

Joint Submission
to the Human Rights Council
at the 41st Session
of the Universal Periodic Review.

BAHRAIN

Introduction

1. SALAM for Democracy and Human Rights (**SALAM DHR**),¹ the Rights Realization Centre (**RRC**),² the MENA Statelessness Network (**Hawiati**),³ the Global Campaign for Equal Nationality Rights (**GCENR**),⁴ and the Institute on Statelessness and Inclusion (**ISI**)⁵ make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness in Bahrain.
2. [SALAM for Democracy and Human Rights](#) (SALAM DHR) is an independent non-governmental organisation that promotes adherence to international human rights standards and the principles of democracy, including through partnerships. Registered in several European states, it is not able to work in Bahrain, where it nonetheless has members.
3. The [Rights Realization Centre](#) (RRC) is a UK-registered charity that promotes and protects international human rights standards through partnerships with other NGOs but also by way of engagement with governments and corporations.
4. The [MENA Statelessness Network \(Hawiati\)](#) is a network that promotes awareness about, and seeks to end statelessness in the Middle East and North Africa (MENA). It bridges actors working on, and interested in, statelessness in MENA; actors and individuals affected by statelessness across the region as well as policy makers.
5. The [Global Campaign for Equal Nationality Rights](#) (GCENR) mobilises international action to end gender discrimination in nationality laws. It executes its mission through its coalition of national, regional, and international organizations and activists, including steering committee members Equality Now, Equal Rights Trust, Family Frontiers, the Institute on Statelessness and Inclusion, Nationality For All, Women's Learning Partnership, and Women's Refugee Commission.
6. The [Institute on Statelessness and Inclusion](#) (ISI) is the first and only human rights

¹ For more information about SALAM DHR, see: <https://salam-dhr.org/?lang=en>.

² For more information about RRC, see: <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5103620/charity-overview>.

³ For more information about Hawiati, see: <https://www.hawiati-mena.org/>.

⁴ For more information about GCENR, see: <https://www.equalnationalityrights.org/>.

⁵ For more information about ISI, see: <https://www.institutesi.org/>.

NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to a nationality. The Institute has made over 90 countries specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 40th UPR Sessions.

7. This submission draws on the research, advocacy and engagement of the co-submitting organisations to focus on the following issues:
 - I. Gender discrimination in Bahrain's nationality law;
 - II. Arbitrary deprivation of nationality and statelessness; and
 - III. Human rights violations faced by stateless people.

Previous UPR Reviews of Bahrain

8. Bahrain was previously reviewed during the 1st (First Cycle - 2008), 13th (Second Cycle - 2012), and 36th (Third Cycle - 2017) sessions of the UPR.⁶
9. In 2008, Bahrain received nine recommendations related to the right to nationality and citizenship. In 2013, six recommendations were made by India, Uruguay, Japan, Norway, Algeria and Sudan regarding nationality and statelessness in relation to gender discrimination, which Bahrain accepted.⁷ In 2017, fourteen recommendations on the right to nationality and statelessness were made to Bahrain, seven of which it accepted and the remainder of which it noted. For a full list of relevant recommendations, please see the Annex to this submission.
10. Although Bahrain accepted six recommendations on ensuring gender equal nationality rights through national law reforms, a framework to implement these measures remains absent.

Bahrain's International Obligations

11. Bahrain is not a signatory to either the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, Bahrain has international obligations to protect the right to a nationality and the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others,⁸ the International Covenant on Civil and Political Rights (ICCPR - article 24.3), International Covenant on Economic, Social and Cultural Rights (ICESCR - articles 2.2 and article 3), Convention of the Rights of the Child (CRC - articles 2, 3, 7 and 8), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW - article 9), Convention on the Elimination of All Forms of Racial Discrimination (CERD - article 5(d)(iii)), Convention on the Rights of Persons with Disabilities (CRPD - article 18) and the Convention against Torture and Other Cruel,

⁶ For more information about Bahrain under the Universal Periodic Review, see: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/BHindex.aspx>.

⁷ UN Human Rights Council, 'Report of the Working Group on the Universal Periodic Review: Bahrain', A/HRC/21/6, (6 July 2012), Recommendation 115.95., available at: https://www.upr-info.org/sites/default/files/document/bahrain/session_13_-_may_2012/ahrc216bahrairie.pdf.

⁸ For more information, see: <https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>.

Inhuman or Degrading Treatment or Punishment (CAT).

