

Human Rights Commission Bill 2021

In accordance with the provisions of the draft constitutional document for the transition period for the year 2019, the Sovereign Council and Cabinet of Ministers have issued, in their joint meeting, at which the Chairman of the Sovereign Council was present, the following Act, a law whose text is as follows:

Chapter One

Preliminary Provisions

Name of the Law and its Entry into Force

1. This act is called “The Human Rights Commission Act 2021,” and comes into force from the date of its publication in the Official Gazette.

Repeal and Exemptions

2. The National Human Rights Commission Act 2009 is repealed. However, the regulations, orders and procedures that have been adopted under existing laws remain, until such a time as they are amended or repealed under the provisions of the Act.

Definitions

3. For the purposes of this law, unless the context requires alternative meaning:

“The Commission”	Refers to the Human Rights Commission established according to the provisions of this Act,
“The Council”	Refers to the Council of the Human Rights Commission established under the provisions of Article 15,
“General Secretariat”	Refers to the General Secretariat of the Human Rights Commission established under the provisions of Article 17,
“Chairman of the Commission”	Refers to the head of the Human Rights Commission, who is, ex officio, the Chairman of the Human Rights Commission Council,
“Members of the Commission”	Refers to the members of the Commission Council, including the Commission Chairman,
“Constitution”	Refers to the 2019 Transitional Constitutional Document, or any constitution subsequently approved for the country,
“The Legislature”	Refers to the transitional legislative council or any authority exercising its competencies according to the provisions of the Transitional Constitutional Document 2019 or any constitution subsequently approved,

“Human Rights”	Refers to the rights and fundamental freedoms stipulated in the constitution, and, the international and regional treaties, covenants and agreements, which are particular to human rights and which Sudan has endorsed,
“Human rights violations”	Meaning any acts or omission of any act by the state, or by individuals or groups acting in the state’s name or under its protection, or under the state’s de facto control or governance, if such an act or omission were to constitute an infringement of any human right or fundamental freedom,
“Human rights monitoring”	Referring to the process of collecting information, scrutinising and verifying it, documenting and using it, for the purpose of guaranteeing the respect, protection and strengthening of human rights. Monitoring mechanisms include direct communication with state agencies and other related actors, with the purpose of obtaining information or to follow up on how such matters are dealt with as necessary, or other effective monitoring mechanisms, which allow the Commission to carry out its functions directly, as stipulated under the Act,
“Investigation”	Meaning the objective and procedural fact-finding processes which include gathering evidence, hearing statements and receiving testimonies, in order to take note of the facts and the circumstances related to allegations of human rights violations. This is for the purpose of confirming the occurrence of such a violation, or lack thereof,
“Vulnerable position”	Referring to a condition resulting from weakness, temporary or permanent, associated with young or old age, intellectual disabilities, physical disabilities, one’s health situation or linguistic or cultural background, such that a victim’s ability to respond to an aggressor is weakened.

Chapter Two
Foundational Provisions
Establishing the Commission

4. (1) Pursuant to Article 39 of the Transitional Constitutional Document 2019, according to a decision issued by the Prime Minister, a permanent commission, called “the Human Rights Commission,” shall be established. It has a legal personality and public seal. It has the right to litigate on its own behalf. Its main premises shall be in the country’s capital and it may establish branches in the different regions of Sudan.

(2) The Commission may proceed with its assigned functions as stipulated by the Act with complete functional, administrative and financial independence. All state agencies must respect the mandate of the Commission and allow it to perform its duties and exercise its powers without intimidation, harassment, indulgence or obstruction. Any interference from party in the conduct of their business is forbidden.

(3) The Commission exercises its powers and competencies vis-à-vis all natural and legal persons in Sudan.

(4) The Commission is subject to the oversight of the legislature in relation to the performance of those functions with which it has been entrusted.

(5) The Commission is committed to working continuously to consolidate its mandate, strengthen its independence and expand its structural and functional coverage through periodic recommendations, to enable it to achieve its objectives in light of international principles relevant to the status of national human rights institutes, including the recommendation to carry out any necessary amendments to this law.

