



European Center for Democracy and Human Rights

**ISSUES SURROUNDING NATIONALITY AND STATELESSNESS IN THE
KINGDOM OF BAHRAIN**

For Consideration ahead of the 41st Session of the Universal Periodic Review Working Group

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Introduction

The European Center for Democracy and Human Rights (ECDHR) is a Brussels based NGO seeking to promote human rights and democracy in the Gulf Cooperation Council Countries.

1. This submission focuses on the legal and practical aspects of the arbitrary deprivation of nationality in Bahrain, which continues to be a challenge towards the full enjoyment of human rights, drawing on the legislation in force at the time of submission. This report also takes a closer look at the consequences of the discrimination of minorities as well as discrimination on the basis of gender.
2. Although there is sufficient material to allow for this submission, it should be noted that there remains a paucity of research on the stateless groups in Bahrain. . There has been little government initiative to resolve these problems directly or even gauge accurate statistics on the issue, and there is no clear framework relating to state determination procedure.

Arbitrary revocation of citizenship

3. Based on the Bahraini Constitution of 2002, “*a person cannot be deprived of its citizenship except in cases of treason*”¹ and in any case when provided by law. Acquisition, loss, and withdrawal of citizenship are covered in the Bahraini Citizenship Act of 1963² which has been amended several times, most recently in 2019.
4. To suppress dissenting voices, the Bahraini authorities have arbitrarily stripped several individuals of their Bahraini citizenship. This deprives individuals of their identity and often leaves them stateless and therefore more vulnerable to other human rights violations.
5. Arbitrary revocations of citizenship have been made possible thanks to the vague and diffuse wording of the Citizenship Act of 1963. Indeed, Article 10 of the Citizenship Act provides for withdrawal of citizenship if the interests of the Kingdom are at stake.

¹ Article 17, Bahraini Constitution of 2002 (reviewed in 2017), English version available at https://www.constituteproject.org/constitution/Bahrain_2017?lang=en.

² The Citizenship Act of Bahrain. (1963). [online] Available at: <https://www.refworld.org/pdfid/3fb9f34f4.pdf>. [Accessed 27 Jan. 2022].

Paragraph c provides for further specific causes and, since the 2014 amendment, it also includes “*acting contrary to the duty of the loyalty to the kingdom*”.

6. This wording enables the Kingdom’s authorities to make extensive use of this tool, as they consider dissidents to be acting contrary to their duty of loyalty towards the Kingdom. This has led to almost a thousand individuals losing their citizenship in the aftermath of the Arab Spring, specifically between 2012 and 2020. Leading Bahraini human rights activists stripped of their citizenship, including Abdulghani al-Khanjar and Hussain Abdulla, denounce the Kingdom of Bahrain’s use of citizenship withdrawal as an instrument to suppress dissent.³
7. Additionally, individuals have also been denaturalized based on Law No. 58 of 2006, which provided that those who were found guilty of crimes listed in its Articles 5 to 9 could lose their citizenship. In 2019, the Citizenship Act was amended to specifically include terror-related offences as grounds for revocation of citizenship. With the addition of paragraph 10 (d) to the Citizenship Act, it is now the executive authority – the Cabinet after the proposal of the Minister of Interior – who decides on withdrawal of citizenship based on terrorism-related charges.
8. Between 2018 and 2019, about 300 individuals lost their citizenship due to the authorities’ abuse of power. They were often condemned in mass trials, which fell short of any due process and fair trial guarantees. Those trials have been described as a “mockery of justice” by international human rights specialists⁴. In May 2018, 115 people were denaturalized in a single trial. In February 2019, the Government of Bahrain imprisoned 167 people for their participation in a peaceful sit-in.
9. On 16 April 2019, after a mass trial, a Bahraini court issued a decision revoking the citizenship of 138 individuals and sentenced them to prison terms of between three years and life. Fifty-two of the individuals were convicted *in absentia*. Seventeen of those detained are believed to be minors aged between 15 and 17.

³ Ibrahim, A. (2020). *Activists condemn Bahrain’s use of citizenship revocation*. [online] Aljazeera.com. Available at: <https://www.aljazeera.com/news/2020/11/12/bahrain-activists-condemn-citizenship-revocation-against-dissent> [Accessed 27 Jan. 2022].

⁴ Amnesty International. (2019). *Bahrain strips 138 people of citizenship*. [online] Available at: <https://www.amnesty.org/en/latest/news/2019/04/bahrain-mass-trial-revoking-citizenship-of-138-people-a-mockery-of-justice/#:~:text=1%3A26%20pm-Bahrain%3A%20Mass%20trial%20revoking%20citizenship%20of,people%20'a%20mockery%20of%20justice%20&text=%E2%80%9CArbitrarily%20stripping%20people%20of%20their,these%20unlawful%20measures%20as%20punishment.%E2%80%9D> [Accessed 27 Jan. 2022].

