



Bahrain: Children Without Citizenship



BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

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Publication of this report would not have been possible without the generous support from the National Endowment for Democracy (NED), the Arab Human Rights Fund (AHRF) and the Sigrid Rausing Trust, to which the BCHR wishes to express its sincere gratitude.



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About Us

The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close down, BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain. The vast majority of our operations are carried out in Bahrain, while a small office in exile, founded in 2011, is maintained in Copenhagen, Denmark, to coordinate our international advocacy program.

For more than 13 years, BCHR has carried out numerous projects, including advocacy, online security training, workshops, seminars, media campaigns and reporting to UN mechanisms and international NGOs. BCHR has also participated in many regional and international conferences and workshops in addition to testifying in national parliaments across Europe, the EU parliament, and the United States Congress. BCHR has received a number of awards for its efforts to promote democracy and human rights in Bahrain.

The current President is **Nabeel Rajab**, who has been jailed repeatedly, including most recently on 13 June 2016 for speeches and statements. His recent arrest has been criticized by a number of human rights organizations, the governments of the UK, the USA and France, as well as a number of UN dignitaries, including former UN Secretary General Ban Ki Moon, who have called for his release.

BCHR's Vice-President **Said Yousif Al-Muhafdha** has been forced into exile since October 2013 after being a target of arbitrary arrests for his human rights work in Bahrain. Most of the staff inside Bahrain remain anonymous, including a second Vice-President and members of the Documentation Team.

Our Mission: To encourage and support individuals and groups to be proactive in the protection of their own and others' rights; and to struggle to promote democracy and human rights in accordance with international norms. To document and report on human rights violations in Bahrain. To use this documentation for advocacy to influence international policies according to the Universal Declaration of Human Rights.

For more information on our work, please visit our website and donate through: www.Bahrainrights.org

1. Introduction

Bahrain has used denaturalization as a tool against individuals who dissent against the government. Many of those whose Bahraini citizenship has been revoked are active members of civil society, such as human rights activists, journalists, opposition leaders and religious figures. Most of those stripped of citizenship have also been rendered stateless. Stateless persons have no recognised rights in Bahrain, and their ability to obtain and retain housing, employment, legal representation, banking facilities and medical aid are all severely restricted. In the past four years, following the 2011 pro-democracy uprisings, **352 Bahrainis** were rendered stateless. An unprecedented number of citizenship revocations occurred in 2015; a ministerial order was issued to denaturalize **72 individuals** and authorities revoked the citizenship of **136 defendants** through the courts in politically motivated cases. The year 2016 also saw an alarming rate of citizenship revocations; primary courts rendered **92 individuals** stateless. The revocation of citizenship is also being levied at the families of such individuals and is a form of punishment orchestrated by the state to quell opposition and manipulate the population demographic.

In recent years, cases where children of dissidents had been denied nationality documents were frequently reported. It appears to place pressure on the wanted fathers to submit themselves for arrest or as an increased punishment for those already facing charges or detained. By refusing to issue identification documents or documents confirming the nationality of the child, the state increases the pressure placed on families of dissidents.

BCHR has verified a total of **13 cases** where children have been denied citizenship documents by Bahraini authorities. These children were born between 2013 and 2016. Of these cases, **10** of the children have a Bahraini father who is still a Bahraini citizen, thus meeting the mandatory requirement for the child to be given Bahraini nationality. Another **3** children were born to Bahraini fathers who had their citizenship revoked. **9** of these children were born to a father who is wanted, that is in hiding or has left Bahrain out of fear of arrest. Even though both the father and the mother of these children are Bahraini citizens, the children lack any citizenship documents, even years after birth. In at least **2** of the cases, the father is detained in a Bahraini prison, but the authorities have made it impossible for him to sign the necessary documents to apply for the citizenship document for his child. By denying these children their citizenship documents, the Bahraini government has rendered them stateless.

2. Legislation Concerning Nationality in Bahrain

The **Convention on the Status Relating to the Status of Stateless Persons** (1954), defines a stateless person as:

A person who is not considered as a national by any State under the operation of its law”¹

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”. Furthermore, article 24., of the **International Covenant on Civil and Political Rights** ratified by the Kingdom of Bahrain in 2006 states that ‘every child has the right to acquire a nationality,’² whilst the **Convention on the Rights of the Child** states that a child has the ‘right to acquire a nationality.’ The right to have nationality is therefore established in international law, and a fundamental tenet of an individual’s human rights.

