



Committee on the Elimination of Discrimination against Women
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Switzerland
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January 9, 2023

Re: Information on Bahrain for Consideration by the Committee on the Elimination of Discrimination against Women at its 84th Session (06 Feb 2023 - 24 Feb 2023)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Committee on the Elimination of Discrimination against Women ("the Committee") for consideration during its 84th session (06 Feb 2023 - 24 Feb 2023). The Global Campaign for Equal Nationality Rights, Equality Now and Institute on Statelessness and Inclusion request that this letter be used to inform the Committee's review of Bahrain. Our joint submission expresses our concerns regarding gender discrimination in Bahrain's nationality law, which denies women the equal ability to confer citizenship to their children and spouses as men.

The [Global Campaign for Equal Nationality Rights](#) mobilizes international action to end gender discrimination in nationality laws through its coalition of national and international organizations¹. Equality Now is an international human rights organization with ECOSOC status and a mission to achieve legal and systemic change that address violence and discrimination against all women and girls around the world, and is the author of [The State We're In: Ending Sexism in Nationality Laws – 2022 Edition – Update for a Disrupted World](#). The [Institute on Statelessness and Inclusion](#) (ISI) is the first and only human rights 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 more than 130 country specific submissions to UN human rights bodies on the right to a nationality and the rights of stateless persons.

Discriminatory nationality law

Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes such laws as a form of discrimination, and provides that women are to have "equal rights with men to acquire, change or retain their nationality," and "with respect to the nationality of their children." In its General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

¹ Steering Committee members include Equal Rights Trust, Equality Now, Family Frontiers, Institute on Statelessness and Inclusion, Nationality For All, Women's Learning Partnership, and Women's Refugee Commission.

Bahrain's Citizenship Act of 1963, as amended, denies Bahraini women the right to confer their nationality on their children and non-citizen spouse on an equal basis with men, undermining women's equal citizenship and their equality in the family, while leaving children vulnerable to statelessness and facing other rights violations. Under Article 4 of the Citizenship Act, unless the child's father is unknown or has repudiated/not acknowledged the child, Bahraini women do not have the right to confer their citizenship to their children.² In addition, if the father's nationality changes, his children may cease to be citizens without consideration of the Bahraini mother's nationality.³ Further, Bahraini men have the right to confer citizenship on a noncitizen 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.

Although Law (35) of 2009 mandates that children of Bahraini women married to non-nationals are exempt from residency, health care, and education fees the same as for citizens,⁴ 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 noncitizen 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.

Rahima Naser, a Bahraini woman married to a non-national and mother of three children, was ineligible to acquire university scholarships for her children who graduated from high school with honors simply because they are not considered Bahraini. Rahima shared the impact of Bahrain's discriminatory nationality law with activists working with affected families. "My children are treated like foreigners despite living and being born in Bahrain," she says. Rahima and her children's suffering did not stop there. In addition, because her children are not considered nationals under the Bahraini Citizenship Act of 1963, as amended, her two daughters' applications for employment were refused and Rahima was deprived of housing services granted by the government to citizens. Her remaining hope is that her children will be among those granted nationality at the discretion of the king.

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. 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 naturalized Bahraini women may lose their nationality upon divorce, naturalized Bahraini women 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

² Bahraini Nationality Law, No. 1963/8, as amended, at Art. 4.

³ Equality Now, *The State We're in: Ending Sexism in Nationality Laws – 2022 Edition – Update for a Disrupted World*, available at <https://www.equalitynow.org/resource/state/>

⁴ Concluding Observations: Bahrain, Committee on the Rights of the Child, ¶ 38, U.N. Doc. CR/C/BHR/CO/2-3 (Aug 3 2011).

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.

Discriminatory nationality laws are based on stereotypes, which in turn reinforce stereotypical roles for both women and men, such as the idea that a child “belongs” to a father rather than a mother, in which case the father’s nationality is more likely to attach to them. Gender discrimination in Bahrain’s nationality law also undermines women’s ability to freely choose a spouse and threatens family unity.

