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## EQUALITY NOW, BAHRAIN WOMEN'S UNION AND THE GLOBAL CAMPAGIN FOR EQUAL NATIONALITY RIGHTS



### Bahrain

#### Submission to the UN Universal Periodic Review

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## **Introduction and Summary**

1. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries. Equality Now is also a founder and steering committee member of the Global Campaign for Equal Nationality Rights, which aims to eliminate gender discrimination in nationality laws.
2. Bahrain Women's Union is a nongovernmental organization with the goal of better coordinating the efforts of Bahraini associations working on women's rights and the position of women in Bahraini society.
3. The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws, through its coalition of national, regional and international organizations and activists, including steering committee members Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.
4. In this submission, Equality Now, the Bahrain Women's Union, and the Global Campaign for Equal Nationality Rights provide information as stipulated in the *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*. The submission highlights our concerns about sex discrimination in the law with regard to nationality in Bahrain. We make key recommendations for action by the government of Bahrain to better address this area of concern.

### ***Sex discrimination in the law with regard to nationality***

5. Bahrain's Citizenship Act of 1963, as amended, denies Bahraini women the right to pass on their nationality to their children and spouses, preventing women from enjoying citizenship rights on an equal basis with men.
6. Under Article 4 of the Citizenship Act, unless the father is unknown or has repudiated/not acknowledged the child, Bahraini women, do not have the right to confer their citizenship to their children, as do Bahraini men.<sup>1</sup> Other provisions, including articles 7 and 9, deny women the right to pass their nationality to their foreign spouses and take it away upon divorce. In addition, if the father's nationality changes, his children may cease to be citizens without consideration of the Bahraini mother's nationality.<sup>2</sup>
7. This law, which denies women equality with men in terms of nationality, undermines a woman's status as an equal citizen and violates international law<sup>3</sup> as well as Article 18 of the

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<sup>1</sup> For the text of the law, see Equality Now, *Words Deeds – Holding Governments Accountable in the Beijing+20 Review Process* 20 (2015) (“Words & Deeds”), available at [http://www.equalitynow.org/sites/default/files/B+20\\_Report\\_EN.pdf](http://www.equalitynow.org/sites/default/files/B+20_Report_EN.pdf).

<sup>2</sup> For the text of the law, see Equality Now, *The State We're In: Ending Sexism In Nationality Laws* 35 (2016) (“State We're In”), available at [http://www.equalitynow.org/sites/default/files/NationalityReport\\_EN.pdf](http://www.equalitynow.org/sites/default/files/NationalityReport_EN.pdf).

<sup>3</sup> State We're In, at 27-29.

Constitution of Bahrain, which guarantees equality before the law of all citizens without distinction, including of sex.<sup>4</sup>

8. Rahima Naser, a Bahraini woman married to a non-national and mother of three children (2 daughters and one son), was ineligible to acquire university scholarships for her children who graduated from high school with honors simply because they are not considered Bahraini. “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. Her two daughters’ applications for employment were refused for the same reason and Rahima was deprived of housing services granted by the government to citizens because her children are not considered nationals. She is hoping that her children will be among those granted nationality at the discretion of the king since they do not have Bahraini nationality under the law.
9. The suffering of Bahraini women married to non-nationals continues despite Law (35) of 2009 which mandates that children of Bahrain women married to non-nationals pay the same fees as citizens for government services such as health, education, in addition to residence fees as long as they reside in Bahrain. Still legal inequality persists.
10. We note that the Human Rights Council (HRC) has already twice reviewed Bahrain. Both times, the HRC recommended that the government of Bahrain address the sex discrimination in its nationality law.<sup>5</sup> We also note that the government of Bahrain has expressed its support for the Human Rights Council’s recommendations.<sup>6</sup> The CEDAW and CRC Committees have also recommended to the government of Bahrain that it accelerate amendment of the nationality law.
11. The Committee of the Arab Charter at the league of Arab States, mandated to discuss governments’ reports on the status of human rights in their respective countries, urged Bahrain in 2013 to revise its Citizenship Act of 1963 that would enable Bahraini women married to non-nationals to pass on their nationality to their children on equal basis with Bahraini fathers married to foreigners.
12. Several draft bills by non-governmental and governmental bodies were submitted to the parliament, but they were not discussed. We urge the Bahraini government to address the sex discrimination in its nationality law by comprehensively amending the nationality law.
13. We urge the Human Rights Council to encourage the Bahraini government to remove the discrimination that Bahraini women face under the nationality law so that women can enjoy

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<sup>4</sup> Words & Deeds, at 20.

<sup>5</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Bahrain*, 22 May 2008, A/HRC/8/19, at ¶60(5); UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Bahrain*, 6 July 2012, A/HRC/21/6, at ¶¶115.75, 115.140, 115.141, 115.142, 115.95.

<sup>6</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Bahrain, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 12 Oct. 2012 A/HRC/21/6/Add.1/Rev.1, at ¶¶7, 16(c).

full equality in transferring their nationality to their children and spouses and not lose their nationality automatically upon termination of marriage.

### **Recommendations for Action by the Government of Bahrain**

#### *Sex discrimination in the law with regard to nationality*

1. Equality Now, the Bahrain Women's Union, and the Global Campaign for Equal Nationality Rights respectfully urge the Human Rights Council to call on the government of Bahrain to address the sex discrimination in its nationality law by comprehensively amending the nationality law to:
  - a. allow Bahraini women to transfer their nationality to their children on an equal basis with men;
  - b. prevent naturalized Bahraini women from automatically losing their nationality upon termination of marriage;
  - c. and remove any other discrimination on the basis of sex.