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The Role of Ombudsman in the Protection of Human Rights in the Kingdom of Bahrain

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Abstract

The evolution of the institution of Ombudsman in retrospect shows that changes in the western system of administration from time to time and the recognition of various new kinds of rights and interests by the States at the national and international levels called for the introduction of Ombudsman as an addendum to the system of administration of justice. Because of fundamental changes in the system of government Ombudsman came to perform distinct functions at different times such as investigation, mediation, dispute resolution etc. And this was done in relation to various sectors of society such as business, education, health, transport, and commercial undertakings. In major legal systems it has come to play a significant role in human rights. The Kingdom of Bahrain also has established in its administrative system the machinery of Ombudsman for the protection of the Human Rights of the individuals.

Keywords: Concept of Ombudsman, Evolution of the Institution of Ombudsman, Extension of the Jurisdiction of Ombudsman Introduced in Various Sectors, Paris Principles on the Formation of Human Rights Institutions, Role of Ombudsman in the Protection of Human Rights in Bahrain

1. Introduction

The institutions concerned with the administration of justice since time immemorial have been the courts and the tribunals functioning as separate and independent institutions which resolved the disputes arising between individuals and the Administration. Side by side with such a system there was the in-house procedure in certain countries to share the responsibility of administering justice to the persons affected by the actions of the government departments. The countries which had this kind of a tradition were a few of the Asian and the Islamic countries. This is how the disputes arising between private individuals and the Government officials were resolved. But from the 19th century the institution of Ombudsman appeared in a European country as a unique example of an institution to administer justice, which system in the twentieth century was adopted by several democratic countries of the world.

This article has the object of tracing the evolution of the institution of Ombudsman in various sectors pointing out the changes in the system of administration and focusing on its work in Human Rights in the Kingdom of Bahrain.

In dealing with this topic the methodology adopted by me has been to present the discussion in an analytical way in two sections.

Section 1 gives the general features of the concept of Ombudsman; there is the meaning and definition of the term ‘Ombudsman’ and a brief description of the basic attributes of Ombudsman. Then the discussion covers the evolution of the institution of Ombudsman at the national and international levels. *Section 2* contains the discussion on the nature and scope of the institution of ombudsman as it has been established in the Kingdom of Bahrain.

2. The Concept of Ombudsman

2.1. Meaning and Definition of the Term ‘Ombudsman’

The institution of Ombudsman in various countries is known by various names and has the responsibility of performing variegated functions in relation to the system of government. While in some countries Ombudsman deals with the grievances of the people against the administration, in some others it performs the function of investigating into the causes of the wrongful acts of authorities and in some others, it performs the function of ‘mediating’ in public conflicts to resolve the prevailing differences. The changing phenomena have been due to the changing nature and function of the administrative agencies and the problems arising regarding the rights and interests of the persons who meet the officials of the State.

The term ‘Ombudsman’ in the system of Administrative Law refers to ‘a government official who hears and investigates complaints by private citizens against officials or government agencies. It also refers to a person who investigates and attempts to resolve complaints and problems as between employees and an employer or between students and the university officials.

Elaborating the above aspect of administrative law, the *British Dictionary* defines the term ombudsman as a commissioner who acts as an independent referee between individual citizens and their government or its administration. The term refers to an official, without owner of sanction or mechanism of appeal, who investigates complaints of maladministration by members of the public against national or local government or its servants. Formal names of an Ombudsman are the Commissioner for Local Administration, Health Service Commissioner, Parliamentary Commissioner etc. (Ombudsman, 2022).

The term ‘Ombudsman’ also refers to an official appointed by a government or other organization to investigate complaints against people in authority. This position is designed to give those with less power – the ‘little people’ a voice in the operation of large organizations (Hirsch, et al., 2005).

According to Collins English Dictionary an Ombudsman is an independent official who has been appointed to investigate complaints.