Bahrain is neither a party to the 1954 convention relating to the status of a stateless person, nor to the 1961 convention on the reduction of statelessness. The kingdom of Bahrain, through its membership of the Islamic conference has however, ratified the **Covenant on the Rights of the Child in Islam**. The Covenant expressly recognises the right of a child to a nationality and specifically requests that states avoid perpetuating, and address, the issue of statelessness in regard to children.³ The legislation concerning the issue of nationality in Bahrain is for the most part governed by the Bahraini government.

The legislation governing issues of Bahraini nationality are codified in the **Bahraini Citizenship Act 1963**.⁴ The act was modified in 1981, and states that an individual is eligible to be regarded as a Bahraini national by descent or by birth.

A person shall be regarded as a Bahraini national by descent if one of the following conditions are met:

- (A) Born in Bahrain after the effective date of this Act and his father was a Bahraini at the time of birth

¹ Art. 1(1), Convention on the Status Relating to the Status of Stateless Persons, 1954

² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

³ Art. 7., Covenant on the Rights of a Child in Islam, source: <http://www.refworld.org/docid/44eaf0e4a.html>

⁴ Bahrain Citizenship Act, 1963 source: <http://www.refworld.org/pdfid/3fb9f34f4.pdf>

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

A person shall be regarded Bahraini by birth if:

- (A) Born in Bahrain after the effective date of this Act and his father was also born in Bahrain and has made Bahrain his permanent residence, at the time of birth of that person provided, however, that this person is not holding another nationality
- (B) Born in Bahrain, after the effective date of this Act, to unknown parents. The illegal child shall be deemed to have been born in Bahrain, unless otherwise proved.

In short, Bahraini nationality is transmitted through the male line. It is extremely difficult for Bahraini women to convey their Bahraini citizenship to their children, foreign born spouses, and stateless spouses. In 2002 Bahrain ratified the **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW).⁵ Article 9 of CEDAW does make provision for women to pass on their citizenship to their children, however, the Bahraini government have so far only extended this provision in extremely limited circumstances through exceptional royal decrees.⁶ The slow implementation of CEDAW, and the failure to implement a law allowing women to pass on their Bahraini citizenship approved by the Bahraini cabinet in 2014 demonstrates the extreme reluctance of the Bahraini authorities to permit women to transmit their Bahraini citizenship to their children.⁷

On 7 July 2014, the King of Bahrain ratified and issued Law 21 for 2014, amending some provisions of the Bahraini Citizenship Law of 1963. According to Article 9, Bahraini citizenship may be withdrawn upon the request of the Interior Minister, with the permission of the cabinet, from any Bahraini citizen who receives another nationality without prior approval. Bahraini nationals with other nationalities had to resolve the situation within six months, either renouncing their other nationality or gaining approval from the Minister of Interior to keep their dual nationality. Citizenship will be withdrawn with a decree, after obtaining cabinet approval, if the Minister of Interior did not approve the foreign nationality. The only exception is if the dual citizenship is with one of the GCC countries. In this case, the citizen would be subject to a fine of up to 10,000 BHD.

⁵ Art. 9 (1), (2)., <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

⁶ <http://www.alwasatnews.com/news/1080438.html>

⁷ Ahmed, Dunya Ahmed Abdullah, "Bahrain" in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, ed. Sanja Kelly and Julia Breslin (2010), source: https://freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf

The amendment also stipulated that Bahraini citizenship may also be withdrawn upon the request of the Interior Minister and with the approval of the cabinet from any citizen who ‘causes harm to the interests of the Kingdom.’ Prior to the 2014 amendment Bahraini citizenship was only allowed to be revoked ‘in cases of treason, and other such cases prescribed by the law.’ The law on the **Protection of Society Against Terror** demonstrates the wider approach adopted by the Bahraini authorities in 2014. Article 24 confirms that citizenship will be revoked for individuals convicted of crimes under articles (5) to (9) of the act.

3. Citizenship Regulations for Orphans in Bahrain

As explained in the previous section, citizenship in Bahrain is transmitted to a child through their father. Bahraini women are unable to pass their citizenship to their children, except in extremely limited circumstances. In the cases of orphans, Article 5 of the Bahraini Citizenship Act of 1963, states that:

“A person shall be regarded a Bahraini national if born in Bahrain to unknown parents. An illegal child shall be deemed to have been born in Bahrain, unless proved to be otherwise.”⁸

However, this piece of legislation can only be applied to children whose parentage is unknown from the time of birth, and can subsequently only be applied to children who are abandoned, or handed over to the authorities anonymously.