Several UN treaty monitoring bodies have expressed their concern about the discrimination in the Bahraini nationality law and the length of time the Bahraini government is taking to amend the law. In this Committee’s most recent review (2014) it urged Bahrain to “give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Penal Code and Nationality Law.”⁵

In addition, in the Committee on the Rights of the Child’s 2019 Concluding Observations, the Committee expressed its concern regarding the “slow progress in its national legislation to allow the transfer of citizenship to children of Bahraini mothers and non-Bahraini fathers” and called for Bahrain to “expeditiously amend its Citizenship Act to ensure the right to a nationality for all children of Bahraini women married to non-Bahraini men, to establish safeguards to prevent children from being stateless and to ensure that the citizenship of such children is not revoked.”⁶ The Human Rights Council (HRC) under the Universal Periodic Review has also recommended that the government of Bahrain amend its nationality law to remove the discriminatory provisions.⁷ In its 2018 Concluding Observations, the Human Rights Committee also noted its concern that “women do not enjoy equal rights with men in conferring nationality to their children as women require a royal decision to do so,” and urged Bahrain to expedite the process of amending its nationality law.⁸

In October 2017, the League of Arab States organized the First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights (Conference), in collaboration with UNHCR, UN Women, UNICEF and the Global Campaign for Equal Nationality Rights. Conference participants, representatives from 18 Arab countries including Bahrain, released a declaration which reaffirmed the right of every person to the enjoyment of nationality, and to be recognized as an equal person before law without discrimination. The declaration requested Member States to put an end to all forms of discrimination in the area of nationality, and particularly to “[t]ake concrete steps to amend laws and legislation relating to nationality in order to grant women and men equal rights in conferring nationality to children and spouses, and to acquire, change or retain nationality in conformity with

⁵ Concluding Observations on the third periodic report of Bahrain, Committee on the Elimination of Discrimination against Women, ¶ 14, U.N. Doc. CEDAW/C/BHR/CO/3 (10 Mar. 2014).

⁶ Concluding observations on the combined fourth to sixth periodic reports of Bahrain, Committee on the Rights of the Child, ¶ 21-22 U.N. Doc. CRC/C/BHR/CO/4-6, (27 February 2019)

⁷ Report of the Working Group on the Universal Periodic Review: Bahrain, Human Rights Council, U.N. Doc. A/HRC/36/3 (Jul. 10, 2017).

⁸ Concluding observations on the initial report of Bahrain, Human Rights Committee, ¶¶ 18-19, U.N. Doc. CCPR/C/BHR/CO/1 (Jul. 26, 2018).

international standards.”⁹ This was reaffirmed on February 28, 2018 at the conference on “Belonging and Legal Identity,” under the patronage of His Excellency President of the Republic of Tunisia, and organized by the League of Arab States. The resulting Arab Declaration on Belonging and Identity further endorses gender equality in nationality laws as a regional standard, “affirming the commitment of the Arab region to ensure life with dignity, and to recognition as an equal person before the law for all without discrimination, as enshrined in the Arab Charter on Human Rights, including articles 5 and 9”¹⁰;

Suggested Recommendations for the State Party

We respectfully urge the Committee to call on the government of Bahrain to address the sex discrimination in its laws including by comprehensively amending the nationality law to:

- a) allow Bahraini women to transfer their nationality on an equal basis with men.
- b) prevent naturalized Bahraini women from automatically losing their nationality upon termination of marriage; and
- c) remove any other discrimination on the basis of sex.

Thank you very much for your attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



Catherine Harrington
Campaign Manager
Global Campaign for Equal Nationality Rights

⁹ The First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights, League of Arab States Secretariat General, 1-2 October 2017, Final Declaration. Available at <http://www.equalnationalityrights.org/images/zdocs/Final-Declaration-of-the-Arab-Conference-on-Nationality-English.pdf>

¹⁰ <https://equalnationalityrights.org/images/zdocs/Final-Ministerial-Conference-Declaration-on-Belonging-and-Identity---English.pdf>