

# Women and Children under Repression

Investigation  
Fired  
Ban  
Arrest  
Assult  
Violation  
Torture  
Insult

Citizenship revocation



## **Bahrain Center for Human Rights**

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 Bahrain Center For Human Rights

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## ABOUT US

The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization founded in 2002, and registered with the Bahraini Ministry for Employment and Social Affairs in the same year. The Center was officially shut down in 2004 following the arrest of its executive head, Abdel Hadi Al-Khawaja, in relation to a conference he had organized focusing on poverty in Bahrain. Since 2011, Al-Khawaja has been serving a life sentence relating to his human rights activities. The Center's acting head, Nabeel Rajab, is also currently in prison, with both of them prevented from exercising their right to freedom of expression and from using social media. The headquarters of the Bahrain Center for Human Rights has remained closed to the public since 2007 by order of the government.

Despite constant attempts to put pressure on the Bahrain Center for Human Rights (BCHR), including imprisoning its members, the organization remains one of the most important rights group in Bahrain, and has acquired international credibility. Thanks to its ongoing work to improve the human rights situation in Bahrain, it has been able to gain support and respect within the country and beyond.

As members of the Bahrain Center for Human Rights (BCHR), our goal is to build a thriving, democratic society based on the values of justice and freedom. We thrive to create a society that is free of discrimination and human rights abuses. We empower and advocate alongside individuals and communities to encourage them to become pioneers in fighting for human rights, not just for their own communities but for others, too, based on knowledge of international human rights standards, covenants and conventions. The Center's work also focuses on strengthening public freedom and civil, political and economic rights, fighting against discrimination in all its forms and providing support and protection to victims of human rights abuses, as well as vulnerable communities.

**To find out more about the activities of the Bahrain Center for Human Rights and read some of our previous reports and publications, please visit our website at: [www.bahrainrights.org](http://www.bahrainrights.org)**



