

The Institute on Statelessness and Inclusion and Americans for Democracy & Human Rights in Bahrain

Joint Submission to the Human Rights Council at the 27th Session of the Universal Periodic Review

The Kingdom of Bahrain

Introduction

1. The Institute on Statelessness and Inclusion (the Institute), and Americans for Democracy and Human Rights in Bahrain (ADHRB) welcome the opportunity to make this submission to the Universal Periodic Review (UPR) in relation to statelessness, access to nationality and human rights in The Kingdom of Bahrain (Bahrain).
2. The Institute on Statelessness and Inclusion (the Institute)¹ is an independent non-profit organisation dedicated to promoting an integrated, human rights based response to the injustice of statelessness and exclusion. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. Its work combines research, education, and advocacy, and it provides expertise to civil society, academia, the UN and governments.
3. Americans for Democracy & Human Rights in Bahrain (ADHRB) fosters awareness of and support for democracy and human rights in Bahrain and the Middle East.² It works on a variety of human rights issues including statelessness and the arbitrary deprivation of nationality. ADHRB's reporting is based primarily on its United Nations (UN) complaint programme, by which it works directly with victims of human rights violations, their family members, and/or their lawyers on the ground in the region to document evidence of abuses for submission to UN Special Procedures.
4. This joint submission focuses on statelessness and the arbitrary deprivation of and access to nationality in Bahrain, which has presented a significant challenge to the full enjoyment of human rights in the country for many years. It draws on years of research, advocacy, awareness raising and direct support related experience both in Bahrain and internationally, of the submitting organisations.
5. This submission highlights challenges in the realisation of the right of every person to a nationality in Bahrain, and the increased practice of arbitrarily depriving individuals of their nationality. It will highlight three main issues: the enduring problems of the stateless Bidoon and Ajam in Bahrain, which are yet to be resolved, discrimination against women in nationality legislation, and the discriminatory and arbitrary practices of Bahraini authorities in the deprivation of nationality. All three of these issues are either prolonging or creating cases of statelessness in this country. In light of the increasing number of persons affected in Bahrain, and the importance of the

¹ For more information see <http://institutesi.org/>

² For more information see <http://www.adhrb.org/>

eradication of statelessness as expressed by the UN High Commissioner for Refugees #IBelong campaign³ the joint-submitters hopes to **raise the issue of realising the right of every individual to acquire a nationality in Bahrain, as well as realising the right of every individual not to be arbitrarily deprived of their nationality.**

The Universal Periodic Review of Bahrain under the Second Cycle (2012).

6. In 2012, under the second UPR cycle, eight recommendations were made to Bahrain on amending discrimination in its nationality law.⁴ For example Uruguay recommended that Bahrain ‘*Adopt legislation that allows children of Bahraini mothers and non-Bahraini fathers to obtain Bahraini nationality,*’⁵ and India stated that Bahrain ‘*continue taking temporary measures for granting citizenship to children of Bahraini women married to non-Bahrainis until the draft law amending the Nationality Law comes into effect.*’⁶ The Government of Bahrain fully supported all of these recommendations, accepting them, and stating that: ‘*Citizenship was conferred on 335 children of Bahraini women married to non-Bahrainis by Royal Order issued in December 2011. Law No. 35/2009 gave children of Bahraini women married to non-Bahrainis exemption from public, health and education services, and permanent residency fees. A draft law is in the process of being enacted to amend the Bahraini Nationality Law.*’⁷
7. Unfortunately, there were no recommendations made regarding the stateless Bidoon in Bahrain in the last UPR cycle. This is compared with the 18 that Kuwait received in its 2015 review under the UPR.⁸ This is emblematic of the fact that this issue is more hidden in Bahrain. Some examples of the recommendations that Kuwait received, which would also be relevant to Bahrain were: ‘*Take the necessary steps to facilitate the process of qualifying stateless individuals to be granted nationality so that they can enjoy basic human rights*’, given by Korea and ‘*Take measures to regularize the situation of stateless residents in Kuwait, as well as measures for their integration in society that guarantee their economic, social and cultural rights*’ given by Spain.