Partial orphans, those whose fathers are unknown, or whose paternity has not been legally proven, will receive Bahraini citizenship if their mother is a Bahraini citizen.⁹ If a child has been placed in the care of relatives having lost both parents, Bahraini law dictates that the closest living male relative can deputize for the child.

4. Committee on the Rights of a Child & UPR Recommendations

The **Committee on the Rights of a Child (CRC)**, is a body of 18 independent experts that monitor the implementation of the **Convention on the Rights of Child**, among other things. Bahrain is due to submit a report to the CRC on 14 September 2017 in regard to the human rights protections available for children in the kingdom. Bahrain last submitted a report to the CRC in September 2011.

⁸ Bahrain Citizenship Act, 1963 source: <http://www.refworld.org/pdfid/3fb9f34f4.pdf> p.11.

⁹ Bahrain Citizenship Act, 1963, source: <http://www.equalitynow.org/content/decre-law-no-12-amending-bahraini-citizenship-act-1963>

In its concluding observations in 2011 the CRC made recommendations to the state of Bahrain for reducing the number of stateless children in Bahrain. Part C, Section 34, on Civil Rights and Freedoms, urged Bahrain to review and revise its national legislation in regards to the inability of Bahraini women married to non-citizens to transfer their Bahraini citizenship to their children. The CRC stated that the kingdom of Bahrain should look to allow Bahraini women, married to non-citizens, to transmit their citizenship to their children, on the same basis as Bahraini fathers married to non-Bahraini mothers.¹⁰

5. Detailed Cases

1- Ali Hasan Sultan (Born 21 January 2015)

Ali was born on 21 Jan 2015, 10 days before his father's nationality was revoked. As a result of this Ali's family struggled to obtain a birth certificate for him. Birth certificates are normally issued by the Ministry of Health within the first week after birth. Ali's father, **Hasan Sultan**, has been living outside Bahrain for fear of arrest. After many futile attempts to convince the authorities to issue Ali's birth certificate, the family resorted to appointing a lawyer. The lawyer wrote a letter to the ministry of health, asking them to issue Ali's birth certificate. Seven months after Ali's birth he was granted a birth certificate. The family's struggle continued as they attempted to secure a passport for Ali. The authorities at the passports directorate refused to even consider the application in the absence of his father, and then continued to deny the family's request to issue Ali with a passport. The authorities have also refused to issue the Bahraini national identification card for Ali, nor will they provide any document that would entitle him to travel with his mother.

On 3 October 2016, in a final attempt to secure Ali a passport the family's lawyer submitted an official complaint in the Bahraini courts.

Prior to obtaining the birth certificate, and in the absence of the national ID card, the family had difficulties getting medical services for Ali at public hospitals, they particularly struggled with ensuring he received his preventive vaccinations that are scheduled for every new-born child in Bahrain.

Ali's father, **Hasan Sultan**, is a member of the now-dissolved Al-wafaq Society, and a former opposition MP (2006). His nationality was revoked on 31 Jan 2015 along with 71 others.¹¹ The Ministry of Interior justified the revocation of his citizenship by stating that citizens of Bahrain 'have the responsibility to act in ways that do not harm the interests of the Kingdom.' The statement issued by the Ministry of Interior

¹⁰ Committee on the Rights of the Child, 57th Session, *Second and Third periodic reports of Bahrain on the Implementation of the Convention on the Rights of the Child* – Source: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSR.1618&Lang=en – p.7.

¹¹ The list of those who had their citizenship revoked can be found here: http://www.bahrainrights.org/sites/default/files/file_attach/Citizenships%20Revoked%2031%20Jan%202015.pdf

listed offences such as spying, financing terrorism, participation in terrorist actions, and defaming the image of the regime in the list of charges brought against the 72 individuals in this case.¹²

Sultan left Bahrain in 2011 following the pro-democracy protests in Manama. Ali's mother is a Bahraini national.