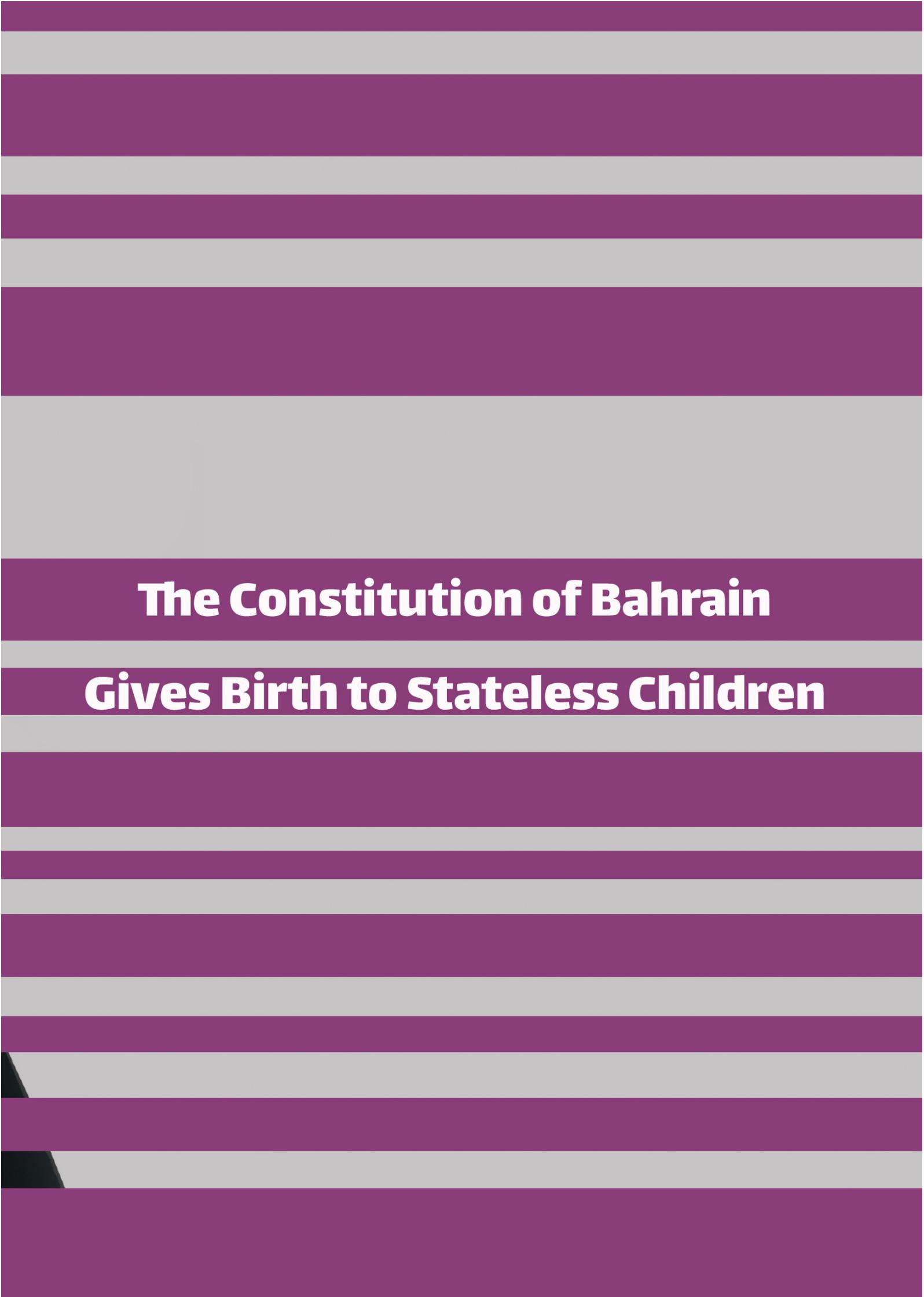
# INTRODUCTION

Human dignity cannot be founded on violations of collective and individual rights and freedoms. Women and children are the most vulnerable in societies. It is therefore that their rights and freedoms need greater protection, guaranteed by laws and their implementation. Women reflect the progress and the development of society, and the extent to which society respects their rights, supports and cares for their education. Women's rights, as well as children's rights, are not just a humanitarian issue, but rather a national issue linked in various intellectual, political, and economic areas.

Women and children in Bahrain have gone from claiming their rights to exercising the legitimate right to peaceful demonstration in order to end the violations against them and enforce the laws enacted by the government to restrict them.

The Bahrain Center for Human Rights (BCHR) seeks to address the deterioration of the human rights situation in Bahrain, particularly concerning women and children, and highlights the most serious violations and the laws restricting the freedom of women and children in Bahrain.





**The Constitution of Bahrain  
Gives Birth to Stateless Children**

## A brief history of the reality on the situation for women in Bahrain

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In the past, Bahraini women relied on the roles or jobs of their husbands. Since the 1960s, women were supposed to help their husbands in their occupations such as hunting and farming in villages or traditionally, committing to housework and raising their children if the husband worked in the city. Over the past 30 years or so, Bahraini women have begun to work outside traditional roles imposed by society, such as in jobs in the fields of education, medicine, nursing practice and other jobs related to health, finance, publication, industries, banking and other professions.

The history of women's rights in Bahrain began with the amendment of the Constitution in 2002, obtaining an important political right i.e. the right to vote and to be a candidate at the parliamentary and municipal elections, after an amendment to the Constitution. This marked the beginning of a struggle for the attainment of their legitimate rights, which are declared in international legislation and conventions.

Bahraini women are subjected to daily violations of their rights. These violations have been occurring since the beginning of the 2011 uprising in Bahrain; women were subjected to many of the violations. Bahraini women from all levels of the society, including businesswomen, doctors, lawyers, nurses, teachers, activists, unemployed women and housewives have been subjected to interrogation, detention, travel ban, security pursuits and other arbitrary measures taken by the authorities of Bahrain.

### **Some of the violations documented by the Bahrain Center for Human Rights (BCHR) are as follows:**

- More than 380 women were dismissed from their public and private jobs during the National Security Period in 2011;
- Assault by security forces, during house raids do not respect the most basic rules of behaviour with women, as stated in the report of the Bahrain Independent Commission of Inquiry (BICI).
- The repeated use of travel to limit the activities of women human rights defenders in Bahrain. For instance, in August 2016, human rights defender Enas Aoun was prevented from traveling from Bahrain International Airport; on June 12, 2016, security forces prevented activist Ebtisam Al-Saegh from traveling to Geneva from Bahrain International Airport, to attend the UN Human Rights Council session and participate in a side event on the human

rights situation in Bahrain; the journalist Naziha Saeed was also prevented from traveling in June 2016; also human rights defender Nedal Al-Salman was prevented from traveling several times, on August 29, 2016, and on November 26, 2017.