Relevant international and national law

8. There are various international law provisions relevant to Bahrain that uphold the right to nationality for all. Firstly, Article 15 of the Universal Declaration on Human Rights states that “**everyone has the right to a nationality**” and “**no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality**”. Article 24 of the International

³ The UNHCR #IBelong campaign aims to eradicate statelessness by the year 2024, see further: <http://www.unhcr.org/ibelong/>.

⁴ *Report of the Working Group on the Universal Periodic Review, Bahrain, Addendum (A/HRC/21/6/Add.1/Rev.1)*, United Nations Human Rights Council, 6 July 2012, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/49/PDF/G1215049.pdf?OpenElement>

⁵ *Ibid* para 115.7

⁶ *Ibid* 115.75

⁷ *Ibid* 3.e

⁸ *Report of the Working Group on the Universal Periodic Review – Kuwait, A/HRC/29/17*, United Nations Office of the High Commissioner for Human Rights, 13 April 2015, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/076/70/PDF/G1507670.pdf?OpenElement>

Covenant on Civil and Political Rights, which Bahrain ratified in 2006 states: **‘Every child has the right to acquire a nationality’** and Article 7 of the Convention of the Rights of the Child which Bahrain is a State party to, states: **“(1) 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. (2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.’** Bahrain therefore has strong international treaty obligations to ensure that all children born on its territory, regardless of their ethnicity or status or that of their parents or guardians, will acquire Bahraini nationality if they would otherwise be stateless.

9. Additionally, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states in Article 9 that: **(2) States Parties shall grant women equal rights with men with respect to the nationality of their children.** Bahrain is a State party to CEDAW. However, it has in place a reservation to Article 9. ⁹As stated by the CEDAW, Article 9 among others is *“central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights.”*¹⁰ Therefore, the maintenance of nationality laws which discriminate on the basis of gender are themselves in conflict with the object and purpose of the CEDAW and with the general obligation of all state parties to *“agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”*¹¹
10. In terms of the arbitrary deprivation of nationality, the report of the Secretary-General on ‘Human rights and arbitrary deprivation of nationality’¹² discusses the regulation of loss and deprivation of nationality, particularly emphasizing that *‘Any interference with the enjoyment of nationality has a significant impact on the enjoyment of rights. Therefore, loss or deprivation of nationality must meet certain conditions in order to comply with international law, in particular the prohibition of arbitrary deprivation of nationality.’*¹³ Bahrain is neither a party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

The Bidoon and Ajam of Bahrain

11. Bahrain, alongside the other countries in the Gulf region, hosts a large number of Bidoons. Bidoons are individuals who have historically lived in the country but, for various reasons,¹⁴ (mostly as they missed out on the initial registration of citizens at State formation), have been left

⁹ United Nations Treaty Collection,

https://treaties.un.org/pages/Overview.aspx?path=overview%2foverview%2fpage1_en.xml

¹⁰ The CEDAW Committee has noted this on a number of occasions and in Concluding Recommendations for State Parties under review, including in CEDAW/C/ARE/CO/1, para 16.

¹¹ Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and nineteenth sessions), A/53/38/Rev.1, page 47.

¹² OHCHR, Secretary-General ‘Human rights and arbitrary deprivation of nationality’ 2013

¹³ ¹³ A detailed report of the impact of deprivation of nationality on the enjoyment of human rights is contained in A/HRC/19/43.

¹⁴ For more information on this group see Institute on Statelessness and Inclusion, The World's Stateless, 2014, access at <http://www.institutesi.org/worldsstateless.pdf>

without nationality. The word Bidoon translates to 'without', as this term comes from the description of those who are "without nationality." Bahrain has historically made many positive steps in granting nationality to many Bidoons. In 2008 for example 7,012 individuals – including many Bidoons – were naturalised.¹⁵ It must be noted however, that naturalisation being a discretionary act, and naturalised citizenship having fewer rights attached to it, this is not the most appropriate solution to the statelessness of the Bidoon. Article 6.3 of Bahraini nationality law for example, sets out the rights that a naturalised citizen does not have access to, such as political rights for the first 10 years after naturalisation.

