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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



البعثة الدبلوماسية لملكة البحرين  
لدى الامم المتحدة  
جنيف، فيينا

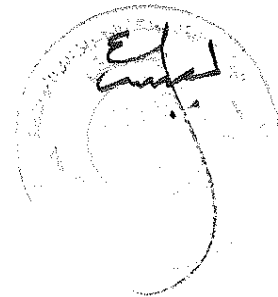
Geneva, 20<sup>th</sup> March 2015  
1/5- 92 (wg)

The Permanent Mission of the Kingdom of Bahrain to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and wishes to refer to its previous note verbales, containing Bahrain replies on study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law pursuant to Human Rights Council's resolution 27/24.

In this regard, the Mission has the honour to enclose herewith an additional reply received from the Ministry of Justice and Islamic Affairs and Endowments in the Kingdom of Bahrain on the aforementioned subject.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

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Legislation & Legal Opinion Commission



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## United nations questioner with respect to the right of participation in public affairs

### Participation in the conduct of affairs

**1. Do the constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provisions.**

The Bahraini constitution states in article (1/e) that: "Citizens, both men and women, are entitled to participate in public affairs and enjoy their political rights, including the right to vote and the right to contest for elections, in accordance with the present Constitution and the conditions and principles laid down by law. No citizen can be deprived of his right to vote or to contest for elections except by law."

**2. What is the scope and content of the right to political and public participation as provided in national law?**

Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights states in Article 1 that: "All citizens, both men and women, shall enjoy the following political rights:

- 1- To express their views in every referendum held in accordance with the provisions of the Constitution.
- 2- To elect members of the Council of Representatives.

The citizens shall personally exercise the above-mentioned rights in the manner and according to the terms and conditions set forth in this Law."

**3. How does the State guarantee that all individuals take part in the conduct of public affairs? Which concrete measures (including legislation) does the State take in order to enable the full and equal political and public participation by members of all groups? How does the State monitor and enforce legislation**



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**adopted to enable the full and equal political and public participation by members of all groups?**

Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights states in Article 2 that: "In order to exercise the political rights provided for in this Law, every citizen shall fulfill the following conditions:

- 1- To be twenty years of age on the day of referendum or election.
- 2- To enjoy his full legal capacity.
- 3- To have his usual residence in the constituency as shown in his CPR card and in case of having a residence abroad, his last place of residence in the Kingdom of Bahrain shall be his constituency. If he has no residence in the Kingdom, his family's residence shall be recognized in this case."

Such conditions allows the full and equal political and public participation by members of all groups without discrimination among them on the basis of sex, origin, language, religion or creed.

**4. To what extent are all individuals consulted during the legislative and policy-making processes? Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.**

Law No. (57) of 2006 establishing the Labor Fund states in Article (6/a) that:

A) "The Board of Directors ..... may take any steps it deems necessary for the fulfillment of its functions and competences, including: .....

3 - Adopt the Fund's annual plan before the beginning of each financial year.....The Fund shall, immediately upon adoption of such plan, publish a summary thereof in the Official Gazette and a minimum of two daily local newspapers, one published in Arabic and the other in English, and publish the full plan by any of the means specified by the Board of Directors so as to make its perusal available for all.

Article (6/b) of the same law states that: "The Board of Directors, prior to adoption of the annual plan and the general investment plan, conduct consultations with the public and the bodies concerned to seek their views



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regarding the drafts of the said plans. The Board of Directors shall issue regulations concerning such consultations that shall guarantee the public's and competent authorities' access through a single point of information provision to details of the ongoing consultations and the views expressed."

Law No. (61) for the year 2014 on compensation for the victims of vehicle accidents Fund states in Article (15) "Financial resources of the Fund shall consist of the following: 1) 1% of gross insurance Installment..... The Board may increase the ratio mentioned whenever he deems it necessary, after consultation with the insurance companies and the Governor of the Central Bank of Bahrain"

The Commercial Companies Law promulgated by Legislative Decree No. (21) for the year 2001 as amended by Law No. (50) for the year 2014 states in (Article 21 bis/b): "the Minister mandated with trade affairs may issue a decree to determine the minimum capital for companies that initiate actions in specific sectors or economic activities, after consultation with the concerned authority that oversees the sector or economic activity."

The Trade Unions Act promulgated by Legislative Decree No. (33) for the year 2002 states in Article (19) that: "A resolution shall be issued by the minister on the full-time participation of members of boards of trade union organizations to the union work, in consultation with representatives of the business owners, and the General Federation of Bahrain Trade Unions...."

One of the best practices or experiences of encouraging citizens to participate, prior to reaching a political decision in Bahrain, has been achieved through the process of a referendum which led to the National Action Charter in 2002, which has adopted the main principles of the current Constitution of Bahrain.

**5-Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?**



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Law No. (26) of the 2014 with respect to the establishment of the National Human Rights Institution states in Article (3) that: "the institution shall have a board of commissioners formed of a ten members, including the president and vice president, including people known for their efficiency and integrity figures, to be selected from among the advisory academia and civil society organizations, trade unions and social, economic and professional bodies, it shall be taken into consideration the appropriate representation of women and minorities."

The Royal Order No. (59) for the year 2014 with respect to the procedures, and parameters of the appointment of members of the Shura Council states in Article 2 that: "it shall be taken into consideration in the selection of members of the Shura Council as follows:

- 1 - The representation of the spectra of society without discrimination on sex, ethnic origin, religion or creed.
- 2 - The adequately representation of women.
5. The representation of minorities.."