12. Bahrain has made a number of reservations to CEDAW,⁹ including:

- **Article 2** - that the national constitution/legislation embodies the principle of equality between men and women;
- **Article 9.2** - to grant women equal rights with men with respect to the nationality of their children; and
- **Article 16** – to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

Several of these articles are integral to the object and purpose of the Convention. In particular, the CEDAW Committee has stated that articles 2 and 16 are central to the object and purpose of the Convention. The Committee has further stated "*Nationality is critical to full participation in society.*"¹⁰ The co-submitting organisations also consider the State's reservation to CEDAW Article 9 to be contrary to the object and purpose of the Convention. As the Committee has clarified: "*Consistent with articles 2, 3 and 24 in particular, the Committee requires that all States parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation, in particular to articles 9, 15 and 16 of the Convention.*"¹¹

13. Bahrain has received several recommendations from UN Treaty Bodies and Special Procedures on statelessness and the right to a nationality, particularly on gender discrimination in nationality laws, deprivation of nationality, enjoyment of human rights by stateless people and the ratification of the Statelessness Conventions. For a full list of relevant recommendations, please see the Annex.

14. Since 2011, the Special Procedures of the Human Rights Council sent 89 communications to the Bahraini Government regarding a range of human rights concerns. Despite communications by several UN Special Rapporteurs expressing concern pertaining to their mandates, the Government has not given a Special Rapporteur access to the country since 2009.

15. Other relevant regional declarations include the Arab Declaration on Belonging and Legal Identity, endorsed by the Arab League Secretariat in 2018.¹² This historic Declaration urges all Arab League Member States to uphold women and men's equal right to confer nationality on their children and spouse and to remove reservations to CEDAW. The Declaration also calls for action to ensure universal birth registration and legal provisions to combat childhood statelessness. A number of other regional instruments also include provisions relevant to every person's right to nationality without discrimination and gender equality, including the Covenant on the Rights of the Child in Islam, the Universal Islamic Declaration of Human Rights and the Arab Charter on Human Rights.

⁹ For more information, see: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=en

¹⁰ Committee on the Elimination of Discrimination Against Women, 'CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations', (1994), available at: <https://www.refworld.org/docid/48abd52c0.html>.

¹¹ Committee on the Elimination of Discrimination Against Women, 'CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations', (1994), available at: <https://www.refworld.org/docid/48abd52c0.html>.

¹² League of Arab States, 'Arab Declaration on Belonging and Legal Identity', available at: <https://www.refworld.org/docid/5a9ffbd04.html>.

Snapshot of the Right to a Nationality and Statelessness in Bahrain

16. Statelessness is most often caused and perpetuated by discrimination on various grounds such as gender, race, ethnicity, disability and socio-economic status. In 25 countries including Bahrain, women cannot pass their nationality to their child on an equal basis as men, which can leave children stateless. Domestic laws in Bahrain perpetuate the risk of statelessness, discriminate on the basis of gender, and contribute to violence against women and children. While Bahraini men have the automatic right to confer nationality on their children and may confer nationality on their noncitizen spouse, Bahraini women are denied this right, resulting in wide-ranging human rights violations and undermining women's equal citizenship.
17. Bahrain has witnessed a deteriorating human rights situation and a continuation of repression since the 2011 uprising. Arbitrary arrests have been carried out on a regular basis over the past several years, and security forces have continued a pattern of torture, ill-treatment and sexual harassment during arrests, in detention and prisons. The death penalty is being used against citizens convicted in unfair trials, marred by serious due process violations and allegations of torture.¹³ All independent press has been banned, the judiciary is not independent, trials are not fair and do they meet the standards of international law. Civilians have been tried before military courts and many prisoners' confessions have been extracted under torture. Security forces enjoy a culture of impunity, while the government continues to abuse laws, ostensibly to protect society from terrorist acts; a pretext that is used to justify and legitimise authoritarian and regressive practices against citizens.¹⁴
18. One such practice, which has a devastating impact on individual rights, families and even future generations, is that of citizenship deprivation. While Bahrain has regulated deprivation of nationality in national law as a punitive measure since 1963, and it has been a tool of political repression for decades, the 2011 non-violent mass protests led to a dramatic increase in citizenship stripping practices. Since 2012, the government has engaged in indiscriminate arbitrary revocations of nationality as a tool of oppression, unlawfully targeting political opposition leaders, human rights activists, journalists, academics, religious scholars and even people who do not have any religious or political affiliation. These arbitrary nationality deprivations were carried out through various means – through royal decrees, judicial rulings and ministerial orders, often without any legal basis, with subsequent legislative amendments being introduced to create an illusion of lawfulness.¹⁵
19. 985 Bahraini citizens have had their nationality revoked since 2012; 970 of who were politicians, particularly from Bahrain's opposition originally from the Shi'a demographic group, and activists.¹⁶ Subsequent crackdowns by Bahrain's authorities heralded a new phase of the practice of political deprivation of nationality, where mass revocations became a quasi-legislative instrument of performing social and political purges.