In almost identical terms, the Merriam-Webster Dictionary defines the word ‘Ombudsman’ as referring to a person (such as a government official or employee) who investigates complaints and tries to deal with problems fairly.

The Free Encyclopedia of Wikipedia dealing with the concept of Ombudsman says,

An ombudsman or public advocate is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an inspector general, citizen advocate or other official may have duties similar to those of a national ombudsman, and may also be appointed by a legislature. Below the national level an ombudsman may be appointed by a state, local or municipal government. Unofficial

ombudsmen may be appointed by, or even work for, a corporation such as a utility supplier, newspaper, NGO, or professional regulatory body.... (Ombudsman, 2022).

In some jurisdictions an ombudsman charged with handling concerns about national government is more formally referred to as the "Parliamentary Commissioner" (e.g., the United Kingdom Parliamentary Commissioner for Administration, and the Western Australian state Ombudsman). In many countries where the ombudsman's responsibility includes protecting human rights, the ombudsman is recognized as the national human rights institution. The post of ombudsman had by the end of the 20th century been instituted by most governments and by some intergovernmental organizations such as the European Union.

At the international level, the definition of 'ombudsman' with reference to the international phenomena may be described as follows:

an office provided for by the constitution or by action of the legislature or parliament and headed by an independent high-level public official, who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials, and employees, or who acts on [his] own motion and who has the power to investigate, recommend corrective action and issue reports.

A perusal of the definitions given in the official instruments reveals the following characteristics of the institution:

First, it is set up by a country's constitution or by a law or by-law of the legislative body, to ensure its permanence, neutrality and independence from the administrative organization being complained against.

Second, it receives and investigates complaints from the public against any part of the whole administration at the level of government concerned, though in many schemes it can also start investigations of alleged maladministration on its own initiative; **Third**, it is an appeal body in the sense that usually it will investigate a complaint only after the complaint has been made to the agency concerned and the complainant is still dissatisfied; Fourth, when it finds a complaint to be justified, it recommends a remedy to the agency and if the recommendation is not accepted it makes its recommendation to the chief executive and in a published report to the legislature - but it does not make binding decisions and this is what distinguishes it from a court, or a tribunal or an arbitrator.

2.2. Origin and Evolution of the institution of Ombudsman

Under the procedures of 'in-house' dispute resolution prevailing in various countries the institution of Ombudsman has been a significant aspect of the system of Administration and has grown and developed in various forms for various purposes.

A prototype of Ombudsman flourished in China during the Qin Dynasty (221 BC) and in Korea during the Joseon Dynasty (Park, 2008). The position of secret royal inspector was unique to the Joseon Dynasty, where an undercover official directly appointed by the king was sent to local provinces to monitor government officials and look after the populace while travelling incognito. Another precursor to the Ombudsman was the Turkish Diwan-al-Mazalim which appears to go back to the second caliph (Umar 634-644) and the concept of Qadi al-Qudat (Pickl, 1987). They were also attested in Siam, India, the Liao dynasty (Khitans Empire), Japan and China (Jenne, 2011).

In Swedish, Norwegian, and Danish systems the term 'Ombudsman' is used to mean 'an attorney or a representative,' that is someone who is authorized to act for someone else. This is the meaning still given to the term in Swedish language. The predecessor of the Swedish Parliamentary Ombudsman was the Office of Supreme Ombudsman, which was established by the Swedish King, Charles XII, in 1713. Charles XII was in exile in Turkey and needed a representative in Sweden to ensure that judges and civil servants acted in

accordance with the laws and with their duties. If they did not do so, the Supreme Ombudsman had the right to prosecute them for negligence. In 1719 the Swedish office of Supreme Ombudsman became the Chancellor of Justice (Howard, 2010).

The use of the term 'Ombudsman' began in Sweden, with the Swedish Parliamentary Ombudsman instituted by the Instrument of Government of 1809 to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch.