Several government bodies has been established as well in the Kingdom for the purpose of enhancing the awareness and involvement of such groups, such as the Political Development Institute and the Supreme Council for women.

### **Right to vote and to be elected**

**1. Is there universal and equal suffrage in your country? Are the rights of article 25 b) of ICCPR guaranteed by law? If yes, please make reference to such legislation.**

Universal and equal suffrage is adopted in accordance with the rights under article 25 b of the ICCPR, by virtue of Article (56) of the Constitution of Bahrain which states that:

"The Council of Deputies is composed of forty members elected by universal suffrage and secret ballot in accordance with the provisions prescribed by law."



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Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights states in Article 2 provided that: "In order to exercise the political rights provided for in this Law, every citizen shall fulfill the following conditions:

To be twenty years of age on the day of referendum or election.

To enjoy his full legal capacity.

To have his usual residence in the constituency as shown in his CPR card and in case of having a residence abroad, his last place of residence in the Kingdom of Bahrain shall be his constituency. If he has no residence in the Kingdom, his family's residence shall be recognized in this case."

Legislative decree no.(15) of the year 2002 with respect to the consultative and the representatives councils states in Article 11 that: "Without prejudice to the provisions set forth in the Law with respect to the Exercise of Political Rights, any candidate who nominates himself for membership of the Council of Representatives shall fulfill the following conditions:

(a) He shall be a Bahraini national, has acquired the Bahraini nationality for a period not less than ten years, and does not acquire any other nationality with the exception of the nationality of any of the Gulf Co-operation Council countries, provided that his original nationality shall be the Bahraini nationality, and that he is enjoying full civil and political rights.

(b) His name shall be included in the Electoral Schedule of the constituency for which he nominates himself.

(c) He shall not be less than 30 full years of age on the election date.

(d) He shall be able to read and write in Arabic.

(e) His membership of the Consultative Council or the Council of Representatives shall not have lapsed by a resolution of the Council he was a member of because of a no confidence motion, disqualification or because of a breach of his membership duties. However, anyone whose membership has been forfeited may nominate himself if the legislative term during which the membership forfeiture decision was adopted has ended or if a resolution is adopted by the Council of which he was a member revoking the effect barring the nomination arising from forfeiture of his membership upon the expiry of the session during which the membership forfeiture decision was adopted.



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(f) His membership in the Council of Representatives shouldn't be ended due to resignation during the legislative term in which he resigned."

**2. Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?**

Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights states in Article 3 that: "The following shall be deprived of exercising their political rights:

1. Any person who is sentenced in a felony, or a crime breaching honor, integrity or public morals unless rehabilitated.
2. Any person who is sentenced to imprisonment in any of the elections offenses provided in this Law, unless the sentence was suspended or he was rehabilitated."

**3. Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages, that render them accessible to all? Please provide examples.**

Yes, the information on voter registration and on the electoral process is available to public through the following:

- a. The distribution of Election Guidelines, Election Legislations and Voter's Guide handouts both in Arabic and English language.
- b. The election website [www.vote.bh](http://www.vote.bh) which includes all information regarding elections.
- c. Smartphone applications for elections.
- d. Elections hotline.
- e. Seminars and workshops regarding elections.

**4. If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?**



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No voters registration is required.

The Elections Supervisory Committee in each of the governorates prepares the voters' schedules in the electoral constituencies of the Governorate which comes under the Committee's jurisdiction.

When the Elections Supervisory Committee completes the preparation of the voters' schedules, the schedules should be displayed for 7 days at the headquarter and public places defined by the Minister of Justice Islamic Affairs and Endowments at least 45 days before the date of the elections.

A person whose name is not registered in the voters' schedule or there is an error in his details has the right to ask the Elections Supervisory Committee to register his name or make the necessary corrections. Any person, whose restrictions have been lifted after the schedules were made, can ask to be registered in the voters' schedule.

Every registered voter has the right to request to register the name of anyone who failed without plausible reason to register his name, or to delete the name of anyone whose name was registered without plausible reason, or to make corrections to the details of the person, this is with regard to the schedule for the electoral constituency where the voter is registered.

**5. With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first-time voters, etc.) taken into account?**

Legislative decree No. (14) of 2002 with respect to the exercise of political rights article 23 states that: "Voters who do not know how to write or read or are blind or with special needs who cannot mark their votes by themselves on the ballot paper, should vote verbally, and the Committee chairman will mark the voter's choice in the presence of one of the committee members on the ballot paper which will be then inserted in the box."

Helpers are available at ballot stations to aid those with special needs.

**6. What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the**





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**right to be elected? Which measures have been put in place to overcome these obstacles?**

Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights states in Article 3 that: "The following shall be forbidden from nominating to the Council of Representatives:

Any person who is sentenced in a felony; even if he was pardoned or rehabilitated.

Any person who is sentenced to imprisonment in misdemeanor crimes for a period more than six months even if he was pardoned and that is after 10 years starting from the day following the date of execution of the sentence or its forfeiture or from the date of which the judgment becomes final if it was covered by a stay of execution."

**7. What positive measure have been take to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?**

The Legislative decree no.(15) of the year 2002 with respect to the consultative and the representatives councils ensures the equal right to stand for elective office to all those who fulfill the legal requirement whether women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups.

Practically, the Royal Order No.(42) of 2010 with respect to the nomination of members of the Shura Council has nominated a women with disability to become