¹³ *Bahrain: A Deepening Spiral of Repression*, SALAM for Democracy and Human Rights, 2018, available at: <https://salam-dhr.org/salam-dhr-publishes-its-annual-report-on-the-human-rights-situation-in-bahrain/>.

¹⁴ For more information on the latest human rights violations in Bahrain, please visit Salam DHR's website: <https://salam-dhr.org/?lang=en>.

¹⁵ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, 'Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression', available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

¹⁶ Salam for Democracy and Human Rights, "I am Bahraini", available at: <https://www.anabahraini.org/>.

20. In 2012, numerous opposition politicians and activists were stripped of their nationality while they were abroad. In many cases, such as that of former MPs Jawad and Jalal Fairooz, this left them stateless and stranded. For instance, on 15 May 2018, a Bahraini criminal court stripped nationality from 115 individuals for being deemed members of a terrorist group in a mass trial and they were sentenced to prison in Bahrain.¹⁷ The fact that the vast majority of those who have had their citizenships stripped are from the Shi'a community, suggests sectarian motivations behind this practice in Bahrain. The consequences for victims within Bahrain are arguably more severe. Upon revocation of citizenship, such persons become irregular non-citizens. In most cases, they are arrested and detained, where they are coerced, including through torture and ill-treatment in Bahrain. Soon after, they are deported.¹⁸
21. There has been some improvement following the Third UPR Cycle regarding revocation of citizenship via Royal Decree which appears to have been restricted. Since 1 January 2018, all known citizenship stripping decisions have been handed down by civil or military courts.¹⁹ Under these amendments, the King and the judiciary claim that they no longer have the power to unilaterally strip Bahrainis of their citizenship for the purpose of national security or terrorism. In April 2019, King Hamad bin Isa Al Khalifa restored Bahraini citizenship to 551 individuals and the power to strip nationality was restricted to the Cabinet.²⁰ Prior to this, arbitrary nationality deprivations were carried out through various means – through royal decrees, judicial rulings, and ministerial orders, often without any legal basis, with subsequent legislative amendments being introduced to create an illusion of lawfulness.
22. These reforms have not in practice rectified the issues of citizenship deprivation and statelessness. Human Rights Watch has documented widespread fair trial violations in both court systems, especially during interrogation, and allegedly coerced confessions.²¹ Further, the mechanisms that enable the arbitrary removal of nationality still remain in place and those responsible for their use as a means of political repression are not subject to any form of accountability.
23. Despite the restoration of citizenship to 551 individuals, 434 people whose nationality was stripped remain without Bahraini citizenship, many of them stateless. On the basis of known figures (and acknowledging the lack of data in relation to this practice), Bahrain's prolific use of revocation of nationality, especially towards members of the political opposition, has placed it as the global leader in the practice of citizenship

¹⁷ Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship", (27 July 2018), available at: <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>.

¹⁸ "Bahrain: New Deportations of Nationals", *Human Rights Watch*, (4 February 2018), available at: <https://www.hrw.org/news/2018/02/04/bahrain-new-deportations-nationals>.

¹⁹ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, 'Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression', p. 22, available at: https://files.institutesei.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

²⁰ Salam for Democracy and Human Rights, "Decade of Oppression: Authoritarianism in Bahrain 2011-2021", (2021), p 84, available at: <https://salam-dhr.org/?p=4309>.

²¹ Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship", (27 July 2018), available at: <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>; Human Rights Watch, "Bahrain: proposed Military Trials of Civilians", (February 23 2017), available at: <https://www.hrw.org/news/2017/02/23/bahrain-proposed-military-trials-civilians>.

deprivation over the past decade.²²

Issue I – Gender Discrimination in Bahrain’s Nationality Law

24. The Constitution of Bahrain enshrines equality for women and men. However, Bahrain’s Citizenship Act of 1963, as amended, denies Bahraini women the right to confer their nationality on their children, leaving children vulnerable to statelessness. Under Article 4 of the Citizenship Act:

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 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.