(a) *The Swedish Ombudsman:* The fundamental concept of the Swedish Ombudsman is that he is an officer of Parliament whose duty is to ensure that civil servants perform their administrative duties according to law and to institute proceedings if they fail to do so. If the Ombudsman were not charged with this duty, Parliament would have no means of doing so though Ministers as the civil servants are not subject to ministerial control. It is also important to note that there is no Parliamentary question procedure comparable to the United Kingdom procedure by which indirect control can be exercised over the administration (Wyatt, 1961).

(b) *The Danish Ombudsman:* During the discussion which took place after the war on the framing of a new constitution for Denmark, a great deal of consideration was given to the question of providing greater safeguards for the citizens against maladministration by public officials. Among the new proposals was a suggestion that an institution on the model of the Swedish Ombudsman should be set up. This view eventually prevailed, and provision was made in the new Constitution of 1953 and by the Ombudsman act of 1954 for setting up of a Danish Ombudsman who was to be elected by Parliament after each general election (Wyatt, 1961).

(c) *The Norwegian Ombudsman:* In 1945 the Norwegian Government appointed a Committee on Administrative Procedure. By its terms of reference this committee was required to report on the guarantees and safeguards which are observed where administrative authorities make decisions affecting the rights and interests of citizens and to recommend what measures were needed to strengthen the security of the citizens in his dealings with administrative authorities. The Committee under the chairmanship of the President of the Supreme Court made an extensive examination not only of Norwegian administrative law but also of British American and Continental administrative procedures and in 1958 made a report which recommended that a Norwegian Ombudsman should be set up on the lines of the Danish institution (Wyatt, 1961).

2.3. *Extension of the Jurisdiction of Ombudsman to various other sectors*

When the office of Ombudsman was first established in Sweden in 1908 the jurisdiction of Ombudsman was limited to investigating complaints about central government departments and organizations. In 1968, the Ombudsman's jurisdiction was extended to include education and hospital boards. In 1975, the legislation was consolidated in the Ombudsman Act 1975. Under this Act, the appointment of additional Ombudsman was permitted, and the Ombudsman's jurisdiction was significantly extended to include local government agencies.

As in Sweden, in several other countries of Europe and other parts of the world which had adopted the system of Ombudsman, extended the jurisdiction of Ombudsman extended to include Labour, Civil Service, Health, Education, Banking etc. They pursued the object of protecting the rights and interests of individuals against the arbitrary actions of the authorities in Public and Private Sectors.

2.4. *The Institution of Ombudsman in the context of International Human Rights Law*

In the context of International Human Rights Law, a reference has to be made to the growth of international legislation which ushered in the concept of Human Rights, and though it did not establish any institution of Ombudsman for Human Rights as such, it did have the effect of causing such an institution to come up under the aegis of the national law. The background to this development may be described as follows:

After the World War II when the causes and effects of the global War were studied, the victorious nations were convinced that one of the causes of the War in most of the cases was the abuse of Human Rights of the

individuals at the State level; so much so that there arose a resolve to avoid, for the future generations, the same type of ill treatment by the national governments which resulted in the unfortunate phenomenon of the World War. In June 1945, the idea of forming a United Nations arose out of the proposals of Great Britain, the U.S.A., Russia and China; the purposes of the United Nations so devised were divided into four groups—security, justice, welfare and human rights. The world leaders then adopted in December 1948, by a unanimous resolution a declaration called the ‘Universal Declaration of Human Rights’ (UNDHR).

The beginning of International Human Rights Law under the aegis of the United Nations therefore was from the 10th of December 1948 when the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. This Declaration had aimed at securing the universal and effective recognition and observance of Human Rights.

The members of United Nations Organization felt that greater unity between members could be achieved by giving effect to the said Declaration. They considered that Fundamental Freedoms and Human Rights could help them achieve justice and peace in the world and contribute to establishing an effective political democracy.