Conditions for Membership in the Commission

5. It is required of the members of the Commission that they are lacking in bias and are possessed of impartial neutrality, moral integrity, are professionally independent and technically competent. Without prejudice to the above, a member of the Commission must fulfil the following conditions:

(1) To be:

- a. A Sudanese citizen
- b. Have full legal capacity
- c. Holds a university degree in law, or in international human rights, or in any other discipline directly relevant to the field of human rights. It is permissible to overlook the requirement of specialisation in the case of an available person having not less than ten years of practical experience in the field of the defence of human rights.
- d. Have firm conviction in human rights discourse and comprehensive knowledge of the human rights situation in Sudan

(2) Must not have:

- a. Previously convicted of an offence prejudicial to honour or integrity
- b. Previously removed from any public office for breaching honour and integrity
- c. Been in an existing organisational relationship with any political or military entity
- d. Undertaken political responsibility within the dissolved National Congress Party at the federal, state, or local level, within Sudan or abroad
- e. Held a representative position or had executive responsibility for federal, state or local authorities during the period between 30 June 1989 and 11 April 2019
- a. Executed, by virtue of his position in the judiciary or the Public Prosecution, any procedures or measures that violate human rights and undermine their fundamental

freedoms, and in particular any trials of a political nature or concerning the state security courts

Membership Term

6. (1) The duration of the term of the Commission's chairmanship will be five years. The period of membership for the Commission Council shall be three years, provided that the period is calculated starting from the date of taking the oath,
 - 2) The Prime Minister may renew the membership of members of the Commission for one term only or for half a term only according to the recommendation of the Chairman of the Commission, provided that the Chairman brings forward his advice three months before the end of the membership term to be renewed.

Lapse in Membership, the Vacation of Office and the Filling of Positions

7. (1) Membership of the Commission shall cease, and the position of Commission Chairman, Council Member, and Secretary General shall become vacant, in any of the following cases:
 - a. Death in office,
 - b. Resignation,
 - c. Conviction by final judgment for an offence related to honour and integrity, or violation of human rights,
 - d. Repeated absences without justification in accordance with the regulations,
 - e. The failing of one of the stipulated conditions under Article 9 of this law,
 - f. The breach of obligations under Articles 51 and 52 of this law

(2) In cases where a position is vacated for any reasons as outlined in Clause (1), the position will be filled in the same manner of appointment as per the conditions stipulated under this law.

Mechanism for Selecting Members of the Commission

8. The Prime Minister shall form a selection committee with experience and integrity, to supervise the selection of the Commission's members according to the criteria of competence and diversity, provided that the selection committee adheres to the conditions of membership stipulated in Article 5, and members' selection guidelines as stipulated by Article 15 of the Act.

Performing the Oath

9. (1) The members of the Commission shall take the following oath before the Prime Minister:

"I swear by God Almighty to do my professional duty and that I will assume my legal responsibilities, and that I am committed to the independence of the Human Rights Commission, and that I will work towards respecting, promoting and protecting human rights and their fundamental freedoms, with neutrality, impartiality and integrity, according to provisions of the law."

(2) Those of other beliefs may perform the same oath as stipulated in Clause (1), according to what they believe.

Chapter Three
The Commission's Mandate
The Commission's Goals

10. The Human Rights Commission is mandated to monitor the human rights situation in Sudan. The goal is to ensure the respect, protection and strengthening of these rights, as well as to make an effort to implement the principle of accountability and to end the policy of impunity. This includes the centring of human rights standards and principles within the process of building the nation in a comprehensive way that aims to build a state under the rule of law and ensuring a free and dignified society.

The Commission's Powers and Competencies

11. To achieve its objectives, the Commission will have the following powers and functions:
- (a) Monitoring the performance of state agencies, or any other agencies whose responsibility is stipulated in this law, by monitoring the policies, procedures and measures which they adopt. This is with the aim of ensuring that they are consistent with any constitutional, regional and international commitments of Sudan, related to human rights and their fundamental freedoms.
 - (b) To address human rights violation whatever their nature, origin and date of occurrence, and issuing the appropriate recommendations to resolve them under provisions of this law. The Commission shall have the authority to require all state agencies to submit any information related to the extent of the implementation and standards of human rights, and to notify it about any confiscation or minimising of the aforementioned;
 - (c) To submit an annual report for the legislature including a comprehensive assessment of the human rights situation in Sudan, and making recommendations regarding improving human rights, whilst strengthening the mechanisms of protection and accountability related to them,
 - (d) Make recommendations about the necessary steps to harmonise applicable national legislation, both in force and proposed, and Sudan's constitutional, regional and international human rights obligations. Recommendations could include Sudan accession and/or ratification to international treaties and protocols which are related to the Commission's goals.
 - (e) Resorting to the judiciary for the purpose of challenging the constitutionality of any official laws or regulations if they were to violate the standards and principles of human rights, which this law guarantees to protect,
 - (f) To participate in the preparation of draft legislation related to human rights and to provide any legal opinions, as well as technical support, to the official competent authorities,

(g) Expressing legal opinions on any decisions or measures that the executive authority initiates. The opinion of the Commission shall be binding, in the event that the decisions and measures of the executive authority compromise human rights.