- More than 330 women, including 11 doctors, pharmacists and nurses, were arrested following the crackdown on protestors during the 2011 protests. Among them was Nada Dhaif, a Bahraini doctor who once spoke to Al Jazeera and appeared several times on some English-speaking satellite channels, in addition to her presence on the Lualua TV. This was sufficient to arrest her after the declaration of the state of National Security (emergency) in 2011. Nada and other female doctors were arrested, including Nehad Al-Shirawi, Khulood Al-Darazi, head of the obstetrics department at Salmaniya Medical Complex, Rula al-Saffar and Khatoun Al-Sayed, who were all arrested from the Deir health center. On July 25, 2016, Massouma Al-Sayed, a human rights activist and mother of two children, an 8-year old and an 11-year old, was arbitrarily dismissed from her job at the Arabian Pearl Gulf School, where she was teaching fine arts. On May 26, 2017, the National Security Agency summoned human rights defender Ebtisam al-Saegh to the Muharraq police station in the north of the country, where investigators beat her and physically and mentally harassed her.



## Laws and Decisions in Bahrain in Violation of Women's Rights:

The Government of Bahrain has issued several laws, which, per their content, constitute a violation of women's rights with an explicit disregard of their rights declared in international covenants. Among these laws:

### **Law No. 19 of 2009 (Family Law: Section I and II)**

The international community calls for openness, tolerance, consultation and democracy led the society to issue a law on the provisions of the Bahraini family. The Family Law Section I (Sunni jurisprudence) was enacted in Law No. 19 of 2009, after which the Unified Family Law No. 19 of 2017 was issued. For many years, researchers have been concerned about the importance and necessity of the legislation of the provisions of family "personal status". Researchers and activists in the field of Bahraini women's rights emphasize the challenges that women experience in achieving equality, especially in terms of approving or amending certain laws and legislations related to women's rights. The family law or the so-called "personal status law", was declared in a context international pressure on the country from international organizations, in the attempt to appear, on the international arena in a way that reflects the country as fulfilling its obligations concerning women's legislative empowerment. The family "personal status law" plays an essential role in determining social relations. It determines the rights and duties of each of the family members as well as their relations; it controls marriage, divorce, childcare and the psychological and

financial matters resulting from it.

Indicators show is that women and children are the most affected among the victims of violence and poor family harmony, due to the absence of law and the lack of diversity in the judicial decision-making which is made in accordance with the culture of the judge, his diligence and what is attributed to him from the source of legitimacy and social heritage, sometimes up to the point of contradiction. It was not accompanied by constitutional guarantees.

From a human rights perspective, the unified Family Law remains a discriminatory one in terms of the legal and legislative rules that are applied. It covers both doctrines based on legitimate interpretations that have discriminatory implications when they are adopted to apply and regulate matters such as marriage, divorce and child custody. According to the judgments of the law, women have less or no rights with regard to the civil situation. Women are considered minors in matters of family jurisdiction, childcare, education, nationality, inheritance, etc. The most important manifestations of discrimination through the law are summarized as follows:

### **1. The mandate in Marriage**

Article "28-1" in Sunni Jurisprudence requires the attendance of the guardian and his consent in order to validate the marriage contract. When this condition is not fulfilled, the contract is null

and void, meaning that women are denied from dowries, marital dues, and maintenance. In Al-Jaafari jurisprudence, the law does not address this case. It states, in Article "15/2", that "the guardian in the marriage of the eldest is her father or her grandfather, and it is required that her marriage should enter into her consent and with no father or grandfather, women are married if they are adults and nor is there a mandate of a valid marriage." Therefore, the requirement of a guardian to validate a marriage contract is detrimental to the woman's participation in such consent in the contract, which is a discrimination against women. While the law grants women the right to run as a parliamentary candidate and to vote, they need a guardian to authorize and sign procedures of their marriage, which compromises their right to chose their spouses in a free way.

## **2. Eligibility for marriage**

The law determines the legal age for marriage for a woman as being sixteen years old, and it is permitted to marry her if she is less than that age, with the permission of the court. In accordance with jurisprudence and international standards, and the CEDAW Convention, the age of marriage is supposed to be at least 18 years old, with any marriage of a woman who is younger than that age being illegal and subject to a fine.

### 3. Polygamy

The law lacks any text that restricts polygamy. It also lacks other underlying conditions such as the right of the wife to choose whether to end the marriage or not, after her husband marries another woman.