Keeping the high ideals in view the United Nations adopted some more Declarations and Conventions to secure wider protection of Human Rights; it set up various institutions for the purpose of enforcing the human rights and urged upon the member States to follow suit. This is the context in which the concept of enforcement of Human Rights has to be studied.

The United Nations Commission of Human Rights (UNCHR) was established with the aim of seeking the incorporation of the main principles into specific international treaties and to see to their implementation by the signatories or participating states. It was in line with this spirit that the two major international treaties in this field, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) came to be adopted by the United Nations in 1966 and the accompanying Optional Protocol (on implementation by states) came to be adopted in 1976. The two Covenants which set out in more concrete terms the basic human rights and fundamental freedoms cited in the 1948 Declaration impose an obligation on all participating states to implement those rights by appropriate means.

There is no direct reference for Ombudsman to the objectives of the Universal Declaration of Human Rights, per se or for any necessary compliance with the two international Covenants. Ombudsmen are creatures of statute, identified as officers of Parliament, who serve to bring to account the actions of the domestic executive that is the public sector, in the name of the individual citizen. In other words, ombudsman actions are geared primarily towards the accountability of “the system” rather than towards upholding the rights of the single individual.

The member’s states of the United Nations have taken the step of implementing the Declarations and Conventions laid down by the United Nations about Human Rights. A sizable number of States in Europe, America and Africa have implemented the Human Rights instruments by having suitable institutions for the purpose. They have adopted even Regional Conventions as a collective measure and have adopted necessary laws at the national level for the purpose of enforcing the Human Rights.

Thus, there are institutions at the international, regional, and national levels which have the responsibility of applying, interpreting and enforcing the Human Rights law. The importance of these institutions is that by adopting the method of providing remedies to the aggrieved persons, they have built a jurisprudence which is of considerable significance in the realm of Human Rights Law.

No Ombudsman was established by either of the instruments to attain the objectives of the Universal Declaration of Human Rights or the objectives of other instruments on Human Rights. There was however some advice to the Member States in almost every instrument to take effective steps for the implementation of the international instruments, which meant that the traditional system of judiciary had to be strengthened.

But as in the case of advices given to the Member States for the proper organization of the national judiciary, in the case of institutions established by the member states for the enforcement of the law, the United Nations Organization laid down certain basic principles which the Member States have to observe in the matter of establishing any institution or organization for the implementation of the law, which includes the Human Rights Law. These principles known as Paris Principles read as follows:

2.5. Paris Principles relating to the formation of National Institutions To promote and protect Human Rights:

The Paris Principles were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris on 7-9 October 1991. They were adopted by the United Nations Human Rights Commission in 1992 (UNCHR 1992) and by the UN General Assembly in 1993 (UNCHR 1996).

The principles list a number of responsibilities for national institutions, which fall under the following five headings:

First, the institution shall monitor any situation of violation of human rights which it decides to take up.

Second, the institution shall be able to advise the Government, the Parliament, and any other competent body on specific violations, on issues related to legislation and general compliance and implementation with international human rights instruments.

Third, the institution shall relate to regional and international organizations;

Fourth, the institution shall have a mandate to educate and inform in the field of human rights;

Fifth, some institutions are given a quasi-judicial competence.

The key elements of the composition of a national institution are its independence and pluralism and about these matters the only guidance is in the Paris Principles according to which the appointment of commissioners or other kinds of key personnel shall be given effect by an official Act establishing the specific duration of the mandate, which may be renewable.

Compliance with the Paris Principles is the central requirement of the accreditation process that regulates NHRI access to the United Nations Human Rights Council and other bodies. This is a peer review system operated by a subcommittee of the Global Alliance of National Human Rights Institutions (GANHRI).

SECTION II - THE SYSTEM OF OMBUDSMAN IN THE KINGDOM OF BAHRAIN FOR THE PROTECTION OF HUMAN RIGHTS

Bahrain, officially known as the Kingdom of Bahrain, is a small Arab constitutional monarchy in the Persian Gulf. It is an island country consisting of a small archipelago centered around Bahrain Island, situated between the Qatar peninsula and the northeastern coast of Saudi Arabia.