In other words, unless the child’s father is unknown, stateless, or has repudiated/not acknowledged the child, Bahraini women do not have the right to confer their citizenship on their children. Also, if the father’s nationality changes, his children may cease to be citizens without consideration of the Bahraini mother’s nationality.²³

25. Furthermore, Bahraini men have the right to confer citizenship on a non-citizen spouse, a right denied Bahraini women. According to Paragraph 2 of Article 7 of the Citizenship Act, women who acquired Bahraini nationality through marriage, may be stripped of their nationality upon the divorce.²⁴
26. Although Law (35) of 2009 mandates that children of Bahraini women married to non-nationals are exempt from residency, health care, and education fees, on an equal basis with citizens, inequality persists with the children of Bahraini citizens denied equal access to university scholarships, employment, and housing that is granted to the children of Bahraini men. The children and spouses of Bahraini women must apply for residency permits to reside in the country with their mother/spouse. Upon reaching the age of majority, the non-citizen children of Bahraini women must obtain a work sponsor to remain in the country, otherwise they may be deported – even if they were born and raised in Bahrain. The non-citizen children of Bahraini women are often unable to access their inheritance, including the family home, due to restrictions on property ownership by foreigners. Bahraini women married to foreigners whose families are suffering financial hardships are also denied financial support, which is provided to low-income Bahrainis, simply because they are married to a foreigner.

²² Institute on Statelessness and Inclusion and Global Citizenship Observatory, ‘Instrumentalising Citizenship in the Fight Against Terrorism. A Global Comparative Analysis of Legislation on Deprivation of Nationality as a Security Measure’, (March 2022), available at: https://files.institutesi.org/Instrumentalising_Citizenship_Global_Trends_Report.pdf.

²³ Equality Now, ‘The State We’re In: Ending Sexism in Nationality Laws’, (January 2016), available at: https://live-equality-now.pantheonsite.io/wp-content/uploads/2021/11/NationalityReport_EN_2016.pdf.

²⁴ Ibid.

27. Gender discrimination in Bahrain’s nationality law contributes to the root cause of gender-based violence (GBV) by undermining women’s equal status in society.²⁵ The nationality law contributes to GBV in other ways, including by increasing obstacles faced by women seeking to leave an abusive relationship, when their or their children’s nationality is dependent upon an abusive spouse. For example, as naturalised Bahraini women may lose their nationality upon divorce, they face the risk of being deported from the country and separated from their children, if they end an abusive marriage. Stateless girls are at increased risk of child marriage, with some families viewing marriage as the only way to secure citizenship and residency rights for undocumented girls. Stateless women and girls are also at an increased risk of human trafficking.²⁶
28. While the co-submitters are deeply concerned by wide-ranging gender discrimination in law and practice in Bahrain, in addition to those pertaining to nationality rights, we draw particular attention here to Article 353 of the Penal Code, which promotes impunity for rape by permitting the rapist to avoid punishment if the perpetrator marries the victim. The combination of provisions such as Article 353 and gender discrimination in Bahrain’s nationality law, which ascribes women a second-class citizenship status, demonstrates the State’s role in perpetuating violence against women.
29. Funding cuts for women’s organizations have also inhibited civil society’s ability to advocate for women’s equal rights and support those in vulnerable situations. In June 2016, the Bahraini Government cut funding for thirteen women’s rights NGOs, including a charity that provided support for victims of domestic abuse.²⁷

Issue II – Arbitrary Deprivation of Nationality and Statelessness

30. Under international law, states have traditionally had broad discretion in the regulation of nationality matters. This is not, however, an absolute discretion. The prerogatives of states in nationality matters has been gradually limited by the evolution of human rights law. Specifically, while states have relatively greater discretion in relation to setting rules and criteria for the acquisition of citizenship (subject to some limitations), a number of international standards and principles must be adhered to in relation to deprivation of citizenship.²⁸

²⁵ Global Campaign for Equal Nationality Rights, ‘The Impact of Gender Discrimination in Nationality Laws on Gender-Based Violence’, (September 2020), available at: <https://equalnationalityrights.org/images/zdocs/Impact-of-Gender-Discrimination-in-Nationality-Laws-on-Gender-Based-Violence.pdf>.

²⁶ Ibid.

²⁷ “Women’s groups accuse Bahrain of cutting funds on political grounds”, *Middle East Eye*, (24 June 2016), available at: <https://www.middleeasteye.net/news/womens-groups-accuse-bahrain-cutting-funds-political-grounds>.

²⁸ ‘Principles on Deprivation of Nationality as a National Security Measure’, (March 2020), Principle 2.1.2, available at: <https://files.institutesi.org/PRINCIPLES.pdf>. ‘Commentary to the Principles on Deprivation of Nationality as a National Security Measure’, (March 2022), para. 7 and 8, available at: https://files.institutesi.org/Principles_COMMENTARY.pdf.