(h) To contribute to the preparation of curricula and educational programmes related to human rights and fundamental freedoms, working on providing basic education at all levels,

(i) Promoting public awareness of human rights by publishing human rights standards, principles and values through scientific, intellectual, cultural, artistic and advertising platforms, and through working on the development of community-based rights and freedoms. In particular, working to raise institutional and cultural abilities to combat racism, hatred and discrimination on any grounds prohibited by law,

(j) Following up on the implementation of the recommendations of regional and international mechanisms concerned with protecting human rights,

(k) Establishing consultative and cooperative relationships in the fields of respecting, protecting and strengthening human rights with state legislative and executive bodies, councils and commissions, and national civil society organisations working in the field of human rights,

(l) Following up on the efforts of the competent authorities within the different levels of government in Sudan, ensuring that they comply with Sudan's constitutional and legal obligations relevant to human rights,

(m) Building working and cooperative partnerships with the UN and its specialist agencies, and national, regional, and international organisations, governmental and non-governmental organisations working in the field of human rights,

(n) Providing technical support to the competent authorities entrusted with preparing human rights reports, as submitted by the Government of Sudan, to the UN and other regional bodies, committees and national/regional mechanisms,

(o) Preparing and publishing research, studies, bulletins, recommendations, announcements and opinion papers as related to human rights issues and fundamental freedoms, including on matters that are referred to it by the government or civil society organisations,

(p) Organising national, regional or international workshops and conferences on human rights and fundamental freedoms to enrich human rights thought, develop institutional and technical capacities, and exchanging expertise on strategies and mechanisms for protecting and strengthening human rights, including through participation in events organised by other bodies.

The Commission's Media Platform

12. The Commission shall have an independent media platform expressing its opinions and position, using it to publish and circulate that which this law obliges it to publish and circulate to all.

Chapter Four
The Commission's Organisational Structure
The Formation of the Commission

13. (1) The Commission shall have a presidency, a Council, and a General Secretariat, formed in a manner detailed by the provisions of this law.
- (2) The members of the Commission are appointed according to a decision by the Prime Minister and according to the provisions of Article 8.
- (3) The Secretary-General is appointed by recommendation of the Chairman of the Commission and the agreement of two-thirds majority of the members of the Commission Council.
- (4) The Prime Minister determines the allocations and the privileges of the Commission Chairman and the members of the Commission Council and its General Secretariat.
- (5) The Commission regulates its rules of procedure and organisational structure and undertakes to certify it by a two-thirds majority of the members of the Commission Council. It shall be published through the Commission's media platforms.

Competencies and Powers of the Commission Chairman

14. (1) The Commission Chairman is the primary official responsible for the Commission. He shall supervise all organisational, technical, administrative and financial issues that require the work of the Commission. Without prejudice as to the foregoing, the Chairman of the Commission shall have the following competencies and powers:
- (a) General supervision of the Commission's performance to ensure the implementation of policies, plans, programmes, laws, regulations and systems of the Commission.
 - (b) Chairing meetings of the Commission Council,
 - (c) Representing the Commission before other national, regional, and international bodies,
 - (d) Adopting reports that the Commission issues concerning the human rights situation, and raising them with those bodies or agencies determined by this law,
 - (e) Appearing before the legislature to present the annual report of the Commission, or any extraordinary report, or to defend the Commission's budget, or to respond to any issue related to human rights or the work of the Commission,
 - (f) Adopting the decisions and work that the Commission Council authorises,
 - (g) Any duties and functions necessary to perform his duties.

(2) The Chairperson of the Commission may delegate some or all of his powers to any of the members of the Commission Council on his behalf while he is absent.