### 4. The procedure of the return to the matrimonial home (bayt ta'aa)

The law established the concept of subordination and obedience of women to men and forced women to reside in the house of choice of their husbands, which contradicts the freedom of choice and the will of the wife; it is intended to emphasize her return to the matrimonial home (bayt ta'aa) if she left him. In contradicting her husband, she becomes disobedient and is prohibited from asking for alimony i.e. even if she is going to work though her husband's refusal. Usually, this part of law is used to humiliate the wife, and in most cases of disobedience in the Shari'a Courts are basically malicious cases that are intended to harm the wife, both financially and morally, which is considered a low unequal status for her that limits her participation in public life and economic and political empowerment.

### 5. Transfer of nationality and inheritance

Up to date, the mother cannot transfer her nationality

to her children as the father is able to, and Muslim women are prevented from marrying non-Muslims. Concerning inheritance, the law, as in most Arab countries, is based on jurisprudence of Islamic law i.e. that men inherit twice the share of women. The husband inherits a higher share than the wife, despite her contribution to the family wealth. Such discrimination may have negative effects, such as poverty and deprivation among women.

### **The Citizenship Act (1963)**

The Bahraini Citizenship Act provides clear evidence of discrimination against Bahraini women and their rights, most notably the right to grant citizenship to their children if they marry a foreigner.

#### **The Article 4 of this law states that a person shall be deemed a Bahraini national in the following cases:**

- If he/she was born in Bahrain or abroad and the father, at the time of the birth, was a Bahraini national.
- If he/she was born in Bahrain or abroad and the mother, at the time of birth, was a Bahraini national, providing that the father was either unknown or paternity was not legally proven.

- Therefore, this law deprives the Bahraini mother, who marries a foreigner, of her right to grant citizenship to her children.
- Additionally, Article 7 states that “if a Bahraini woman marries a foreigner, she shall lose her Bahraini nationality, if and when she acquires the nationality of her husband. ”
- Article 55 of this law binds the women’s career and work relations to the consent of their husbands.

### **Civil Associations Law**

Article 18 of the NGO Law prohibits civil society organizations from engaging in politics, which does not serve the active participation of women in the political process. This law has negatively affected women’s work, especially in parliamentary elections in 2006 and 2010.

### **Penal Code**

Article 16 of the Bahraini Penal Code states that “ nothing is an offence if it is committed in exercise of a right justified by law or custom” and that violence against women is part of a common practice in society that gives men the right to strike or imprison women at home and to practice forms of violence and discrimination against them.

Criminal protection of women is pending in article 344

of the amended Penal Code, which provides that the perpetrator of rape is “sentenced to life imprisonment if the victim is less than sixteen years of age. The non-consent of the victim shall be presumed if she is less than fourteen years of age.” Although the crime is punishable by a maximum sentence of life imprisonment, what legally counts is the Article 353 which states that “ no penalty shall be inflicted against a person who has committed one of the crimes set forth in the preceding articles if he was subject to a final court judgement before concluding the marriage, such judgement shall be subject to a stay of execution and its penal effects shall cease.” When reviewing the social effects of rape on the woman (victim) and her family, it is found that many cases end with marriage, in order to escape the scandal of the victim and the punishment of the offender.

**There are many international covenants that guarantee the rights of women in all societies, among them:**

### **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights considers individuals to be without distinction as males or females, through the first article, "All human beings are born free and equal in dignity and rights." The term "all human beings" carries the meaning of non-discrimination and thus includes all races. Article 16 states: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses", thus guaranteeing women's right to self-determination from marriage and divorce.

### **The Charter of The United Nations**

All that women want is a summary of their rights as a human being without discrimination against men. This is also declared in the Charter of the United Nations in Article 1: "To maintain international peace and security in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

## **The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)**

It was adopted by the United Nations General Assembly in 1979 as an international bill on women's rights. CEDAW is composed of five parts with a total of 30 Articles. It called upon the ratifying States to enshrine the concept of gender equality in their domestic legislation, to abolish all discriminatory provisions in their laws and to enact new provisions to protect women that are subject to discrimination as well as the establishment of courts and public institutions to ensure that women have effective protection against discrimination and to take steps to eliminate all forms of discrimination against women by individuals, organizations and institutions.