²⁹ ‘Principles on Deprivation of Nationality as a National Security Measure’, (March 2020). Available at: <https://files.institutesi.org/PRINCIPLES.pdf>. The Principles were developed over a 30-month research and consultation period, with input from more than 60 leading experts in the fields of human rights, nationality and statelessness, counter-terrorism, refugee protection, child rights, migration and other related areas, in a process facilitated by ISI in collaboration with the Open Society Justice Initiative and with support from the Asser Institute and Ashurst LLP. At the time of submission, they have been endorsed by over 110 individual experts and organisations, including leading academics, UN Special Rapporteurs and Treaty Body members, litigators, judges, parliamentarians and diplomats.

31. The *Principles on Deprivation of Nationality as a National Security Measure*,²⁹ and the *UNHCR Guidelines on Statelessness No 5: Loss and Deprivation of Nationality*³⁰ provide important guidance on the question of deprivation of nationality; the former, from a wider international law perspective, and the latter, more specifically in relation to the 1961 Convention.
32. The **Principles** restate or reflect international law and legal standards under the UN Charter, treaty law, customary international law, general principles of law, judicial decisions and legal scholarship, regional and national law and practice. They articulate the international law obligations of States and apply to all situations in which States take or consider taking steps to deprive a person of nationality as a national security measure.³¹
33. According to the analysis of international law standards presented in the **Principles**, state discretion in relation to deprivation of nationality is subject to the individual right to nationality,³² the prohibition of arbitrary deprivation of nationality,³³ the prohibition of discrimination³⁴ and the obligation to avoid statelessness.³⁵ Furthermore, the impact of nationality deprivation on the enjoyment of other human rights, humanitarian and refugee law obligations and standards must be taken into consideration when assessing the legality of citizenship deprivation. These include, the right to enter and remain in one's own country, the prohibition of *refoulement*, the prohibition of torture and cruel, inhuman or degrading treatment or punishment, the liberty and security of the person the right to private and family life; legal personhood and the rights of the child.³⁶ Any measures to deprive nationality must also comply with due process safeguards and the right to a fair trial.³⁷
34. As will be elaborated below, Bahrain's practice in relation to citizenship deprivation

²⁹ 'Principles on Deprivation of Nationality as a National Security Measure', (March 2020). Available at: <https://files.institutesi.org/PRINCIPLES.pdf>. The Principles were developed over a 30-month research and consultation period, with input from more than 60 leading experts in the fields of human rights, nationality and statelessness, counter-terrorism, refugee protection, child rights, migration and other related areas, in a process facilitated by ISI in collaboration with the Open Society Justice Initiative and with support from the Asser Institute and Ashurst LLP. At the time of submission, they have been endorsed by over 110 individual experts and organisations, including leading academics, UN Special Rapporteurs and Treaty Body members, litigators, judges, parliamentarians and diplomats.

³⁰ UN High Commissioner for Refugees (UNHCR), *Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness*, (May 2020), HCR/GS/20/05, available at: <https://www.refworld.org/docid/5ec5640c4.html>. The Guidelines provide authoritative guidance on the interpretation of Articles 5 – 9 of the 1961 Convention on the Reduction of Statelessness. They draw on the Summary Conclusions of the Expert Meeting on Interpreting the 1961 Statelessness Convention and Avoiding Statelessness Resulting from Loss and Deprivation held in Tunis, Tunisia on 31 October-1 November 2013 ("Tunis Conclusions") and the Expert Meeting on Developments related to Deprivation of Nationality held in Geneva, Switzerland on 5-6 December 2018.

³¹ A detailed Commentary to the Principles provides an in-depth analysis and overview of the international law norms and standards, which underlie the Principles. This Commentary can be found here: https://files.institutesi.org/Principles_COMMENTARY.pdf.

³² Human Rights Council Resolution 7/10, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/7/10 (27 March 2008); Human Rights Council Resolution 10/13, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/10/13 (26 March 2009); Human Rights Council Resolution 13/2, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/13/2 (24 April 2010); Human Rights Council Resolution 20/4, The right to a nationality: women and children, UN Doc A/HRC/RES/20/4 (16 July 2012); Human Rights Council Resolution 20/5, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/20/5 (16 July 2012); Human Rights Council Resolution 26/14, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/26/14 (11 July 2014); Human Rights Council Resolution 32/5, Human rights and arbitrary deprivation of nationality, UN Doc A/HRC/RES/32/5 (15 July 2016).

³³ Principles on Deprivation of Nationality as a National Security Measure, March 2020. Available at: <https://files.institutesi.org/PRINCIPLES.pdf>, Principle 7. See also, the Draft Commentary to the Principles, available at: https://files.institutesi.org/Principles_COMMENTARY.pdf.

³⁴ Ibid Principle 6.

³⁵ Ibid Principle 5.

³⁶ Ibid Principle 9.