10. The UN High Commissioner for Human Rights, Michelle Bachelet, expressed concern regarding the decision of the Bahraini court mentioned above and urged the Kingdom of Bahrain to bring its domestic legislation in line with its international human rights commitments⁵. The arbitrary revocation of citizenship breached Article 15 of the Universal Declaration of Human Rights⁶.
11. On 21 April 2019, the King of Bahrain, Hamad bin Isa Al Khalifa, promulgated a Royal Pardon restoring the citizenship of 551 denaturalized individuals. However, most of them cannot enjoy full Bahraini citizenship or perform their duties as citizens. This is because some are prisoners who have been issued sentences ranging from long-term and lifeto even death. Others encountered delays in obtaining documents attesting to their citizenship. Furthermore, the children of these individuals were born stateless. Ultimately, there were no influential opposition figures or human rights defenders among these 551 pardoned individuals.
12. On 20 August 2021, ADHRB and ECDHR submitted a communication to the United Nations Special Procedures and other mechanisms addressing three Bahraini citizens who fled their country out of fear of being persecuted on terrorism charges. These individuals – Abdulla Isa Mohamed Aadam, Ali Ahmed Khalifa Salman, and Hasan Faisal Ahmed Ali Hazeem – participated in protests, demonstrations, or journalist work criticizing the Bahraini regime. The Government of Bahrain sanctioned them and deprived them of their nationality. Consequently, the children of the activists, aged between 18 months and five years, were stripped of their citizenship, and subjected to other human rights violations.

Gender-Based Discrimination

13. The practice of citizenship revocation and the subsequently stateless status are issues that enhance gender-based discrimination in Bahrain. Citizenship laws and practices codify gender discrimination affecting both women and children.

⁵Ohchr.org. (2019). *OHCHR | UN human rights chief deeply concerned by mass terrorism convictions in Bahrain*. [online] Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E> [Accessed 27 Jan. 2022].

⁶ Nations, U. (2020). *Universal Declaration of Human Rights | United Nations*. [online] United Nations. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed 27 Jan. 2022].

⁷ The Citizenship Act of Bahrain. (1963). [online] Available at: <https://www.refworld.org/pdfid/3fb9f34f4.pdf>. [Accessed 27 Jan. 2022].

14. Bahraini Citizenship law⁷ is based on the principle of *jus sanguinis* according to which nationality is transferred to children by their fathers. Before 1989, there was an exception to this principle, with Article 4 stipulating that a person whose mother is Bahraini and father is stateless could acquire Bahraini citizenship. Subsequently, however, an amendment was adopted that further restricted the law. The sentence “*or the father has no citizenship*” has been removed, meaning that female citizens can only pass their nationality to their children when the father is unknown or not legally related to the child⁸. Due to this law, women find themselves at a subordinated level in terms of nationality. Therefore, Article 18 of Bahrain's Constitution, which guarantees equality before the law without distinctions, is violated.
15. Moreover, Bahraini Citizenship Law is not only discriminatory against women but also against children. Since the revocation of citizenship is a very frequent practice, there is an increasing number of stateless people and correspondingly of stateless children. Indeed, when a Bahraini woman marries a non-citizen, their children are not entitled to receive Bahraini citizenship. In these cases, the children live in the country as dependents for the first 18 years of their lives, after which they must ask for a residency permit or they find themselves under the threat of being deported. Fatherless and stateless children are unable to attend university, find employment, or even access welfare care since they do not have legal documents.
16. Despite the commitment undertaken during the last UPR cycle, Bahrain still has not done anything to implement recommendation 114.151 and recommendation 114.149 concerning women discrimination.
17. Bahrain is violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁹, ratified in 2002, and Article 26 of the International Covenant on Civil and Political Rights (ICCPR)¹⁰ which prohibits discrimination on a number of grounds, including gender. Furthermore, regarding children rights, Bahrain is also breaching Article 24 of ICCPR, according to which: “*Every child has the right to acquire a nationality*”, and Article 7.1 of the Convention

⁷ The Citizenship Act of Bahrain. (1963). [online] Available at: <https://www.refworld.org/pdfid/3fb9f34f4.pdf>. [Accessed 27 Jan. 2022].

⁸ Ibid Article 4

⁹ Ohchr.org. (2019). *OHCHR | Convention on the Elimination of All Forms of Discrimination against Women*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [Accessed 27 Jan. 2022].