Bahrain, by Decree-Law No. 70 of 2014, amended some of the provisions of Decree-Law No. 5 of 2002 to join the CEDAW. However, Bahrain has reservations about articles of this Convention, the most obvious being that it does not grant women equal rights to men with regard to the nationality of their children, as provided for in article 9, paragraph 2, which mandates Member States" to grant women equal rights to men to acquire, change or retain their nationality and equal rights with respect to the nationality of their children."

Bahrain also has reservations concerning any dispute between Member States concerning the interpretation or

application of the Convention that had not been settled through negotiations to arbitration. This was stated in the first paragraph of article 29, which provided that “ any dispute between two or more Member States concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request, in conformity with the Statute of the Court. ”

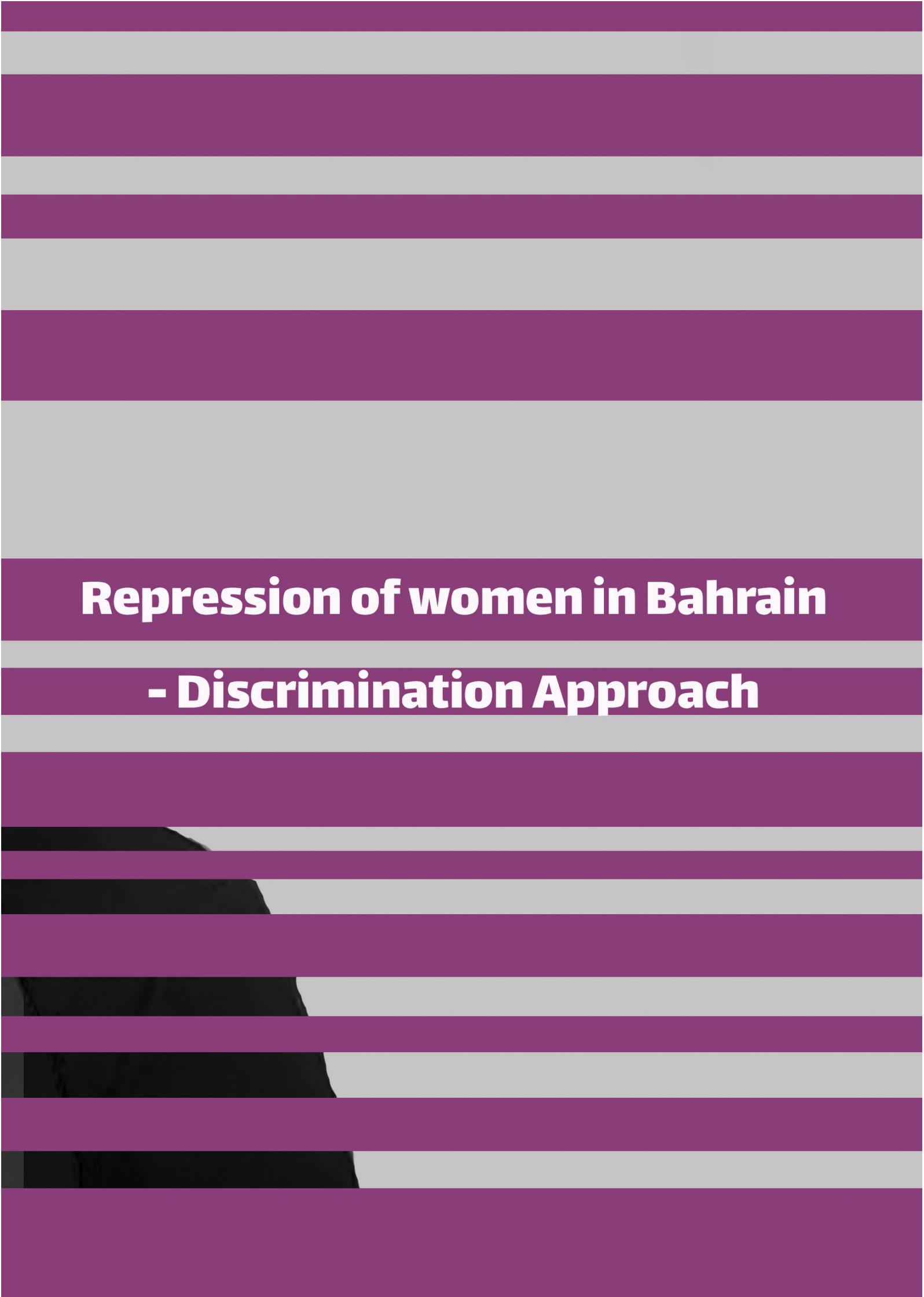
Bahrain unblocked its previous reservations, in violation of the provisions of the Islamic Shari’a, in article 2, which provides that “Member States condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public

institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.”

