assembly resolution 48/134 of 20 December 1993 states, in respect to Composition and guarantees of independence and pluralism, that:

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of: (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- (b) Trends in philosophical or religious thought;
- (c) Universities and qualified experts;
- (d) Parliament;
- (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

<sup>4</sup> At the time of writing, the NIHRB's website did not display all of the Commissioners nor related 'biodata'.

<sup>5</sup> Article 3a of the Paris Principles states that: "Members [*Commissioners*] may be selected from members of the legislative authorities. They shall not form a majority in the Council of Commissioners, and they can participate in the discussion as non-voting members." However, this appears to accept, implicitly, that members of legislative bodies are independent of governmental authorities, which is not the case in Bahrain.

four listed on the NIHRB's website as 'Governmental bodies and organs'.<sup>6</sup> Given the structure of power in Bahrain, the two universities are likewise, in effect, governmental priorities so that 11 of the 11 partners listed are de facto, government-sanctioned bodies with government appointees in decision-making roles.

15. SALAM DHR's 2021 [report](#) on sweeping government-imposed restrictions on civil society, including in respect to who can stand for NGO roles and the very licensing of NGOs means that the six NGOs designated as partners are likewise dependent on the GoB's will. The two named as human rights organizations are, from the independent perspective represented by this submission, invisible in Bahrain.<sup>7</sup>

### Independence Guaranteed by Statute or Constitution

16. As inferred above, Decree-Law [No. \(20\) of 2016](#) on amending certain provisions of Law [No \(26\) of 2014](#) on the Establishment of the NIHRB and [Royal Order No. 17 of 2017](#) provide the basis of functioning and workable NIHRP; their practical application nevertheless fails to provide the independence and integrity set out in the UN resolution establishing NIHRs.
17. As set out below, three UN treaty bodies have found the NIHRB's independence to be flawed.

#### Three UN Treaty Bodies' Concerns Over the NIHRB's Lack of Independence

In paragraph 28 of its 2017 [Concluding observations](#) on the second and third periodic reports of Bahrain in respect to Bahrain's obligations as a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the [Committee against Torture](#) noted that: "*persons deprived of their liberty can file complaints about torture or ill-treatment with a number of bodies created pursuant to the recommendations of the Bahrain Independent Commission of Inquiry [...]*", including the NIHR, but stated that:

*"[...] the Committee is concerned that those bodies are not independent, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass through the Ministry of the Interior. It is also concerned that their activities have had little or no effect, and that the authorities provided negligible information regarding the outcome of their activities. The Committee is further concerned about the loopholes in the existing complaints mechanisms whereby prison inmates have to submit complaints regarding torture or ill-treatment through prison wardens, the prison Director or Deputy Director, which does not guarantee that the complaints will be submitted to the competent authorities (arts. 2, 4, 11-14 and 16)"*

The Committee against Torture, in paragraph 29 of its 2017 Concluding Observations, called on the GoB to:

*"(a) Ensure that all mechanisms empowered to consider complaints by pretrial detainees and convicted prisoners in all places of detention are independent;*  
*(b) Ensure that all reports of torture or ill-treatment are investigated promptly, effectively and impartially by an independent mechanism in which there is no institutional or hierarchical connection between the investigators and the alleged perpetrators;*

<sup>6</sup> The five 'Partners' are the: Judiciary Authority, Supreme Judicial Council, Legislative Authority (National Assembly), Council of Representatives, Shura Council; the four 'Governmental bodies and organs' are the: Supreme Council for Women, (Office of the) Ombudsman Bahrain, Institute of Public Administration and Bahrain Institute for Political Development and the two 'Educational Institutions and Academic Bodies' are Ahlia University and the University of Bahrain.

<sup>7</sup> The designated 'Civil Society Organizations (National)' are: Karama Human Rights Society, Bahrain Sickle Cell Society, Bahrain MS Patients Society, Bahrain Youth Society, Environment Friends Society, Alba Labour Union and Together for Human Rights Society.