The first thing that we find in Islam in this connection is that it lays down some rights for man as a human being. In other words, it means that every man whether he belongs to this country or that, whether he is a believer or unbeliever, whether he lives in some forest or is found in some desert, whatever be the case, he has some basic human rights simply because he is a human being, which should be recognized by every Muslim. In fact, it will be his duty to fulfill these obligations.

As a country practicing the tenets of Islam, Bahrain has been observing the tradition of humanity as propagated in the Islamic sources of law and has been showing its respect for the idea of Human Rights as advocated in the Islamic traditions. But it has been gradually assimilating the Western idea of Human Rights without prejudice to the traditions of Islamic religion; by now it has domesticated a large number of international conventions and covenants and has also taken the step of establishing the Human Rights institutions as advocated by the International Human Rights Law.

Before describing the features of these principles and institutions I consider it necessary to say a word about the importance of Human Rights in the system of State Administration borrowing the words of certain Western philosophers. For example, Dr. Sun Yat Sen emphasizing the concept of Human Rights in relation to State matters says, “The foundation of the government of a nation must be built upon the rights of the people but the administration must be entrusted to experts” (Yatsen, 2012). A similar idea was echoed by an American President, Thomas Jefferson, when he says, “A bill of rights is what the people are entitled to against every government on earth, general or particular and what no just government should refuse to rest on inference” (Bell, 2020).

With regard to the philosophical aspect of Human Rights adopted by the United Nations it is generally accepted that the concept did exist in some form or the other in various political documents of the nations too, but it was as a result of the bravest lessons that emerged from the tragedies of the World War II that the Western concept of Human Rights had become a dynamic aspect of International Law.

With the advent of the concept of Human Rights and the need for the promotion and protection of these rights the institution of Ombudsman has come to play its role in the administration of the Human Rights Law. On the advice of international organizations many Western countries have established as part of the State Administration the Human Rights Institutions. The Kingdom of Bahrain has followed suit.

This section analyses the nature and scope of the authority of Ombudsman and highlights the role of the system of Ombudsman in Bahrain as far as the protection of Human Rights is concerned.

3. Establishment of the Office of Ombudsman in the Kingdom of Bahrain

The Kingdom of Bahrain has attached immense importance to human rights and has sought, through local legislations and international agreements having force of local law, to maintenance and protection of these rights to ensure human dignity on the soil of the Kingdom of Bahrain and preserve human rights in all walks of life. The Kingdom of Bahrain not only issued legislations and acceded to international treaties but also assumed the responsibility, from its international and local position, to set up specialized human rights agencies among the government establishments, which were entrusted with the task of ensuring protection and maintenance of human rights relevant to the work of these agencies. These agencies were given under the charge of competent jurists, expert in the legal affairs. In this context, the royal approval was sanctioned to implement recommendations of the Bahrain Independent Commission of Inquiry, regarding the formation of the Office of the Inspector General (Ombudsman) at NSA (POMED, 2013). The office of Ombudsman was formed as per a Royal Decree (ILO, 2012) by which the Office of the Inspector General at NSA was constituted the office of Ombudsman so as to ensure formation of an independent human rights agency, competent to receive and examine complaints regarding maltreatment of persons by the NSA staff and their other violation of the international laws and agreements endorsed by the Kingdom of Bahrain, to conduct inquiries in those complaints whenever such violations are committed for any reason or at any occasion or while they are on duty or if the agency has a role therein. The Inspector General Office ensures its commitment to confidentiality and privacy to every complainant and will seek, according to the law, for realization of rights and establishment of justice, acting within the ambits of its powers.