Bahrain unblocked its reservation under Decree No. 70 on Article 15, paragraph 4, which provides that “Member States shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

The Convention guarantees women’s rights in the areas of employment, health care, education, politics and other areas of economic and social life. Article 7 of the Convention provides “to eliminate discrimination against women in the political and public life of the country”, in the right to vote in all elections and to be eligible for election and to participate in the formulation of government policy. Additionally, article 7 provides “the participation in non-governmental organizations and associations concerned with the public and political life of the country.” The government prevent these associations in general and thus, prevent women from their right to express their political opinion.





**Repression of women in Bahrain**  
**- Discrimination Approach**

## **International laws guaranteeing the right to citizenship of children**

### **The Universal Declaration of Human Rights:**

Article 15 states that: “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

### **The International Covenant on Civil and Political Rights:**

Article 24 states that: “Every child has the right to acquire a nationality.”

### **The Declaration on the Rights of the Child (1959) :**

The third principle of this Declaration states that: “the child must be the first to receive relief in times of distress.”

### **The Convention on the Rights of the Child(1989):**

The Convention on the Rights of the Child, adopted by the United Nations General Assembly Resolution 44/25 of 2 September 1990, was acceded to by the Government of Bahrain by Prince’s Decree No. 16 of 1991. It was published in the Official Newspaper on 3 September 1991 and was put into force on 14 March 1992. Article 7 of this Convention provides that: “ (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 parents; (2) Member States 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. ”

**Declaration on Social and Legal Principles relating to the Protection and Welfare of Children (1986):**

This Declaration was adopted and published in accordance with United Nations General Assembly Resolution 85/41 of 3 December 1986. Article 8 of this Declaration states: “The child should at all times have a name, a nationality and a legal representative. The child should not, as a result of foster placement, adoption or any alternative regime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative.”

The Bahraini Nationality Act was issued in 1937 and was amended twice, in 1963 and 2014. This law includes many articles related to the right to citizenship in general and the nationality of women and children in particular.

### **The child's acquisition of his father's nationality:**

Article 1 and Article 2 of the Bahraini Nationality Law provide that Bahraini nationality is granted to all persons born in Bahrain, before or after the date of this law, and to those born abroad before or after the date of this law, whose fathers or grandparents of the father were born in Bahrain. Persons born in Bahrain, whose parents have other nationalities at birth, are not holders of Bahraini nationality before or after the date of this law.

The concept of "Bahrainis by birth" provides for the granting of citizenship to a child if he was born in Bahrain after the date of the application of this law to unknown parents, with the proof that he was born there.

### **Deprivation of the child from the nationality of his father if it was denaturalized or withdrawn:**

Bahrain punishes children for a sin they did not commit by depriving them of the nationality because their parents have been denaturalised or their nationality has been revoked. According to "Law No. 21 of 2014" amending some provisions on "Bahraini Citizenship Act (1963)",

the revocation of nationality was adopted by order of the Minister of Interior with the approval of the Council of Ministers after it was exclusively in the hands of the King. Article 10 of this law provides that “the Bahraini Citizenship may be deprived by virtue from whoever enjoys such nationality in the following cases: a) If he enters the military service of a foreign country and stays on service despite an order issued by the Government of the Kingdom of Bahrain ordering him to leave such service; b) If he helps or engages in the service of an enemy country; c) If he causes a damage to the interests of the Kingdom and if he committed a disloyal act against the Kingdom.” Thus, the Bahraini nationality shall be revoked from the concerned individual only; while it shall be withdrawn from naturalized individual and whoever has acquired it through him. Article 8 provides that “Bahraini nationality may be deprived from any person who has acquired the citizenship of Bahrain by naturalization in one of the following conditions: a) if a person acquired the citizenship of Bahrain by deception or based on false statements or has hidden substantial information. In such events, Bahraini nationality may be withdrawn from any person who has acquired it through that person”. The minor children of the concerned person will lose their nationality if the father has voluntarily acquired another foreign nationality, or he has renounced to his Bahraini nationality and a decree is issued based on the proposal of the Minister of Interior to withdraw the nationality of that person.”