The Commission Council

15. The Commission Council consists of 15 members that are chosen according to the provisions of Article 12, from among those who are qualified and experienced in the field of human rights and its fundamental freedoms. Without prejudice to the conditions mentioned in the text of Article 9 of this law, the process of selecting members of the Council shall be bound by the following guidelines:

(a) The representation of women in the chair and council of the Commission shall be no less than forty percent (40%) of the total number of its members,

(b) The members of the Commission shall be chosen from among experts in the law and the civil society organisations active in the defence of human rights and its fundamental freedoms, and from among members of professional associations, trade unions and any other categories that require standards of justice to represent them.

(c) The Council of the Commission must enjoy a balanced representation of the components of Sudanese society, including their plurality, diversity, and intellectual, cultural and ideological differences.

Competencies of the Members of the Commission

16. (1) With the exception of the powers specifically delegated by this law to the Chairperson of the Commission, the Commission's powers and duties as stipulated in Article 11 of this Act shall be vested in the Commissions Board. Without prejudice to the general nature of the foregoing, the Commission's Board shall have the following competencies:

(a) Delineating the Commission's working strategy and set out in full its overall policies,

(b) Planning the Commission's programmes and projects, as well as managing their implementation,

(c) Building and structuring any specialised committees and presiding over their management,

(d) Approving the budget that the General Secretariat prepares and which the Commission Chairman approves,

(e) Approving the functional structure for the Commission's staff,

(f) Approving partnership agreements for national, regional and international cooperation,

(g) Preparing regulations and work procedures for the Commission, and writing decisions, recommendations and reports for the Commission,

(h) Carrying out any other tasks specified by the Chairman of the Commission.

(2) The Commission Council is authorized to enjoy the competencies mentioned in Clause (1), at the time of meeting, in accordance with the provisions of Article 21 of this law.

The General Secretariat

17. (1) The Commission shall have a General Secretariat called “The General Secretariat of the Human Rights Commission,” headed by a Secretary General appointed by recommendation of the Commission Chairman and with the agreement of two-thirds of the Commission Council.

(2) The conditions for selecting the General Secretariat shall be the same conditions as those for the selecting of the Commission Chairman and the members of the Commission Council, as stipulated in Article 15.

(3) The General Secretariat works under the supervision of the Commission Chairman through specialised technical departments according to the organisational and functional structure of the Commission.

Functions of the General Secretariat

18. The General Secretariat shall be responsible for managing the administrative and financial tasks required by the work of the Commission. Without prejudice to the foregoing, the General Secretariat shall have the following competencies:

(a) The preparation of the annual budget for the Commission according to established accountancy principles in government institutions, which shall be presented to the Council of the Commission for approval,

(b) Administrative supervision over the personnel affairs of the Commission, including contractors and collaborators with the Commission,

(c) Establishing a functional structure for the Commission and suggesting the terms of service of its employees,

(d) Preparing projects to attract financial and technical support for the Commission’s programmes,

(e) Providing administrative and technical support required for organising of meetings, seminars, workshops and other activities of the Commission,

(f) Documenting meeting minutes and the deliberations of the Commission,

(g) Managing the Commission’s media platforms,

(h) Implementing any directives, decisions or mandates issued by the Chairman of the Commission or the Council of the Commission.

The Council’s Committees

19. (1) The Commission may establish within its functional structure any permanent or temporary committees for work in any field of human rights, provided that they include:
- (a) A committee for the rights of children,
 - (b) A committee for the rights of disabled persons
 - (c) A women and gender committee
 - (d) A committee against torture
 - (e) A committee for combating racism
 - (f) A committee on the freedom of thought, conscience, belief and scientific research
 - (g) A collective rights committee
- (2) Each of these committees is headed by one of the members of the Council of the Commission according to a decision issued by the Commission Chairman.
- (3) Each committee will be responsible before the Chairman of the Commission and Commission Council in accordance with the powers and specialisations granted to them both.
- (4) The Commission's internal structures determine the extent of the mandate of each committee, as well as their procedures and structure.

Utilising Experts and Qualified Persons

20. (1) The Commission may seek the assistance of any person or any entity, permanently or temporarily, for the purpose of assisting it in achieving its objectives, provided that the statute of the Commission specifies the conditions and entitlements of the assistance.
- (2) While working with the Commission, such employed persons shall enjoy the legal protections stipulated in Article 38(d) of this law.