2- Sarah Ali Salman (Born 18 November 2014)

Sarah was born on 18 November 2014, one month before her father **Sheikh Ali Salman**, the General Secretary of the now-dissolved Al-wafaq Society, was arrested on 28 December 2014. The passport directorate refused to issue Sarah's passport and national identification card. The passport directorate did so on the grounds that Sarah's father was absent. Sheikh Ali Salman was at the time detained by the Ministry of Interior itself. Salman's lawyers have repeatedly submitted requests to the Ministry of Interior, and to the court considering the case, to allow Salman to attend the office of the passport directorate in order to complete the application for Sarah's documents. Alternatively, lawyers have also asked whether they are able to bring the application to his place of detention to allow Salman to sign the documents, both requests have failed to produce a result. The requests to allow Salman's wife or one of Sarah's uncles to deputize for Salman in the submission of the application have also been refused.

On 23 July 2015, the judge of sentence execution sent a letter to Jau prison regarding the case, asking the prison administration to "do what it finds appropriate", even this intervention has failed to produce a result. The family has talked to local and international press about the case in order to put pressure on the authorities.

In the absence of all official nationality documents, the family face difficulties accessing medical services for Sarah through public hospitals, as such, they have to use private medical services. Sarah has never been able to travel with her mother outside Bahrain.

Sarah's father, **Sheikh Ali Salman**, Secretary General of the now-dissolved Al-Wefaq National Islamic Society, was initially sentenced on 16 June 2015 to four years' imprisonment, his sentence was increased on 30 May 2016 to nine years' imprisonment for "publicly inciting hatred, inciting civil disobedience of the law, and insulting public institutions." He is currently serving this sentence in Bahrain's Jau Prison.¹³

3- Khawla Jassim Abdulnabi (Born 07 October 2014) and Ali Jassim Abdulnabi (Born 21 October 2016)

The father of Khawla and Ali is wanted by Bahraini authorities, and is currently living outside Bahrain and unable to return out of fear of arrest. Khawla's birth certificate was issued a month after her birth.

¹² Bahrain Center for Human Rights, 'Bahrain revokes citizenship of 72 people, including journalists, doctors and activists,' 2 February 2015, source: <http://www.bahrainrights.org/en/node/7264>

¹³ Bahrain Center for Human Rights, 'Bahrain Al-Wefaq Head Ali Salman's Unfair 9-year Sentence Upheld,' 12 December 2016, source: <http://www.bahrainrights.org/en/node/8378>

However, since then she has been unable to acquire a passport or a national identification card. Similarly, her younger brother Ali, was granted a birth certificate, but has no other identification documents, nor a passport. Their mother had obtained written authorization from her husband to deputize for him in submitting and signing the application for their children's documents, however the authorities refused to accept this document. The family has moved to raise a lawsuit against the passports directorate to issue the passport, which resulted in an order to issue a passport for Khawla. The family is now considering taking the same steps for Ali.

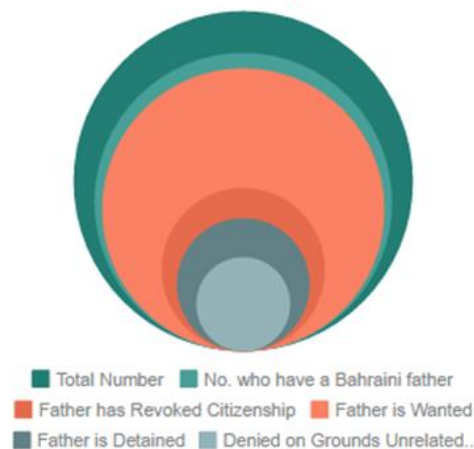
The mother told BCHR she used to have difficulties accessing medical services for her daughter at public hospitals due to absence of ID cards. Due to lack of travel documents and the continued refusal of the passport directorate to issue such documents since their birth, the mother has been unable to travel with her children.

4- M.D (Born September 2015)

M.D was born in Bahrain whilst his father was imprisoned in a Saudi Arabia. His mother is a Bahraini citizen. He was issued a birth certificate but no other identification or nationality documents. His family has requested that the passport directorate issue his passport, however the request was refused due to the absence of M.D's father. The family has obtained authorization, endorsed by Saudi authorities, from the father, however Bahraini authorities still refused to issue the child's passport. The family has also reported their case to the ombudsman, and the national human rights institute, which have advised that the case is outside their scope of service. The family has resorted to raising a lawsuit against the passport directorate and against the father in the hope that it will result in the child being issued with a passport.

M.D has been unable to see his father, as he is not able to leave the country without an authorised travel document.