3.1. About the Ombudsman's Office

Establishment of the office of the Inspector General at NSA is the fruition of the directives of His Majesty the King, Hamad Bin Isa Al Khalifa, the King of Bahrain regarding the commitment of Bahrain to execute recommendations of the Bahrain Independent Commission of Inquiry. It is the office which works towards protection of the dignity of people against any maltreatment by the NSA staff, and that is in accordance with an approach ensuring execution of powers delegated to the Inspector General with surety of complete impartiality and handling the job in strict confidence.

3.1.1. Mission

Protection of individual's rights, his personal freedoms and his right to physical safety against any maltreatment by NSA staff, in accordance with the constitution of the Kingdom of Bahrain and its valid laws, and in the light of standards and controls laid down in the international conventions endorsed by the Kingdom of Bahrain.

3.1.2. Vision

Disseminating culture of respect for human rights and preservation of individual's dignity and urging the NSA staff to respect human rights and assisting them in performance of their security duties according to international standards and controls for human rights.

3.1.3. Objective

Raising the performance of the office of the Inspector General at NSA, preserving its full independence, neutrality and impartiality, winning trust and confidence of the individual in the ability of the office of the Inspector General to protect him against what could compromise his freedom or physical safety or any of his constitutional rights as a result of any violation by the NSA staff, providing suitable and satisfactory environment to receive citizens' complaints which lie within the office jurisdiction, and taking all guarantees to preserve secrecy of statements, information and documents concerning the office work.

3.2. *The Mandate to the office of Ombudsman*

The mandate to the Office of Ombudsman comes from the following instruments adopted at the national and international levels:

1. National Action Charter
2. Constitution of the Kingdom of Bahrain
3. Penal Code, as amended
4. Code of Criminal Procedures, as amended
5. Law of Prisons 1964
6. Law of Public Security Forces, as amended
7. Prison Systems 1964
8. Decree 35 / 2013 amending Decree 27 / 2012 on the Ombudsman at the Ministry of Interior
9. Universal Declaration of Human Rights
10. International Covenant on Civil and Political Rights
11. Convention against Torture and Other Cruel, Inhuman, or cruel, inhuman or degrading treatment
12. International Convention on the Elimination of All Forms of Racial Discrimination
13. Convention on the Elimination of All Forms of Discrimination against Women
14. United Nations Convention on the Rights of the Child
15. Convention on the Rights of Persons with Disabilities
16. Charter of the United Nations
17. Arab Charter of Human Rights
18. Basic Principles for the Treatment of Prisoners – United Nations General Assembly resolution
19. Standard Minimum Rules for the Treatment of Prisoners (adopted by the first United Nations Conference on the Prevention of Crime and the Treatment of Offenders)
20. Standards of Her Majesty's Inspectorate of Prisons in the United Kingdom
21. The report of the Bahrain Independent Commission of Inquiry
22. Code of Conduct for Police Officers

3.3 *Salient Features of the institution of Ombudsman in the Kingdom of Bahrain*

According to the basic law governing the establishment of Ombudsman in Bahrain, “The Ombudsman is an independent secretariat, financially and administratively, in the Ministry of Interior established to ensure compliance with professional standards of policing set forth in the Code of Conduct for the Police, as well as in the administrative regulations governing the performance of civil servants. It operates within a general framework that includes respect for human rights and the consolidation of justice, the rule of law and the public confidence” (IOI, 2013).

3.4. The role of Ombudsman

The Ombudsman assumes its authority and mission in full independence with respect to the complaints it receives against any civilian or public security personnel in the Ministry of Interior for alleged criminal offense because of, during or as result of their scope of responsibilities.

In addition, the Ombudsman informs the competent authority in the Ministry of Interior to take disciplinary action against violators employed by the ministry. It also informs the public prosecutor in the cases that constitute criminal offenses. It updates both the complainant and the defendant about the steps taken to investigate the complaints and the conclusions of the investigations.