Chapter Five **Procedures and Measures of the Commission's Work** **Commission Meetings**

21. (1) The Commission Council shall hold, by the invitation of the Chairperson of the Commission, at least one meeting a month.
- (2) The Commission Council may hold a meeting over and above that which is required, based on an invitation from the Chairperson of the Commission or at the request of one-third of the Council's members.
- (3) Quorum will be achieved for meetings of the Commission Council with the attendance of two-thirds of the membership.

(4) The General Secretary attends meetings of the Council of the Commission without enjoying the right to vote. He may appoint someone to participate for him in his absence.

(5) The Commission Council adopts its decisions by mutual agreement and, where appropriate, by a simple majority of votes of the membership in attendance. In cases where the vote is a tie, it falls to the Commission Chairman to give the casting vote.

6) The Chairperson of the Commission relies on the decisions of the Commission Council and endorses them with his signature.

System for Monitoring the Human Rights Situation

22. (1) The Commission shall establish an effective system to monitor the human rights situation. The Commission may build partnerships and cooperative relations with any governmental or non-governmental bodies to enhance its monitoring efficiency.

(2) The Commission shall have the authority to require all state agencies to provide any information related to the implementation or non-implementation of its constitutional and legal obligations towards human rights and fundamental freedoms.

Investigating Human Rights Violations

23. (1) The Commission shall have the right to investigate facts about all cases of human rights violations that it monitors, and to take the necessary legal measures to address these violations,

(2) The Commission has the right to initiate investigations about human rights violations either on its own initiative or according to complaints made by individuals or groups, or from official bodies, civil society organisations, or any other bodies, and the bylaws of the Commission shall set the procedures for receiving and accepting complaints, as well as the means of following up and adjudicating them.

3) The Commission has the authority to form fact-finding investigation committees and has the right to publicly publish the findings of the committees.

4) All state agencies, and all concerned authorities, are obligated to enable the Commission to obtain information and documents related to the violations which are the subject of investigation, if requested.

5) The professional secrecy between physicians and patients, or between lawyers and clients, shall not be taken into consideration if the information protected by this principle, which the Commission requests access to, concerns torture, or forms of cruel, inhuman or degrading treatment, or physical or sexual violence, or economic exploitation, suffered by a person in a position of vulnerability.

6) Despite the pronouncement of any provisions in any other laws, no person shall enjoy any immunity from any action or measure taken by the Commission regarding violations of human rights.

Inspection Powers

24. (1) The Commission shall periodically, and without prior notice, visit prisons, correctional centres and other places of detention pertaining to the lawful deprivation of liberty, as well as shelters, institutions for disabled persons, and other educational, health, social, economic and religious establishments and institutions, to monitor their fulfilment of Sudan's obligations and its commitments towards human rights and their fundamental freedoms, in order to verify that they do not violate those rights and freedoms.

(2) The Commission shall have the authority to access official data, statistics, records and files relevant to its functions and which are in the possession of the official agencies that operate or oversee the places and locations mentioned in Clause (1).

(3) The bodies mentioned in Clause (1) shall enable the Commission to exercise its powers and discharge the functions mandated to them under this Act, and visits by the Commission shall not be objected to.

(4) The Commission shall prepare official reports on the visits it makes to the bodies mentioned in Clause (1), including its observations and recommendations, and directing these reports to those authorities and to any higher party supervising it. The Commission may also publish these reports for the attention of the public.

Summons

25. (1) The Commission may instruct any person to appear before it. Persons investigated by the Commission for human rights violations must appear at the time and place specified in the summons.

(2) The persons summoned to attend have the right to make use of anyone they find to be of assistance to them, and it is incumbent upon the Commission to allow those persons employed by them access to a transcript of the hearing.

(3) If a person fails to appear before the Commission for a second time after a summons, the Commission will continue to investigate any violations and will issue its report, regardless of the appearance of the person concerned, with the recommendation to take any appropriate administrative action if the person concerned is a public employee.

Hearings

26. (1) The Commission may hold opened or closed hearings for the purpose of obtaining the statements of victims and witnesses, and all other persons whose testimonies it is considered necessary to hear, including those of children.

(2) Hearings will be convened in accordance with legal safeguards for the protection of victims and witnesses.

The Protection of Victims, Informants, and Witnesses

27. (1) A person may not be prosecuted because of statements regarding human rights violations made before the Commission, because of guidance to the perpetrator of such violations.