³⁷ Ibid Principle 8

falls far short of its international obligations and the international law standards collated together in the **Principles**. Bahraini law policy and practice is arbitrary, discriminatory, doesn't include a safeguard against statelessness, does not comply with standards of due process and fair trial, and directly causes a range of other acute human rights violations. While we present a summary of the current situation below, for a more comprehensive overview, please see the 2021 report of SALAM, Hawiati and ISI: '**Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression**'³⁸

35. After the uprisings in 2011 with demands for democratisation in Bahrain, several amendments to key legislative texts regarding Bahrain's nationality law have been passed. Pursuant to Article 10 of the 1963 Bahraini nationality law (as amended in 2019), all power to revoke nationality in national security context currently sits with the Minister of Interior (subject to Cabinet approval), who has wide discretion to act, and is not subject to any judicial oversight.³⁹ Nationality can be revoked in the following circumstances:

- a) *If they entered the military service of a foreign country and remained in it despite the order issued by the government of the Kingdom of Bahrain to leave it.*
- b) *If they aid or become involved in the service of an enemy state.*
- c) *If they cause harm to the interests of the Kingdom or act in contradiction to the duty of loyalty to it.*

36. In particular, the conditions that must be met under paragraph c are vague and subject to wide interpretation, providing leeway for authorities to determine what acts cause damage to state security. Decree No. 20 of 2013 amending certain provisions of law No. 58 of 2006 on protection society from terrorist acts exclusively addresses terrorism and provides further specificity to Article 10(c) of the 1963 nationality law. Conviction of terrorism-related crimes *stipulated in Arts. (5) - (9), (12) & (17) of Law No. (58) of 2006* can result into nationality revocation. The crimes include, hijacking means of transportation for terrorist attacks, compelling a person to join a terrorist group or organisation, training people for terrorist purposes, using or running an organisation for terrorist crimes, communication or working for an organisation outside of the country to carry out terrorist attacks inside Bahrain, and inciting people to commit a terrorist activity. However, this list is not exhaustive and provides authorities wide discretionary power to target political opponents and dissidents.

37. 2014's amendments to the Bahraini Nationality Law were especially impactful, as the Cabinet, particularly the Minister of Interior, has authority to strip citizens of their nationality for terrorist offences which are treated as criminal cases under the Anti-Terrorism Law of 2006 and Articles 155 and 168 of the Penal Code. Terror grounds are then being employed widely and spuriously to strip individuals of their Bahraini nationality as they are perceived to be a threat to national security. However, Bahrain's definition of terrorism is extraordinarily vague, while being broad in its scope of prosecution. Former MPs and activists have been charged under the Code for engaging in peaceful protests as well as practices that are ostensibly guaranteed by Bahrain's constitution, such as criticising the police and armed forces.

³⁸ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, 'Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression', available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

³⁹ Decree No. 16 of 2019 on amending Bahraini Nationality Law of 1963, Article 10.

38. In 2015, the US Central Intelligence Agency (CIA) claimed that while they believed there are terrorism cases that involve violent acts against security services in Bahrain, they have concerns that Bahrain utilizes counterterrorism laws and punishments – specifically citizenship stripping – to prosecute and harass individuals for their criticism of the Government.⁴⁰ The Bahraini Ministry of Interior and other security entities routinely act on their own wide interpretations of these ambiguous legal provisions, imposing ad hoc bans on evolving forms of activism or dissent against new Government policies, from criticism of “*the approach Bahrain has taken [in the Yemen conflict]*” since 2015,⁴¹ to “*any expression of sympathy with [...] Qatar or opposition to [...] Bahrain*”.⁴² Citizens who engage in such activities risk having their citizenship revoked as punishment. The legal developments and transfers of power that have taken place to reach the current status quo, with all revocation power being concentrated with the Minister, reflect and mirror political developments. Many of these changes were brought about to retroactively provide lawfulness to clearly unlawful decisions, which did not follow the existing laws.
39. Currently, there has been no systemic change that would prevent revocation of citizenship, and subsequently statelessness from occurring again. The Bahrainis who have had their citizenships restored still fear possible retaliation from their government if they voice dissent for this reason. This enduring fear has effectively silenced many activists as well.⁴³ Furthermore, the combined impact of powers of nationality revocation and discrimination in acquisition of nationality is that the children of (formerly) Bahraini men who were stripped of their nationality are at heightened risk of being denied Bahraini citizenship and being rendered stateless.⁴⁴
40. There is no data on the safety of citizens from reprisals by the state.⁴⁵ At this time, it is difficult to determine whether Bahrain’s reforms on revocation of nationality and statelessness will in fact protect victims from revocation of nationality or reprisals from the State making complaints related revocation of nationality. Lack of transparency from the government institutions remains a major obstacle to reform in Bahrain.