Total Number of Children denied Citizenship documents*

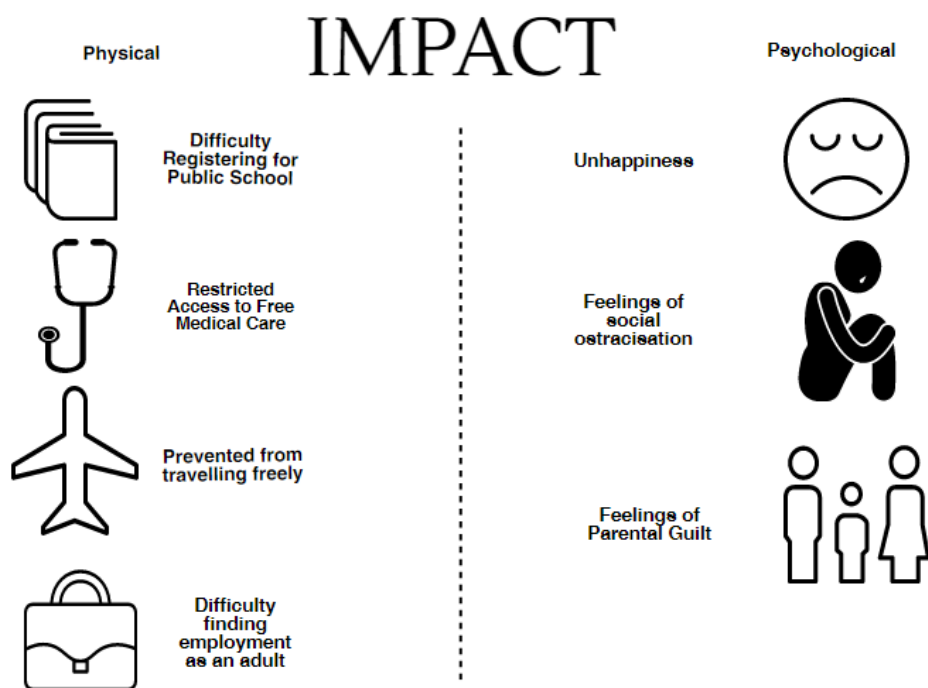


*BCHR has documented cases between 2013-2016

6. Impact of Deprivation of Citizenship on Children

Statelessness has a significant impact on children and their families. The UNHCR report published in 2010 entitled ‘The Situation of Stateless persons in the Middle East and North Africa’ surveyed individuals affected by issues of statelessness. Ninety-percent of Bahraini women surveyed blamed themselves for their children being denied citizenship and expressed feelings of guilt and sadness due to the negative impact statelessness has had on their children. The same percentage of women felt that society blames them for the status of their children. Children surveyed reported that by late primary school they were treated like ‘foreigners’, and demonstrated feelings of extreme unhappiness stemming from social exclusion, reduced opportunity and ostracization.¹⁴ The report emphasized the deep psychological effect that statelessness has on children, and posits that a link can be made between statelessness and geopolitical instability.

However, statelessness does not only affect children psychologically, it places restrictions on what services individuals can access during childhood. From the interviews that BCHR has conducted with the families of children affected, it appears that the first and most major difficulties are faced when the child requires medical care. Public hospitals in Bahrain demand an identification document that proves nationality to provide the service. As a result of being denied these documents, the families are burdened with medical bills so that their child and/or children can receive medical care service at private hospitals. Without identification documents these children can face issues registering for public schools, stateless children are also unable to acquire travel documents, including passports, and are therefore unable to leave Bahrain.



¹⁴ Waas, Laura Van., *The Situation of stateless persons in the Middle East and North Africa*, prepared for the UNHCR (October, 2010), - Source: <http://www.unhcr.org/4ce63e079.pdf> p.39.

Recommendations

- Accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness;
- Expedite the adoption of the amendments to the Nationality Law to enable Bahraini mothers to pass on their nationality to their children in all circumstances;
- Cancel the amendments to the Nationality Law that violate the right to a nationality and guarantee every citizen the right to maintain his or her nationality in accordance with Article 15 of the Universal Declaration of Human Rights;
- Granting the right to a nationality to the children of female citizens on the basis that it is the right of the child and his or her mother, guaranteed by the international conventions of human rights;
- Immediately begin work on granting Bahraini nationality to stateless children who have Bahraini mothers;
- To revoke the amendment to Bahraini nationality Act 1963 that allows for the citizenship of individuals to be revoked as punishment;
- To allow mothers deputize for the father of their children whilst they are incarcerated or outside of Bahrain so that they can obtain documents for their children.