(2) The Commission shall take the necessary measures and means to ensure the safety of informants and complainants and secure their protection in coordination with the relevant authorities.

(3) The Commission may provide legal and technical assistance to victims of human rights violations without financial compensation by preparing their files and explaining the litigation procedures to them, or explaining any other measures related to the stopping of violations, accountability, and reparations. Providing aid is a binding obligation in the case of violations against a person in a vulnerable position.

Actions to be Taken by the Commission When a Violation Has Been Proven

28. (1) If it is proven to the Commission that any human rights violations have been conducted by a person, governmental or non-governmental entity, the Commission shall direct the person and/or relevant party to immediately stop the violation, while taking the necessary measures to ensure accountability and reparations.

(2) In the case of where a perpetrator of any violation is a public employee, the Commission shall address in writing the official body with which the public employee is affiliated and recommend that any appropriate legal or administrative measures be taken, and the Commission may summon the public employee to appear before it in accordance with the provisions of Article 25.

(3) It is incumbent upon the relevant body or parties in the instance or the event of a human rights violation to notify the Commission in writing, in accordance with the time limit determined by the Commission, of the nature of the action and regarding any measure(s) adopted to address such a violation.

(4) In the event that the person or entity related to the violations does not respond to the Commission's request relevant to such violations, the Commission shall prepare a report, a copy of which is forwarded to the person or entity concerned, and it shall publish its final report for the attention of the public.

(5) In all cases, the Commission shall have the primary authority to bring cases related to human rights violations to the judiciary, or to refer allegations of human rights violations to the Public Prosecution.

(6) The Commission may publish a comprehensive and transparent report on the facts of human rights violations, and on the remedies taken in their regard, at any stage which it deems appropriate, where a violation has been found to have occurred.

Chapter Six

Financial Provisions

Financial Resources

29. (1) The financial resources of the Commission consist of the following:

(a) Such funds as are allocated to it by the state,

(b) That which is received in the way of financial support under cooperative and partnership agreements, whether international or regional,

(c) Grants, gifts and voluntary contributions which are unconditional in nature and which do not contradict the goals of the Commission.

(2) All resources set out in Clause (1) are subject to the principle of the Commission's independence and the principle of non-conflict of interest.

The Annual Budget

30. The General Secretariat shall prepare an independent annual report for the Commission in accordance with established accountancy regulations, applicable within state institutions.

Presenting the Annual Budget to the Commission

31. (1) The Chairman of the Commission shall submit, within a maximum period of the end of the sixth month of each fiscal year, the Commission's projected budget to the Council of Ministers for adoption within the overall state budget.

(2) The Council of Ministers may express opinions, in writing, on the terms of the draft budget, and return the draft budget to the Commission for review.

(3) The Chairman of the Commission shall refer, within fifteen days, the draft budget, after reviewing it, to the Council of Ministers, accompanied by a reasoned decision in response to the opinion of the Council.

(4) The Council of Ministers shall include the Commission's draft budget as a separate item within the general projected budget that the government submits to the legislative authority for discussion and approval.

(5) The Commission may, when necessary, discuss the draft budget independently before the legislative authority.

Accounts and Auditing

32. (1) The Commission shall establish, under the management of the General Secretariat, its own accounting unit, which is responsible for the Commission's bookkeeping, to manage its resources, and its items of expenditure.

(2) The Commission shall have a bank account in its name, in which the entire financial appropriation is deposited immediately upon the approval of the budget by the legislative authority, provided that the Commission's internal regulations and systems govern how to manage the bank account.

(3) At the end of each fiscal year, the General Audit Bureau, or whoever is assigned to do so, shall review the financial position of the Commission.

(4) The Commission's financial report shall be part of the comprehensive annual report that the Commission submits to the legislative authority.

Chapter Seven

Safeguards for the Proper Functioning of the Commission's Work

Guidance on Principles of Transparency and Accountability

33. (1) The Commission shall submit a comprehensive annual report to the legislature, and the Commission's report shall be discussed in a plenary session convened specifically for the purpose.
- (2) The Commission shall provide the Prime Minister with a copy of the report on the same day.
- (3) The Commission shall publicly publish and circulate its comprehensive annual report.