The specific matters addressed by the Ombudsman are the complaints against the law enforcement officials, the police officers, the prison offices and the investigating officers. The message of Human Rights law is that “no one shall be subjected to degrading treatment or punishment, and that no one shall be deprived of his property. There are cases arising in the civil service area in which the civil servants are ill-treated; they are denied the protection they deserve in service relations; there are cases arising about ill treatment of the civil servants and cases even about sexual harassment and denial of respect and decency. The dignity of persons is a casualty in most of the cases. There is delay in the disposal of cases and denial of justice by such methods. Injustice is done to family members where they deserve the care and attention of the elders. There is protection guaranteed regarding the health and well-being of the persons.

3.5. Nature of the Functions of Ombudsman

The nature of the functions of Ombudsman may be explained with reference to the Human Rights Law as follows:

3.5.1. Complaints regarding personal liberty and property:

Article 5 of the Universal Declaration of Human Rights says, “No one will be subjected to degrading treatment or punishment” and Article 17 says in part that “No one shall be arbitrarily deprived of his property”

3.5.2. Complaints regarding abuse of authority

If a person is removed from service arbitrarily or a pupil is expelled from the school without a just cause, then a complaint may be lodged to the Ombudsman against the arbitrary exercise of power. Such an unfair treatment may be called into question by relying upon Article 26 of the Universal Declaration of Human Rights which says in part that “everyone has the right to education”.

3.5.3 Complaints regarding inadequate social service

The social welfare beneficiaries may bring complaints before the Ombudsman if there is no adequate service rendered to the beneficiaries by the officials of the government. Article 25 of the Universal Declaration of Human Rights says, “everyone has the right to a standard of living adequate for the health of himself and of his family social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

3.6. Complaint for official information

A person may file a complaint to obtain information held by the governmental agencies. A person has a right to be provided with information before he initiates criminal proceedings. Such a right stands alongside the right to a fair trial envisaged by Article 10 of the Universal Declaration of Human Rights. It can also be postulated on the ground that information to which an individual is entitled should not be withheld without good reason. This makes it difficult for any administration which is subject to a freedom of information regime to hide any abuse of human rights.

3.7. Persons entitled to make a complaint to the Ombudsman

Any citizen, expatriate, or visitor may file a complaint to the Directorate of Internal Investigations in the Ministry of Interior or the Ombudsman if they feel:

A –They have been the victim of misconduct in any form by a Ministry of the Interior employee because of, during or as result of their scope of responsibilities.

B- They have been negatively affected by the above-mentioned abuse. The negative effect could be in any form of loss or damage or exposure to risk. However, it does not include damages related to or resulting from watching the event on television or in a video footage or following it up in the media.

C- They have directly witnessed the event. Anyone who watches or hears or reads about the misconduct in the media cannot be considered a complainant in such a case.

D- Complaints may be made by an agent in any of the above-mentioned cases or by a member a civil society organization on behalf of those affected provided he or she obtains a written consent from the complainant.

The Ombudsman will provide the necessary facilities and services to deal with complaints filed by complainants with special needs or by non-Arabic speakers who need translations.

3.8. The Types of complaints that may be investigated by the Ombudsman

The Ombudsman investigates the complaints filed in the following cases:

A - If the complaint includes death or physical injury or serious ill-treatment that occurred during or after the exercise by an employee of the Ministry of Interior during or because of the responsibilities of his or her work.

B - Any misconduct by any of the employees of the Ministry of Interior that leads to a negative impact on public confidence in the ministry.

3.9. The types of complaints that are not accepted by the Ombudsman

The Ombudsman does not investigate complaints made against non-employees of the Ministry of Interior.

The Ombudsman does not consider or examine complaints related to decisions, directives, instructions, and orders issued by the Minister of Interior or the Head of Public Security to the personnel of the ministry.

In addition to the above, it must be noted that administrative decisions of either approval or rejection by any competent authority at the Minister of Interior cannot be a basis for a complaint that falls under the mandate of the Ombudsman. For example:

1) Rejection of a visa or a residency permit application by Directorate of Nationality, Passport, and Residence Affairs.