12. However, there are still estimated to be several thousand stateless Bidoon in Bahrain. Independent groups have estimated there to be between at least 2,000 – 5,000 Bidoon families who were left behind and were not granted nationality despite eligibility.¹⁶ Their situation is one of protracted statelessness. Children of stateless fathers continue to be born, and remain, stateless, due to gender discrimination in the nationality law and poor implementation of the provisions which allow women to transfer nationality in exceptional cases (see below). The failure to resolve this situation not only leaves thousands of lives in a precarious legal situation,¹⁷ but also violates Bahrain's obligations under the ICCPR and, when children are born into this cycle of statelessness, its obligations under the CRC. Unfortunately, the significant human rights concerns of the Bidoons in Bahrain have not been addressed in previous UPR cycles of Bahrain.
13. In addition to Bidoon, many of Bahrain's Ajam population, an ethnoreligious group of predominantly Shia individuals of Persian descent, remain stateless. Combined with longstanding forms of institutionalised discrimination against the country's majority Shia population, the denial of citizenship for Ajam has forced the community disproportionately into lower socioeconomic conditions. Being both Shia and stateless, they are even more likely to be denied access to social welfare or assistance programs available to other Bahraini citizens.¹⁸

Gender discrimination in nationality law

14. Law No (10) for 1981 Amending Bahraini Citizenship Act – 1963 sets out Bahraini nationality law.¹⁹ Article 4 of the law prescribes the main mechanism of transferal of nationality, stating that:

Anyone shall be regarded a Bahraini national, if: (A) Was born in Bahrain after the effective date of this act and his father was a Bahraini at the time of birth. (B) Born outside Bahrain, after the effective date of this Act, and his father was a Bahraini national at the time of birth provided that

¹⁵ UNHCR, MENA report on Statelessness, 2010, access at <http://www.unhcr.org/4ce63e079.pdf>

¹⁶ <http://www.bahrainrights.org/en/node>

¹⁷ Bahrain Centre for Human Rights, Stateless in Bahrain, 2014 access at <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf> and Blitz, B. Lynch, M, Statelessness and the Benefits of Citizenship: A Comparative Study, 2011, Edward Elgar Publishing

¹⁸ For more information on discrimination against Ajam and Bahrain's broader Shia population, see *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>; and *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

¹⁹ Bahraini Citizenship Act (last amended 1981) [Bahrain], 16 September 1963, available at: <http://www.refworld.org/docid/3fb9f34f4.html>

this father or the grandfather was born in Bahrain. (C) Born in Bahrain or abroad, after the effective date of this Act, and his mother, at the time of birth was a Bahraini national provided that father was unknown, without nationality or fatherhood was not substantiated.

The law is therefore based on paternal *jus sanguinis*, which means that nationality is only transferred through a Bahraini male. Women cannot transmit their nationality to their children or husbands. According to this law, Bahraini mothers can only confer their nationality to their children when the father is unknown or not legally related to the children.