Since the beginning of 2011, however, more than 500 Bahraini

citizens have had their nationality revoked and denaturalized because of their political and human rights attitudes, which have deprived their children of their nationality.

### **Depriving the child of his mother's nationality:**

After the amendment of the Citizenship Act (1963), several Articles were added, including one that deprives the Bahraini mother who marries a foreigner of her right to grant citizenship to her children.

Any individual who has a Bahraini mother at birth and an unknown, no-registered or stateless father acquires the Bahraini nationality under the concept of "Bahrainis by descent". However, this law is not put into force yet, and Bahraini women are not able to grant the citizenship to her children; which contradicts Article 4 (b) of this Act.

This problem is not limited to Bahrain only; most Arab countries do not approve the right of woman to grant citizenship to their children. The deprivation of the child from the nationality of his mother, though it is unfair, may not be an obstacle if the father is foreign (non-Bahraini), but it can negatively affect the child's future, if his father's nationality was revoked or denaturalized. Thus, this child is stripped of his father's nationality for political reasons and from the nationality of his mother for traditional and ideological reasons.



## Why Bahraini children are deprived of citizenship

### **The Punishment of the mother reverses on the child:**

Article 7 of the amended Bahraini Citizenship Act 1963 provides that a Bahraini woman shall lose her nationality if she “marries a foreigner and when she acquires the nationality of her husband; otherwise she remains Bahraini; and her Bahraini nationality will be retained upon her request, if marriage ceases to subsist and her usual residence is in Bahrain or she returns to live in Bahrain.”

This law does not only deprive women of this right but extends it to their children. Article 4 of the Act states that: a Bahraini mother can grant citizenship to her children if “the father was unknown, without nationality or fatherhood was not substantiated. ”

This discrimination in the laws in most Arab countries is a violation of all international standards that advocate equality between women and men in rights, especially the right to a nationality. This punishment is prescribed by Bahraini law for children even before they are born.

### **The Punishment of the father reverses on the child:**

The woman already knows that if she marries a foreigner she will not be able to grant her nationality to her children. It is more complicated in the case of the father because he may have children before his nationality is revoked and it will automatically be revoked from anyone who has acquired it through him, in case he is naturalized. In other cases

mentioned earlier (Second-B), the law only provides for the withdrawal of nationality from the concerned person. However, the nationality of the children is revoked in all cases, thus depriving these children of their most basic civil and political right.

The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law”. According to the UN Refugee Agency (UNHCR), this means that a stateless person does not have a nationality of any country. Some people are born stateless, but others become stateless.

Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws.

For whatever reason, statelessness has dire consequences for people in almost every country and in all regions of the world. Member States that have ratified the “Convention on the Rights of the Child”, including Bahrain, take first account of the best interests of the child. They ensure that States, departments and facilities responsible for the care or protection of children comply with the standards established by the competent authorities, particularly in the area of safety. Article 7 of this Convention Provided that 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 parents.

Member States shall respect and ensure these rights in accordance with their national law and their obligations under the relevant instruments, in particular where the child is deemed to be stateless in the event of the failure to do so.

# V

## Legal effects of depriving children of nationality:

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Nationality is a legal relationship between an individual and the State; it organizes the obligations of the state towards the citizen in the form of political and civil rights. Therefore, it obliges the citizen to fulfil legal duties. In fact, nationality enables an individual to interact and adapt within the society. However, a stateless individual is prohibited from practicing all of his political and civil rights, meaning that he cannot take part in education, healthcare and employment. These rights cannot be given neither from public nor private sectors. This comes in addition to the deprivation from legal marriage, possession and children registration. He is prohibited from his right to inherit, travel, vote and run for election. Therefore, he loses his legal personality.

# RECOMMENDATIONS

The BCHR calls upon the United States, the United Kingdom, the United Nations, the European Union and all close allies and international institutions to urge the Government of Bahrain to:

- **Release all detained women;**
- **Stop all violations against women in Bahrain;**
- **The application of the terms of the conventions guaranteeing the right of individuals to a nationality, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Rights of the Child and other conventions;**
- **Enacting the Bahraini Nationality Act (2014), that guarantees the right of the individual in all matters relating to nationalities;**
- **To call on the Bahraini authorities to stop making decisions and provisions not stipulated in the Penal Code;**
- **Granting citizenship to every Bahraini child who has been stripped of his nationality and compensated for every right he was deprived of when he was stateless and;**
- **Amend the law to allow the Bahraini mother to transfer her nationality to her child.**