- 2) A rejection of an application for a position at, or a promotion by, the Ministry of Interior.
- 3) Appealing against the general Directorate of Traffic for an unsuccessful grade on the Driver's License Exam.

3.9.1. Procedure to file a complaint or a grievance to the Ombudsman

A complaint to the Ombudsman may be filed through one of the following procedures:

- Register a complaint with the representatives of the Directorate of Internal Investigations in the Ministry of Interior in the security directorate in the governorate (Five directorates), based on the residence address or the location of the incident.
- Send a complaint electronically to the website of the Ombudsman: www.ombudsman.bh
- Physical presence at the headquarters of the Ombudsman in the case of a complaint that is accepted directly by the Ombudsman
- Send a completed form by post to P.O. Box 23452, Kingdom of Bahrain.

3.9.2 The processing of a complaint at the office of Ombudsman

A. Registration:

Every complaint against an employee of the Ministry of Interior must be registered in the records of the ministry to be addressed formally.

B. The investigation of the complaint:

I – Investigations by the Directorate of Internal Investigations:

The Directorate of Internal Investigations in the Ministry of Interior receives and examines complaints against employees of the Public Security Forces. A representative of the Directorate at the Security Directorate conducts the investigation at the security directorate. The investigation directorate informs the complainant and the defendant without delay about the situation through a statement containing adequate and sufficient information as well as the measures taken to investigate the complaint and the outcome of the examination.

C - Investigations by the Ombudsman:

The Directorate of Internal Investigations in the Ministry of Interior refers complaints to the Ombudsman in the following cases:

A - If the complaint includes a case of death or physical injury or serious ill-treatment during or after action by an employee of the Interior Ministry for, during or because of the exercise of their responsibilities.

B - Any offensive misconduct by an employee of the Ministry of Interior that leads to a negative impact on public confidence in the Ministry of Interior.

C - The Ombudsman informs the complainant and the defendant without delay through a statement that details the measures taken to investigate the complaint and the findings.

D - Reaching a decision:

When the Ombudsman or the Directorate of Internal Investigations decides on a complaint submitted to either of them, the complainant and the defendant are notified about the details in a statement that includes ample information.

3.9.3. Right of the complainant if the outcome of the investigation is not satisfactory

Any complainant or defendant or an assigned agent has the right to appeal the decision to the Ombudsman against the decision by the Directorate of Internal Investigations in the Ministry of Interior within 60 days from the date of notification.

However, appeals against any decisions or recommendations or investigations by the Ombudsman cannot be submitted to the Ombudsman and are referred to the competent court.

3.10. Role of the Ombudsman in cases of reconciliations or civil settlements

The role of the Ombudsman and the Directorate of Internal Investigations in the Ministry of Interior in requests for reconciliation and civil settlement is confined to conveying an opinion to the parties involved in the complaint. Their opinion is not mandatory to either party.

3. Conclusion

In conclusion it may be stated that:

1. The concept of Human Rights is no stranger to the Kingdom of Bahrain as being an Islamic State it has the tradition of following the tenets of Islamic civilization and treating its people as belonging to human family and treating them with equality and dignity.
2. In keeping with the Islamic traditions, the Kingdom of Bahrain has taken a right decision in establishing the Institution of Human Rights and inducted a senior officer of the Police establishment as its Ombudsman; it has the feature of a Human Rights Institution.
3. In organizing this institution, the authorities of the Kingdom of Bahrain have followed the Paris Principles as far as their independence and autonomy are concerned. These Principles are laid down by the United Nations Organization which has the objective of strengthening the institutions established for the enforcement of Human Rights.
4. Thus, the policy formulated by the Kingdom of Bahrain and the institutional set up have the aim of strengthening the system of administration of justice.
5. A review of the work of the Ombudsman and the responsibilities thrust upon it show that the Ombudsman in Bahrain is a promotional and monitoring body as a national institution.

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