- (c) Ensure that all persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, while ensuring that the principle of presumption of innocence is observed;
- (d) Facilitate the submission of complaints by victims of torture and ill-treatment, including by obtaining medical evidence in support of their allegations from competent and independent doctors, in keeping with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol); and
- (e) Ensure in practice that complainants in all places of detention are protected against any reprisals as a consequence of their complaint.”

In paragraph 9 of its 15 November 2018 [Concluding observations on the initial report of Bahrain](#), the [Human Rights Committee](#) noted “the information provided by the State party and its efforts, including legislative measures, to strengthen the National Institution for Human Rights in Bahrain” but expressed its concern “that the Institution lacks the independence to perform its functions and regrets the lack of information on the complaints it has received and the investigations it has carried out in response to those complaints (art. 2).”

In paragraph 10, the Human Rights Committee called on the GoB to:

*“[...] adopt all legislative, policy and institutional measures necessary to ensure that the National Institution for Human Rights fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate fully, effectively and independently. The State party should also strengthen the power of the Institution and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity.”*

In paragraph 6 of its 3 August 2022 [Concluding observations on the initial report of Bahrain](#), the [Committee on Economic, Social and Cultural Rights](#) likewise noted “the legislative measures taken by the State party to strengthen the National Institution for Human Rights”. Yet it also set out its concerns “that the Institution has not yet attained the independence required to perform its functions,” adding that the Committee regretted “the lack of information about complaints of violations of economic, social and cultural rights that the Institution has received and the investigations it has carried out in response (art. 2 (1)).”

The Committee on Economic, Social and Cultural Rights called on the GoB:

*“to strengthen the independence of the National Institution for Human Rights to ensure that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it is able to carry out its mandate fully, effectively and independently.”<sup>8</sup>*

18. SALAM DHR urges the SCA to critically review other independent assessments of the NIHRB, including the Bahrain Center for Human Rights’ 2021 report, [Defective and Deficient: A Review of Bahrain’s National Human Rights Bodies](#), pages 22-29, including its conclusions.

### Pluralism

19. SALAM DHR urges the SCA to conduct its own assessment of the character of plurality embodied in the NIHRB’s reporting, and by its twitter feed. It does not ‘follow’ credible, independent human rights bodies such as

<sup>8</sup> The Committee also requested that the GoB include information in its next periodic report on the complaints of violations of economic, social and cultural rights that the National Institution for Human Rights has received and considered.

Amnesty International, Human Rights Watch; SALAM DHR; ADHRB, the Gulf Centre for Human Rights or the Bahrain Centre of Human Rights.

20. In seeking to engaged the NIHRB, SALAM DHR approached it in 2022 with detailed allegations of torture and ill-treatment made to SALAM DHR by a former Ugandan migrant worker. In an effort to promote pluralism and integrity, SALAM DHR facilitated the research and publication of a medico-legal report (MLR) into the complainant's account. It bore out his testimony. However, it was contested and the NIHRB shut down humane and workable options for support by asserting - correctly - the complainant could seek redress through the courts. He could not afford this option and the NIHRB did nothing to support him.

### Adequate Powers of Investigation

21. Taken together with its lack of effective institutional independence and, accordingly, its poor ability to hold the GoB to account, the NIHRB enjoys inadequate powers of investigation, as set out in the emblematic cases below.
22. In April 2018, the authorities [commuted to life imprisonment](#) the death sentence handed down to three individuals tried in a military court. In its April 2018 statement on the case, SALAM DHR noted:

*"[B]oth the military prosecution and the military courts did not investigate the allegations of confessions extracted under torture, nor did they investigate cases of enforced disappearance against suspects that were documented by local and international human rights organizations. The victims reported being tortured during their enforced disappearance to force them to confess to charges of intentions that they did not commit. It is worth mentioning that the four accused testified this before the military court judge [...]"*