15. Bahrain is thus, one of 27 countries around the world that continues to discriminate against women in their ability to confer their nationality to their children on an equal basis with men. Given that gender discrimination in nationality laws has no basis under international human rights law, that it is easily remedied through law reform and that it continues to have significant detrimental human rights impacts including statelessness, the international community has come together to address this phenomenon under the banner of the Global Campaign for Equal Nationality Rights.²⁰ Furthermore, UNHCR's Global Campaign to end statelessness prioritises the removal of gender discrimination from nationality laws through its Action Point 3.7.²¹
16. The discriminatory nature of Bahraini nationality law also puts children at heightened risk of statelessness. When a child cannot obtain the nationality of the father, they are at heightened risk of becoming stateless.²² With a substantial number of stateless individuals in the country, this is a particular problem as if the father is stateless, the child will then become stateless regardless of the status of the mother. In order to transfer nationality to their children, unless the father is stateless, women have to actively demonstrate that the father is unknown or that fatherhood was not substantiated, which can be very difficult to do, especially in a culture where having children outside of wedlock is often not accepted and may lead to stigmatisation, further exacerbating the risk that their children will remain stateless. The poor implementation of this criteria also raised questions, as many Bahraini women married to Bidoon men have not been able to transfer their nationality to their children.
17. Despite Bahrain's commitment during its 2012 UPR to amend its law, and although there have been some discussions on amending this law, there has been no law reform to date. It must be noted however, that there have been some steps taken to resolve this problem. In 2013 for example, the General Secretary of the High Council of Women in Bahrain stated that more than 3,000 children of Bahraini women married to non-Bahraini nationals were granted Bahraini nationality by Royal Decree. However, these types of royal decrees are piecemeal and arbitrary

²⁰ The Global Campaign for Equal Nationality Rights (the Global Campaign) is a coalition of international and national organisations that promotes gender equality in nationality laws, so that women and men can confer, acquire, change and retain their nationality on an equal basis. The Campaign has a Steering Committee comprising Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, UNHCR and Women's Refugee Commission. The Campaign was launched in June 2014 at a Side Event at the 26th Session of the Human Rights Council in Geneva, and has conducted numerous international advocacy activities to encourage states that still maintain gender discriminatory nationality laws to reform their laws and bring them into compliance with international human rights standards.³

²¹ See UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>

²² For more information see UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2016, 8 March 2016, available at: <http://www.refworld.org/docid/56de83ca4.html>

and remain the only mechanism to grant nationality to children of Bahraini mothers married to non-Bahraini fathers. Most recently, on Jan 2014, the cabinet approved a proposed law to pass the citizenship of Bahraini mothers to their children under certain conditions. The proposal was forwarded to the council of representatives for discussion and approval. Despite this, several months passed since it was referred to the council and it has not yet been approved.

Arbitrary deprivation of nationality

18. Bahrain's constitution states, in Article 7, that Bahraini nationals cannot be stripped of their nationality 'except in case of treason, and such other cases as prescribed by law.'²³ The legislation of Bahrain does not ensure the right of every child to acquire a nationality and it does not contain sufficient safeguards to prevent statelessness of children. Moreover, much of Bahraini policy is dictated by royal decrees in addition to legislation, and courts in Bahrain have previously ruled that they have no jurisdiction over decisions on nationality.
19. In 2013 and 2014, the King of Bahrain expanded the grounds for deprivation of Bahraini citizenship. First, in July 2013, the King issued a decree²⁴ implementing 22 recommendations proposed by the Shura Council, the royally-appointed upper house of parliament, to augment the 2006 Law of Protecting Society from Terrorist Acts.²⁵ Among other things, the decree enabled Bahraini courts to revoke the citizenship of any citizen convicted of a terrorist offense. Because the 2006 anti-terror law uses a broad and ambiguous definition of "terrorist acts and incitements to such acts" that includes freedoms of expression, assembly, and association, the courts have utilised their increased authority to deprive the nationality of activists and human rights defenders alongside alleged violent extremists. For example, in February 2015, the government released a list of the names of 72 persons whose citizenship it had revoked; as many as 50 of these individuals were human rights defenders, political activists, journalists, academics or religious scholars, while 20 were linked to extremist groups like Al Qaeda and Daesh (also known as the Islamic State of Iraq and Syria, the Islamic State of Iraq and the Levant, the Islamic State, etc.).²⁶
20. In 2014, the government promulgated Law 21 of 2014, amending certain provisions of the 1963 Citizenship Law to empower the Ministry of Interior (MOI) to revoke citizenship by administrative order. Article 8 now provides that "Bahraini citizenship may be revoked, upon request from the Interior Minister and approval of the cabinet, from any naturalised person" who has, among other things, been "found guilty of a crime connected with honour and integrity" within ten years of receiving it.²⁷ Furthermore, Article 10 enables the MOI to issue revocation orders for any citizen who: (1) serves in a foreign army, (2) helps to or serves a hostile country, and (3) causes harm to the interests of the kingdom.²⁸ Like the anti-terror legislation, these vague provisions give the