Case Study: Mr Ibrahim Karimi

41. To further demonstrate the how Bahrain’s practice of arbitrary citizenship deprivation contravenes international law, and the significant human rights impact of this practice, below is an overview of the experience of Mr. Ibrahim Karimi, who was one of the first group of 31 people, to be stripped of their citizenship in 2012.⁴⁶

⁴⁰ United States State Department Country Report Terrorism in Bahrain 2014 (footnote 168); A. H. Cordesman and others, *Stability and Instability in the Gulf Region in 2016: A Strategic Net Assessment*, Center for Strategic and International Studies (CSIS), (15 Jun 2016), available at: https://link.springer.com/chapter/10.1007/978-3-030-43316-1_7

⁴¹ Quoted in Justin Gengler, “The Political Economy of Sectarianism: How Gulf Regimes Exploit Identity Politics as a Survival Strategy,” in Frederic Wehrey (Ed.), *Beyond Sunni and Shi’a: The Roots of Sectarianism in a Changing Middle East*, Oxford University Press: 2017, Print.

⁴² “Bahrain says it will jail Qatar supporters for up to five years,” *The Telegraph*, (8 June 2017), available at: <https://www.telegraph.co.uk/news/2017/06/08/bahrain-says-will-jail-qatar-supporters-five-years/>; Salam for Democracy and Human Rights, “Decade of Oppression: Authoritarianism in Bahrain 2011-2021”, (2021), pp 28-29, available at: <https://salam-dhr.org/?p=4309>.

⁴³ Salam for Democracy and Human Rights, “Decade of Oppression: Authoritarianism in Bahrain 2011-2021”, (2021), p 56, available at: <https://salam-dhr.org/?p=4309>.

⁴⁴ See Law No. 58 of 2006 with Respect to Protecting the Society from Terrorist Acts.

⁴⁵ Human Rights Measurement Initiative, Bahrain, <https://rightstracker.org/en/country/BHR?as=hi>

⁴⁶ For the full case study and other case studies, see Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, ‘Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression’, available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

42. Mr. Karimi had been arbitrarily arrested several times by the Bahraini authorities for exercising his right to freedom of expression, association, and peaceful assembly. In February 1981, he was arrested and detained for participating in peaceful protests and was imprisoned for three months, during which he reportedly was tortured and ill-treated. Shortly after being released, he was deported without any legal measures or justification, and with no official papers. Mr. Karimi remained in exile for 21 years, until he returned to Bahrain in 2002.
43. During the 2011 Bahraini uprising, Mr. Karimi was arrested by the National Security Agency on 14 April and detained for two months in a National Security Agency prison in the Serdab Castle, where he was again, allegedly tortured and ill-treated. He was accused of spreading false rumours and incitement to hatred against the regime, and he was sentenced to a year in prison.
44. After Mr. Karimi was released from prison in April 2012, he heard via the media about the Interior Minister's decision to strip him and 30 other individuals of their nationality. None of the individuals had any previous communications on the matter of this decision, nor had they been subject to any investigations or even questioning.
45. Mr. Karimi appealed the decision on 28 February 2013. The appeal was based on the claim that the revocation of nationality decision was by the Interior Minister, without consulting the King, making the decision itself unlawful according to the legal framework at the time. On 29 April 2014, the First Civil Court denied the appeal on the basis that the government has the full right to assess what harms the integrity and stability of its internal and external security. This decision in effect, meant that the issuance or revocation of citizenship is not subject to judicial oversight.
46. After his nationality was revoked, Mr. Karimi had no other nationality and was rendered stateless. He was later arrested and forced to hand over his ID, passport and any other official papers. He was then charged with illegally staying in the country without a valid residence permit, and on 28 October 2014, the Fifth Lower Criminal Court ordered his deportation. His lawyer lodged an appeal the next day, and the deportation order was halted until the court issued its verdict.
47. On 26 September 2015, Mr. Karimi was arrested at his home without an arrest warrant. The officers took mobile phones that belonged to him and his family, and other electric devices. He was interrogated at the Criminal Investigations Directorate without a lawyer present, about a Twitter account "FreejKarimi" that criticized Saudi Arabia over the deaths of hundreds of people during Hajj. Although he denied being the owner of the account, he was allegedly tortured and forced to sign a confession pleading guilty to the charges for being the owner of the twitter account and an electric-shock device.
48. During his trial before the Fifth Lower Criminal Court in Manama, defence witnesses were not allowed to be summoned. On 31 March 2016, the Court sentenced him to two years of imprisonment and a fine of 2,000 Bahraini Dinar for "publicly inciting hatred and contempt against the regime", "publicly insulting the king" and "publicly insulting Saudi Arabia and its king". He was also sentenced to one-month imprisonment for "possession of an electric-shock device without authorisation from the Ministry of Interior". Meanwhile, in a separate case, the Court of Appeals in

Manama upheld Ibrahim Karimi's deportation order on 8 March 2016. After serving his sentence in Jaw Central prison, Mr. Karimi was deported to Iraq on 30 October 2017. Mr. Karimi currently lives in Mashhad, Iran with his family. He remains stateless to this day.