¹⁰ Ohchr.org. (2019). *OHCHR | International Covenant on Civil and Political Rights*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> [Accessed 27 Jan. 2022].

of the Rights of the Child (CRC)¹¹, ratified in 1992: “*The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parent.*”

Minorities Discrimination

18. An additional form of discrimination regarding statelessness is the targeting of minority groups within Bahraini society. The determination of the Bahraini leadership to maintain a certain demographic balance which favors the ruling element of society is an undeclared factor that underlies the exclusion of minorities from the right to nationality. To date, the United Nations Human Rights Council (UNHRC) has no figure of the total number of stateless people in Bahrain, yet it is common knowledge that the largest community living in such a condition is the Bidoon community. Although having historically lived in Bahrain, and despite satisfying the conditions set forth in law for obtaining Bahraini citizenship, Bidoons – identified through an Arabic word literally translating to “without” – are the stateless people *par excellence* in the country.
19. Initially, Bidoons were not formally registered as citizens under the Bahraini jurisdiction, with this practice dating back to the very creation of the State itself in 1971; at present, they are still increasingly prevented from obtaining citizenship through discretionary processes of naturalization. In the same way, one further minoritarian group of the Bahraini society which suffers from a permanent denial of citizenship on the part of the authorities is the Ajam’s ethno-religious community of mostly Shia Persian descent. Accordingly, the Ajam community view themselves as being affected *a fortiori* by the long-running discrimination at the expense of the country’s Shia majoritarian portion of society.
20. As past scandals¹² or more implicit evidence attest, Bahraini authorities practice “demographic engineering” in order to marginalize specific categories of society arbitrarily and strategically, notably by rigging the Bahraini sectarian equilibrium in

¹¹ Ohchr.org. (2019). *OHCHR | Committee on the Rights of the Child*. [online] Available at: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx> [Accessed 27 Jan. 2022].

¹² The 2006 Bandergate scandal is the main illustrative example. It consisted in a posthumous leak of data – on the part of a British citizen named Salah Al-Bandar, who previously worked as an adviser for the Bahraini leadership – attesting those naturalizations in Bahrain are indeed an arbitrary policy behind which lie sectarian motives.

favor of those who the royal family deem as desirable. As previously mentioned, this is specifically made possible by government reliance on both expanded of legislation which allows for citizenship revocation, and naturalization policy¹³. In this regard, it is specifically relevant to emphasize that naturalization is not a fair solution for resolving the chronic problem of statelessness within the Bahraini population, nor is it appropriate for the restoration of proportionate socio-economic conditions.

21. In Bahrain, naturalization is in practice a politically motivated benefit, which is predominantly granted to foreigners either sympathizing with the Bahraini leadership or proceeding from Sunni-governed countries. In those instances when naturalization is sporadically extended to minority groups, naturalized individuals are not conferred the same human rights owned by Bahraini citizens¹⁴.

Recommendations

22. Overall, progress regarding the improvement of human rights in Bahrain has been neither sufficient nor efficient. The international community– in its entirety and unity – should pool resources in order to pressure Bahrain to implement more egalitarian policies as it concerns nationality regulations. Therefore, we would encourage the Kingdom of Bahrain to consider the following recommendations:

- Urge the government not to engage in arbitrary deprivation of citizenship as a form of punishment for its citizens.
- The citizenships of those deprived in the last ten years must be immediately restored as to allow them to enjoy full rights.
- Implement 114.151 and 114.149 from the Second UPR cycle concerning discrimination against women. Further, more egalitarian policies should be enacted concerning nationality regulations; there should be no discrimination on the basis of gender and sex in the acquisition of citizenship.
- Bring its practices in line with Article 24 of the International Covenant on Civil and Political Rights, so as to allow for every child to have an effective right to

¹³ ZEINEB ALSABEEHG REPORT ON CITIZENSHIP LAW: BAHRAIN COUNTRY REPORT. Page 15 (2021). [online] Available at: https://cadmus.eui.eu/bitstream/handle/1814/70577/RSCAS_GLOBALCIT_2021_6.pdf?sequence=1&isAllowed=y [Accessed 27 Jan. 2022]

¹⁴ For instance, Article 6.3 of Bahraini nationality law, lists the rights that naturalized people cannot benefit from, in opposition to Bahraini citizens, at least for the first years after the naturalization process is completed.

nationality.

- Implement specific legislation aimed at protecting and guaranteeing rights of those children who were born to stateless parents due to the extensive and often arbitrary use of citizenship revocation by Bahraini authorities.
- Deploy a fair naturalization process so as to confer formal citizenship to the countless stateless individuals residing in the country according to specific non-partisan requirements in law. Moreover, these processes should grant all citizens equal rights and, thus, equal access to the Bahraini social welfare.