²³ Constitution of the Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/wipolex/en/details.jsp?id=7264>

²⁴ Decree on 31 July 2013 available on the State News Agency at: <http://www.bna.bh/portal/news/573609>

²⁵ 2006 Act available at: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2125>

²⁶ These figures are derived from a database maintained by ADHRB and its partners. For further analysis: <http://birdbh.org/2016/02/revoked-citizenship/>

²⁷ "HM the King ratifies law amending some provisions of the Citizenship Law," Bahrain News Agency

²⁸ *Bahraini Citizenship Act (last amended 1981)* [Bahrain], 16 September 1963, available at: <http://www.refworld.org/docid/3fb9f34f4.html>

authorities wide discretion to issue arbitrary orders to deprive the nationality of activists and government critics. Unlike court-ordered revocations, the MOI's citizenship revocations are often ineligible for appeal.

21. Since 2012, more than 330 persons have been stripped of their nationality; at least 100 of these were the result of MOI administrative orders, rather than court orders.²⁹ Many of these individuals were subsequently deported, frequently and arbitrarily to Lebanon or Iraq. Some individuals who were deprived of their nationality were residing abroad or had other nationalities, but many were left stateless in Bahrain. Although the government has long used citizenship deprivation as a form of reprisal against activists and opposition leaders,³⁰ the rate of deprivation has dramatically increased in the years since the 2011 protest movement, and especially since 2015.³¹ According to ADHRB's data, the government deprived the nationality of at least 31 people in 2012, zero in 2013, 21 in 2014, 209 in 2015, and 73 so far in 2016. As many as 292 of those who have had their citizenship revoked are members of the country's marginalised Shia majority, including activists, journalists, and some of the community's most prominent religious figures. For example, in June 2016, the MOI issued a revocation order for Ayatollah Sheikh Isa Qassim, widely considered the spiritual leader of Bahrain's Shia.³²
22. Other individuals who have been deprived of their nationality include Husain Abdulla, ADHRB's Executive Director, Sayed Ahmed Alwadaei, the Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD); Ali Abdulemam, a member of the human rights organisation Bahrain Watch; Taimoor Karimi, a human rights lawyer, Abbas Busafwan, a journalist; Dr. Masood Jahroomi, an academic; Shaikh Hasan Sultan, a former opposition parliamentarian; Sayed Ahmed al-Mousawi, an award-winning photographer, Sheikh Hussein Najati, a Shia cleric; and Sheikh Mohammad Hasan Ali Husain Khojasta, another Shia cleric.³³
23. The government has also subjected many of these individuals to other forms of abuse. For example, on 10 February 2014, after Sayed Ahmed al-Mousawi photographed protests, Bahraini authorities raided his home and arrested him and his brother. The security forces disappeared and allegedly tortured al-Mousawi for five days, subjecting him to severe beatings on his genitals, electrocution, and hanging from a door. For the duration of his disappearance, he was stripped naked and forced to stand for long periods of time. Officers did not allow a lawyer to accompany al-Mousawi when they transferred him to the Public Prosecutor. Courts renewed al-Mousawi's pre-trial detention six times, and he spent over a year in prison without formal charges. In November 2015, a court sentenced him to ten years in prison and revoked his nationality, along with twelve other defendants. Similarly, in April 2011, Bahraini authorities arrested and forcibly disappeared Dr. Jahroomi, who is a member of the Ajam community. The security forces allegedly subjected Dr. Jahroomi to abuse and denied him access to a lawyer. In March 2016, the

²⁹ These figures are derived from a database maintained by ADHRB and its partners.

³⁰ Some notable examples are: 1996, Dr. Mansoor Al-Jamri, political activist living in exile, Dr. Saeed Al-Shehabi, political activist in 1981, Dr. Abdulhadi Khalaf, former MP, 1978.