23. In its 16 January 2017 [statement](#), following initial confirmation of the death penalty in the case, the NIHRB did not express any concern over reports of torture nor any reservations - despite the severity of the charges - of the penalty, in light of possible trial irregularities. UN Special Procedures raised the cases with Bahraini authorities in November 2016, May 2017 and in [February 2018](#). In its [March 2018](#) response, the GoB cited the attendance of the NIHR in court procedures as part of its assertion that the accused faced a fair administration of justice. This assertion did not reflect SALAM DHR's research findings and did not allay our organization's concerns in respect to the ability of the NIHRB to independently or adequately investigate the matter.
24. On August 7, 2018, the NIHRB issued a [statement](#) regarding the health and condition of political prisoner Hassan Mushaima. However, the statement was issued without a medical examination or consultation with Mushaima while he was in prison. The NIHRB's assertions failed to address the substantive [concerns](#) raised by SALAM DHR and other independent human rights bodies, including the UN's Special Procedures. The NIHRB asserted that Hassan Mushaima had voluntarily refused medical treatment and had missed six medical appointments in the past six months, but failed to address the punitive treatment and restrictions imposed upon him which shaped his health condition. The NIHRB reflected its lack of independence and research integrity by effectively decontextualizing of the case. It sought to blame Hassan Mushaima for the treatment he faced, in a biased defense of the GoB.
25. From August 2020-January 2021, the authorities suspended all news and communication with detained cleric, Sheikh Zuhair Jassim Ashour. Alongside other prisoners, he was undertaking a hunger strike. The authorities transferred him to an isolated location and held him incommunicado. Sheikh Jassim's enforced disappearance continued despite his family's repeated contact with the NIHRB, as stated in the family's [statement](#). On 11 January 2021, the NIHRB [stated](#) that the institution had met with Sheikh Jassim and asserted that he had refrained from using his right to communicate with his family over the phone, due to his transfer to another building. A massive solidarity campaign was launched for Sheikh Jassim and his family during this period. Consequently, he was able to [contact](#) his family on January 17 and 18 and described being subjected to torture and ill-treatment. His account totally [contradicts](#) the allegations and narrative of the NIHRB and the prison administration.

26. On April 17, 2021, Bahraini security forces entered Jau Central Prison and dispersed a peaceful sit-in, where they used excessive force by throwing stun grenades and hitting prisoners on their heads with batons to dismantle the sit-in, according to eyewitnesses. The NIHRB reviewed this incident, and [denied](#) the use of force and the maltreatment against the prisoners and held them fully responsible. The prison administration was acquitted by the NIHRB, despite the fact that the United Nations High Commissioner for Human Rights and other international organizations [reported](#) the use of excessive force in this incident.
27. In respect to carrying out visits at places of detention SALAM DHR believes that their effectiveness remains unclear: the lack of transparent documentation in respect to procedure or reporting - viz. the [absence of any reporting in 2022](#) reflects institutional dependency and corollary challenges in respect to investigation.

### **Recommendations**

28. Accordingly, SALAM-DHR urges GANHRI's SCA to:

- Accord the NIHRB a C rating, unless its practices had changed by October 2023; including by
- Closely assessing other reports that the SCA will receive in relation to the NIHRB;
- Urge the GoB to put in place transparent and independent selection and appointment processes for members of the NIHRB. This should include publicizing vacancies, establishing clear criteria for nominations and screenings, and involving relevant civil society organizations in the consultation process;
- Clearly outline the procedures and individuals involved in the selection and appointment process to enhance transparency and accountability;
- Prevent conflicts of interest by avoiding the appointment of individuals with close affiliations to the government or former members of the GoB to key positions within the NIHRB;
- Strengthen the credibility and effectiveness of the NIHRB in addressing human rights complaints by conducting thorough investigations into allegations of torture, arbitrary detentions, and other human rights violations;
- Refrain from making statements that de-contextualize, misdirect, or obfuscate the GoB's image without addressing legitimate human rights concerns and complaints; and
- Cooperate and collaborate with international human rights organizations to strengthen the capacity and independence of the NIHRB in monitoring places of detention.