Issue III – Human Rights Violations Faced By Stateless people

49. Deprivation of the right to nationality, since birth or later in life, can result in the denial of other fundamental human rights. Those affected lose access to their bank accounts, their right to work, their access to education, their pensions, their healthcare, any housing allowances, and their right to register their child at birth, violating several of Bahrain's international obligations under ICCPR and CRC. Moreover, the official documentation of those stripped of their nationality becomes invalid rendering those affected unable to travel outside Bahrain.
50. Stateless children in Bahrain also face significant challenges in accessing basic rights. As citizenship is only passed to children through male citizens in all but the rarest cases children born to Bahraini men who have been stripped of their citizenship, will not be considered Bahraini citizens, even when the mother is a Bahraini citizen. The discriminatory nature of the nationality law therefore puts children at heightened risk of statelessness with a subsequent threat to the enjoyment of their fundamental rights.
51. Stateless people's right to reside in the country remains precarious. Many individuals who have been stripped of their nationality have received deportation orders once the revocation takes place, without any clear determination as to how they may travel or where they can go. Stateless children have to renew their residency permits yearly. Once they are adults, they have to be sponsored by an employer to continue living in Bahrain.
52. 434 former Bahraini citizens currently remain stripped of their nationality. Bahrain has made no comment on whether their citizenships will ever be restored. Individuals who have had their Bahraini citizenship restored do not enjoy full rights in respect to housing, social allowances, social welfare, and healthcare, and continue to face discrimination and harassment from Bahraini institutions.⁴⁷ These individuals have received no reparations for any finances or properties seized upon revocation of their citizenship or for the subsequent additional hardships experienced. Additionally, affected activists and former politicians are forbidden from running for political office, even if their Bahraini nationality has been restored.

⁴⁷ For more information on revocation of citizenship in Bahrain and the name of the victims, See Salam DHR's advocacy campaign "Ana Bahraini" at: <https://www.anabahraini.org/>

Recommendations

Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to Bahrain:

- I. Comprehensively amending the nationality law to:
 - a) Uphold the right of Bahraini women to confer their nationality on their children and spouse on an equal basis with men;
 - b) Prevent naturalised Bahraini women from automatically losing their nationality upon termination of marriage; and
 - c) Remove reservations to CEDAW Article 9.
- II. Revoke Article 353 of the Penal Code as soon as possible and publicize its repeal.
- III. Protect everyone's right to a nationality, and ensure that national laws comply with international obligations as set out in the Principles on Deprivation of Nationality in a National Security Context, which prohibit the arbitrary and discriminatory deprivation of nationality, require the avoidance of statelessness and adherence to procedural safeguards and fair trial rights.
- IV. Reform its laws on nationality deprivation to bring them in line with international standards, including by:
 - a. Repealing Article 10 of the current nationality law which empowers the Minister of Interior to revoke nationality.
 - b. Ensuring that individuals are notified of decisions, and have a suspensive right of appeal before an independent court, meaning that decisions to deprive nationality are not enforced until all appeals are exhausted.
 - c. Introducing provisions to ensure that deprivation of nationality will be prohibited if it results in statelessness.
- V. Impose a moratorium on the practice of nationality deprivations, or in the very least, reform its practice to bring it in line with international standards and principles of natural justice, including by:
 - a. Ceasing the practice of targeting political rivals, dissidents and human rights defenders for citizenship deprivation.

- b. Ensuring that those deprived of their citizenship are not harassed, arrested, detained, tortured, separated from their families or subject to other human rights abuses as a consequence of their nationality deprivation.
 - c. Ending the practice of declaring that citizens deprived of nationality are unlawfully on the territory, stopping the deportation of those who had their nationality revoked and allowing all those who were deported to return to their country as citizens with full rights.
- VI. Restore individuals' nationality that has been stripped by Bahrain's authorities, together with the full rights associated with citizenship.
- VII. Ensure that stateless individuals living in Bahrain can access their fundamental rights, including the right to education, freedom of movement, healthcare, own property and access social services.
- VIII. Accede to and fully implement the 1954 and 1961 Statelessness Conventions.