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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, 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.

[31 May 2021]

* Issued as received, in the language(s) of submission only.



Systematic Violations of Women's Human Rights in Bahrain's Legal System

Discrimination Against Women

Citizenship Laws

The Government of Bahrain uses discriminatorily gendered nationality and family laws to limit a woman's ability to divorce, inherit, and/or transfer Bahraini nationality to their children. Although men can do all of these things, Article 4 of Bahrain's Decree Law No. 12—which amends the Bahraini Citizenship Act of 1963—states that Bahraini mothers can only pass on their citizenship to their children if they meet the following criteria—criteria that does not apply to Bahraini men:

“Article 4. A person shall be deemed a Bahraini national in the following cases:

- A. If he/she was born in Bahrain or abroad and the father, at the time of the birth, was a Bahraini national.
- B. 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.”

Nationality laws such as these create insecurity in families, and can cause serious difficulties for children, including a lack of access to schooling, housing, health and social services, and other human rights. Ultimately, the insecurity that women and children endure as a result of this nationality law is a direct violation of Articles 7 and 8 of the Convention on the Rights of the Child (CRC). Article 7 reads “the child shall be registered immediately after birth and shall have the right from birth to acquire a nationality,” and Article 8 specifies that “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.”

The discrimination found in the Citizenship Law is not a recent phenomenon: Previous attempts to amend the law including in 2005, 2007, 2014, and April 2017 failed to achieve parliamentary approval. Up until this day, thousands of children are excluded from social realms and cannot benefit from legal assistance. For example, the son of a Bahraini mother and a Turkish father was forced to serve in the Turkish military, despite having spent his whole childhood in Bahrain and never having visited Turkey. In addition, families in which a Bahraini woman marries a non-Bahraini man are more likely to be subjected to social exclusion and extortion attempts.

Stateless children are a growing reality in Bahrain. Given that the mother cannot pass on her own nationality, if their foreign father is unable to pursue citizenship from his country, or if the father was himself stateless, the children are rendered automatically stateless. Being stateless means having very limited access to social services, education, and employment. Ultimately, when children are born into this cycle of statelessness, one should recall Bahrain's obligations under the International Convention on Civil and Political Rights (ICCPR) and under the aforementioned CRC; clearly Bahrain is shirking these commitments.

Lastly, although Bahrain acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2002, Bahrain maintains reservations to five separate provisions of CEDAW. First, Bahrain's government says that it can only enforce the provisions if they do not “[breach] the provisions of the Islamic Shariah.” Second, Article 9(2) concerns equal rights with regard to nationality and includes a provision for women to pass on their citizenship to their children; Bahrain reserves its right not to respect these provisions. Additionally, Bahrain continues to maintain its reservation to Article 2, which concerns the adoption of “all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination

against women.” Given that the CEDAW Committee considers this article to be “central to the objects and purpose of the Convention,” ADHRB is concerned about the genuine intentions of the Bahraini government to uphold its treaty obligations.

Labor Laws

Bahrain also continues to discriminate against domestic workers, despite having amended its labor legislation in December 2018 to prohibit discrimination on the grounds of sex, origin, religion, or creed, as well as to prevent sexual harassment in the workplace.¹ Although domestic workers are supposedly covered by this labor code, in fact, they are exempt from all of its provisions, such as weekly rest days, a minimum wage, and work-hour restrictions. In 2017, Bahrain launched a single uniform contract for domestic staff, which requires clearly outlining the job description, work and rest hours, and weekly days off. Although this contract is important, it lacks the regulatory safeguards and compliance processes necessary to ensure that domestic workers' rights are upheld. In effect, many domestic workers have to work 15 to 17 hours a day, seven days per week.

Conclusion and Recommendations

Bahrain is one of 27 countries in the world that continues to discriminate against women with regard to their right to confer nationality on their children on the same basis as men. These ongoing discriminations against women are a direct violation of Bahrain's international obligations and its own national laws. Bahrain is a State signatory to the ICCPR, the CRC, and CEDAW; therefore, it should uphold the articles of these conventions. Instead, Bahrain chooses to make reservations to essential articles of these conventions, thereby perpetuating discriminatory laws against women and children.

In the same way, Bahrain should uphold Article 18 of its own constitution and guarantee equality amongst women and men. Article 18 of the Bahraini Constitution reads as follows:

People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed.

For these reasons, ADHRB calls on the Government of Bahrain to:

- Continue the steps that have been taken to amend the Citizenship Law in order to enable the right of Bahraini women to transfer nationality to their children without restriction, on an equal basis to men;
- Ensure that the amendments to the Citizenship Law are completed without unnecessary delay, in accordance with international standards;
- Guarantee the right of all children to hold citizenship which would allow them access to free education, healthcare, and other basic human rights;
- Amend the Labor Law to include all provisions for domestic workers, such as weekly rest days, a minimum wage, and work-hour restrictions.