³¹ For more information, see: Aljazeera, Protests mark fourth anniversary of Bahrain uprising, 2014, access at <http://www.aljazeera.com/news/2015/02/protests-mark-fourth-anniversary-bahrain-uprising-150214074700114.html>

³² BBC, Bahrain revokes top Shi cleric citizenship, 2016, access at <http://www.bbc.com/news/world-middle-east-36578000>

³³ For more information on these cases, see the Annex to this submission.

government summoned him for deportation following a MOI nationality revocation order which was issued in January 2015.³⁴

24. These acts of arbitrary deprivation of nationality of citizens for exercising their rights to free expression, belief, and association, are creating new cases of statelessness. The OHCHR has expressed its concern that the arbitrary deprivation of nationality may also lead to statelessness with serious consequences for the protection of the human rights of the individual's concerned.³⁵ A particularly worrying phenomenon is that new-born children of persons who have been stripped of their nationality will be affected. Those born after the father was stripped of nationality will not obtain Bahraini nationality from their father, who no longer holds it, or from their Bahraini mother due to the gender-discriminatory nature of the Bahraini nationality law. It is highly likely therefore that there have been cases of children who have been born stateless due to this discrimination.

Lack of research and statistics

25. One further significant problem which clouds the other concerns raised above is that there is very little research on the statistics, profiles and context of the various stateless groups in Bahrain. There are no government initiatives to identify them in order to resolve their problem. In Bahrain there is no statelessness determination procedure to perform identification nor has there been an attempt to collect information on the remaining cases. Currently UNHCR has no figure for the number of stateless persons in Bahrain and has left it unknown.³⁶ Developed research and statistics would give the State more understanding on the profiles of the stateless in Bahrain, as well as a developed understanding on the consequences of its policies of the revocation of citizenship.

Human rights abuses of the stateless

26. Being born stateless in Bahrain is in and of itself a human rights abuse. Nationality is an inherent human right.³⁷ Additionally however, not holding citizenship can lead to other violations of human rights. Being stateless in Bahrain may mean that you are unable to access various employment opportunities, or, in violation of Article 7 of the CRC, to register a new-born baby. A stateless individual may not be able to instruct a lawyer, own property, have access to health and social services and they may have difficulties with regards to access to education at schools and universities,³⁸ violating several of the States international obligations under the ICCPR and CRC. Being stateless in Bahrain means that an individual is both stripped of the ability to travel outside Bahrain, and - because Bahrain is a country where checkpoints are rife - internal travel also

³⁴ *Ibid.*

³⁵ OHCHR, Bahrain should stop persecution of Shi'a Muslims and return its citizenship to their spiritual leader, 2014, access at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14533&Langl%20D=E>

³⁶ 2014 UNHCR statistical yearbook reporting

³⁷ For example, the right to nationality is prescribed under Article 15 of the Universal Declaration of Human Rights

³⁸ Bahrain Centre for Human Rights, Stateless in Bahrain, 2014 access at <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf>

becomes difficult.³⁹ Very significantly, their right to reside in the country also remains precarious; many individuals who have been stripped of their nationality have received deportation orders once the revocation takes place (see above),⁴⁰ without any clear determination as to how they may travel or where they can go. Stateless children have to renew their residency permits yearly and once they are adults they have to be sponsored by an employer in order to continue living in Bahrain.⁴¹ The majority are able to get sponsored by other family members – making them dependent on them – but run the risk of being detained or deported if not. A number of Bahrain’s international human rights obligations, particularly under the ICCPR, are violated as a result.

