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Human rights situations that require the Council's attention

Written statement* submitted by Rencontre Africaine pour la défense des droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and Citizenship

Introduction

Over the last few years Bahrain has intensified the use of stripping citizenship from those who dissent or speak out in protest as a form of punishment. Since 2012 – when the country’s minister of the interior made 31 political activists stateless, many of whom were living in exile.

On 31 January 2015, Bahrain’s Ministry of the Interior revoked the citizenship of 72 individuals, including journalists, bloggers, and political and human rights activists, rendering many of them stateless. On 9 January 2017, – its latest attempt to crack down on those critical of the government.

In total, Bahraini authorities has revoked the citizenship of more than 300 people. In addition to decisions by the Ministry of Interior to revoke nationality, court judges have also increasingly handed down sentences that included the revocation of nationality, mostly in cases where defendants were convicted of terrorism-related offences.

Revoking or Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain’s international human rights obligations. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the International Covenant on Civil and Political Rights (ICCPR) to which Bahrain is a state party. Article 15 of UDHR explicitly refers to a right to citizenship, declaring, "Everyone has the right to a nationality" and that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Likewise, Article 7 of the 1961 Convention on the Reduction of Statelessness also prohibits, with only a very few very tightly drawn exceptions, any loss of nationality which results in statelessness.

Meanwhile, the Bahraini Constitution stipulates under Article 17 that a “person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason, and such other cases as prescribed by law.” Subsequently, the obligation to avoid statelessness has been recognized as a norm of customary international law and the Constitution of Bahrain.

Revocation of citizenship in Bahrain

The stripping of nationality, however, has been an instrument for the Bahraini authorities to punish any political dissidents and to repress popular uprisings. A royal decree was issued in January 2015, revoking the nationality of 72 Bahrainis. More recently, in June 2016, the highest religious authority in Bahrain and prominent peace advocate, Sheikh Isa Qassim, fell victim to this violation. No legal procedure was carried out, with the victims falling immediately into statelessness.

Law in these countries have granted extended power to authorities, allowing them to extensively exercise deprivation of citizenship at will, without due process and transparent procedure. The authority cited to allegedly allow the Interior Minister to carry out revocation of citizenship through its Nationality Act 1963, Article 10(3), in particular, which allows for the deprivation of nationality of persons that are causing “damage to the security of the state”. The authorities have thus unlawfully used this Act to punish dissidents, activists, clerics, and scholars, the vast majority of whom have never committed a crime or prosecuted. Consequently, in total, more than 300 Bahrainis have been revoked their citizenship.

The revocation of citizenship might severely impact on the victims and their families, and put a strain on various facets of their lives. It deprives their rights to work, to travel, and to identify, and precludes them from accessing benefits for basic social services, eventually forcing them to exposure to a situation of immigration and asylum. The impacts of the citizenship revocation are especially harmful to children, as they may be born stateless or fall into such predicament later in life, which would deprive them of fundamental rights to safety and security, and deny their access to basic medical care and education.

Recommendations

To the government of Bahrain:

- Immediately and unconditionally restore citizenship to all those were unfairly stripped of their citizenship without resource to due process in law.
- End the practice of revoking nationality as a method of reprisal against political opponents.
- Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

To the member of the Human Rights Council:

- Push the Bahraini authorities to correctly comply with signed and ratified international treaties and declarations which confer on a citizen of Bahrain the right to a nationality
 - Urge the Bahraini government to accept and allow the visits of the UN Special Rapporteurs to meet with those that have been victims of the stripping of nationality.
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