The Right to Obtain Information from the Commission

34. Taking into account the provisions of applicable laws, the Commission is required to guarantee citizens' right to obtain information as a fundamental right, and the Commission shall publish through its media platform:
- (a) The Commission's rules of procedure and its structural organisation,
 - (b) The Commission's financial reports, including its final accounts and general audit reports,
 - (c) A summary of the minutes of the Commission's meetings, including the agenda, attendance quorum, and voting results, if any,
 - (d) A statement recording any grants, gifts and voluntary contributions, and their value and source, within thirty days from the date of their receipt,
 - (e) The texts of cooperation and partnership agreements concluded with foreign countries, or international or regional governmental or non-governmental organisations,
 - (f) Evidence that the members of the Commission submitted financial disclosure statements,
 - (g) Announcements pertaining to the employment of Commission staff.

Obligations of Commission Members and Their Staff

35. (1) Members and employees of the Commission shall, in carrying out their duties, do the following:
- (a) Uphold the principles of impartiality, integrity and independence and non-conflict of interest,
 - (b) Submit financial disclosure statements, after the swearing of the oath, to the competent authority,
 - (c) Avoid any personal behaviour or personal conduct that could damage how the Commission is regarded or which would reduce its professional prestige,

(d) Maintain the confidentiality of the Commission's business records and the non-disclosure of any information pertaining to its measures and procedures, except to the extent required by this law. This obligation applies to any members who have resigned or have been dismissed, or any outgoing members whose term(s) have finished, just as it includes contractors and those who work in collaboration with the Commission.

(2) The Chairman of the Commission, the members of its Council and the General Secretariat shall lead the functions entrusted to them under this law on a full-time basis. During the period of their work, they are prohibited from the following:

(a) Engaging in any other professional activity in return and are prohibited from investing in any commercial or industrial purpose or any work that generates profits.

(b) Running in any elections for the duration of their membership in the Commission.

(c) Combining membership in the Commission with any other parallel post in the legislature, judiciary, or executive branch.

Legal Protection Measures

The Headquarters of the Commission

36. The headquarters of the Commission and its paper and electronic records shall enjoy legal protection against raids and searches, except with the written permission of the Commission Chairperson.

Immunity of Commission Members, Contractors and Collaborators

37. The Chairperson and members of the Commission, while exercising their powers, shall enjoy the following privileges:

(a) Members of the Commission and its employees shall enjoy, in the performance of their duties, the legal protection that the law conferred on the work of a public employee, and any assault or threat that falls upon them shall be punished in accordance with the provisions of the Criminal Law.

(b) Any security or judicial measures may not be undertaken against the Chairman of the Commission or members of the Council due to any activity, omission or failure concerning an act relating to the performance of their duties, entrusted to them under the provisions of this law.

(c) Other than in cases of in flagrante delicto, no criminal measures may be taken against the Chairperson of the Commission or any of its members in the event of the occurrence of a crime which occurred during the performance of their functions or on in connection with it, except after their immunity has been lifted.

(d) The Chairman of the Commission may grant to the contractors and collaborators with the Commission the legal protection enjoyed by its members, provided that the internal regulations and contracting clauses govern the conditions and scope of this protection.

Lifting Commission Members' Immunity

38. (1) The immunity of members of the Commission is lifted with the approval of the legislature,
- (2) The immunity of the General Secretariat may be lifted with the approval of two-thirds of the members of the Commission Council.
- (3) In cases of flagrante delicto, the Chairperson of the Commission must be notified immediately, and the General Secretariat must be notified in the event that the accusation is related to the Commission Chairperson.

Chapter Eight
Final Provisions

Devolution of Property, Obligations and Documentation

39. (1) All immovable and moveable assets of the National Commission for Human Rights, established by the repealed law of 2009, shall be transferred to the Commission for Human Rights, and the Council of Ministers shall issue the orders necessary to implement the provisions of this article.
- (2) All agreements, archives, documents, and disclosures of employees of the National Commission for Human Rights established under the repealed 2009 law shall be referred to the Commission for Human Rights.

The Power to Issue Regulations

40. Without prejudice to the provisions of any other applicable law, the Commission may issue the regulations necessary to regulate its administrative, financial, and accounting matters, and it may also lay down procedural provisions that enable it to implement the provisions of this law.

Certification

I testify that the Sovereignty Council and the Cabinet have both passed the Human Rights Commission Act (for the year) 2021, in their sessions, numbered () on of the month of..... in the year 1441 AH, corresponding to of the month of in the year 2021 AD.

Lt. Gen. Abdel Fattah Abdelrahman al-Burhan