Recommendations

27. To address the multifaceted issue of statelessness in Bahrain, the Institute and ADHRB recommend the following:

- i. Conduct research and initiate clear procedures to identify and determine the number and profiles of stateless individuals in Bahrain, particularly the Bidoon and Ajam communities.
- ii. Take steps to ensure access to citizenship and the full rights associated with citizenship for those who have been determined stateless in Bahrain.
- iii. Remove Bahrain’s reservation to and ensure full compliance with Article 9 CEDAW.
- iv. Continue the steps that have been taken to amend the Citizenship Law to enable Bahraini women to transfer nationality to their children without restriction, on an equal basis to men. Ensure that this is completed without unnecessary delay, in accordance with international standards.
- v. Accede to and fully implement the 1954 and 1961 Statelessness conventions,
- vi. Eliminate the Ministry of Interior’s authority to deprive persons of their nationality through the issuance of orders under the decree.
- vii. Amend the Citizenship Law to prevent arbitrary deprivation of and to ensure redress and the right of appeal for all persons who have been deprived of their nationality. In particular, prohibit the deprivation of nationality that results in statelessness.
- viii. Reinstatement of the nationality of all persons whose nationality was arbitrarily deprived, prioritising those who have consequentially been left stateless.

³⁹ *Ibid*

⁴⁰ Amnesty International, Bahrain: Alarming spike in expulsion of citizens arbitrarily stripped of their nationality, 2016 access at <https://www.amnesty.org/en/latest/news/2016/03/bahrain-alarming-spike-in-expulsion-of-citizens-arbitrarily-stripped-of-their-nationality/>

⁴¹ Bahrain Centre for Human Rights, Stateless in Bahrain, 2014 access at <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf>

- ix. Repeal the 2006 Law of Protecting Society from Terrorist Acts or amend it so as to provide a clear and narrow definition of terror activity and to prevent the arbitrary prosecution of activists, human rights defenders, and other civil society actors.
- x. Ensure that stateless individuals living in Bahrain can access their fundamental rights, including the right to education, travel, healthcare, own property and access social services

Annex – Additional Information on Statelessness and Deprivation of Nationality in Bahrain

For further information on statelessness and the arbitrary deprivation of nationality in Bahrain, please see the following publications:

Apart in Their Own Land Vol. II: Government Discrimination Against Shia in Bahrain, ADHRB, the Bahrain Institute for Rights and Democracy (BIRD), and Bahrain Center for Human Rights (BCHR), March 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>

Apart in Their Own Land Vol. II: Government Discrimination Against Shia in Bahrain, ADHRB, BIRD, and BCHR, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

“Bahraini officials deport human rights lawyer Taimoor Karimi,” ADHRB, 1 July 2016, <http://www.adhrb.org/2016/07/bahraini-officials-deport-human-rights-lawyer-taimoor-karimi/>

“Bahraini Scholar Dr. Masood Jahroomi Forcibly Deported After Citizenship Revocation, as Pattern of Discrimination Continues,” BCHR, BIRD, JHRO, and ADHRB, 8 March 2016, <http://www.adhrb.org/2016/03/bahraini-scholar-dr-masood-jahroomi-forcibly-deported-citizenship-revocation-pattern-discrimination-continues/>

“Bahraini Sheikh Mohammed Khojasta deported after citizenship revoked,” BCHR, the European Centre for Democracy and Human Rights (ECDHR), BIRD, Justice Human Rights Organization (JHRO) and Americans for Democracy and Human Rights in Bahrain (ADHRB), 26 February 2016, <http://www.adhrb.org/2016/02/bahraini-sheikh-mohammed-khojasta-deported-after-citizenship-revoked/>

“Eminent Shia Cleric Stripped of Citizenship, Faces Deportation,” ADHRB, BIRD, BCHR, JHRO, and ECDHR, 20 June 2016, <http://www.adhrb.org/2016/06/eminant-shia-cleric-stripped-citizenship-faces-deportation/>

“NGOs Condemn Imprisonment and Nationality Revocation of Photographer Sayed Ahmed al-Mousawi,” ADHRB, BCHR, BIRD, Committee to Protect Journalists (CPJ), and Index on Censorship, 25 November 2015, <http://www.adhrb.org/2015/11/ngos-condemn-imprisonment-and-nationality-revocation-of-photographer-sayed-ahmed-al-mousawi/>

“Stop Revoking Citizenships – BIRD Publishes Full Documentation,” BIRD, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>