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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 The Next Century Foundation, 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.

[21 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



On the need for mothers to be enabled to pass nationality to their children in Bahrain

The Next Century Foundation (NCF) would like to express concern at the inability of women to pass citizenship to their offspring as a consequence of the restrictions placed on women in Article 4 of Bahrain's Decree Law Number 12 amending the Bahraini Citizenship Act of 1963. The NCF argues for the expansion and rewording of this Article on a human rights basis to forbid discrimination based on sex and allow women and their children to enjoy all the rights of citizenship.

Article 4 allows for a person to be deemed a Bahrain national in only two cases. The first is if the child was born in Bahrain or abroad to a father who was a Bahrain national at the time of birth. The second is if the child is born in Bahrain or abroad to a mother who was a Bahrain national at the time of birth, if the father is unknown or if paternity is not legally proven. Women that marry men of other nationalities forfeit their children's Bahrain citizenship.

We appeal to the Government of Bahrain to reword this article to state that the child of any Bahrain national parent, either mother or father, is a citizen of Bahrain.

Restricting the passing of citizenship to men is problematic on numerous levels on a human rights basis.

First, there is clear discrimination evidenced in the ability of men to pass citizenship to their children and the inability of women to do the same. The NCF would like to point out that this is not in line with Bahrain's 2002 Constitution which declared that women and men are equal, with guarantees for gender equality in political, social and economic spheres. Article 4 does not reflect this equality and until it is reworded and expanded, it cannot be said that women and men are equal politically, socially, or economically.

Secondly, Article 4 results in children, and subsequently adults, who are not considered citizens of the only home they have ever known. This creates a feeling of being an outsider or a foreigner, despite being born and raised in Bahrain. When they reach legal age, this treatment of such individuals as foreigners continues as these adults must apply for a residence permit to remain in the country, possibly facing deportation or inability to exit and reenter Bahrain if their permit is not approved.

Article 2 and 7 (1) of the 2017 Convention on the Rights of the Child confronted this by stating that upon birth, children should enjoy basic rights of education, healthcare, and freedom of movement and that states must protect this right regardless of discrimination of parent's sex, religion, or nationality. Bahrain must address the lack of protection by the state for these children by rewording Article 4.

Currently, in some circumstances, women are made to choose between passing on their citizenship by announcing that the paternity is unknown or denied, or not passing on citizenship by announcing the nationality of the father. As Islam is the official religion of Bahrain, the government and society guard Islamic values. These values underscore the importance of the family as well as the honour of women, most especially mothers. So unknown paternity often brings shame and social isolation to both the woman and her family. This is a source of great insecurity for women who feel they have to choose between their personal honour and the passing of citizenship to their children. The NCF appeals to the government that women should be able to pass citizenship to their children regardless of the nationality of the father, eliminating the need for a woman to bring shame upon her family for the sake of providing citizenship to her children.

One of the arguments used for the retention of this article, as stated by a former member of Bahrain's parliament, is to discourage Bahraini women from marrying outside the country in order to preserve the demographic of the country as well as to protect the women of Bahrain.

The NCF would like to note Article 16 of the United Nations Declarations of Rights which states that "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." According to the United Nations, marrying an individual outside of one's own nationality and creating a family with children is a right that is to be protected. By rewording Article 4, the government of Bahrain would

be aligning themselves with the Declaration of Human Rights by eliminating the devastating consequence of not passing on citizenship if a Bahraini woman chooses to marry a foreign national.

An argument has also been used by Bahrain government officials that similar laws exist in neighbouring countries, in an attempt to provide justification for the existence of Article 4 in Bahrain. However, the NCF notes that Bahrain takes the lead in women's rights in many respects in the Gulf and that this is an opportunity for Bahrain to again take the lead in the region by making critical legislative changes to support women.

The NCF would like to acknowledge the admirable effort made by the granting of citizenship to children by King Hamad Bin Isa Al Khalifa as well as the 2019 decree that children born to Bahraini mothers, despite their lack of citizenship, are eligible for the same access to health and education services as Bahrain citizens.

While this is a massive step, personal Bahraini women's accounts, as published by the Bahrain Women's Union, stress that there are a multitude of additional services to which these children are not entitled including government housing, loans, social assistance, and voting. This lack of government assistance and recognition for children of Bahraini mothers must be addressed with a rewording of Article 4. Additionally, Article 21 of the Universal Declaration of Human Rights stipulates that everyone has the right to take part in government, either directly or through voting to elect chosen representatives. By not allowing these children and later adults to vote, Bahrain is unintentionally violating a human right as established by the United Nations.

The NCF would like to emphasise how important this is in the aftermath of Bahrain's recent state visit to the United States of America, which has recently rejoined the Human Rights Council, and in view of Bahrain's acknowledged desire to enter into a memorandum of understanding with the Human Rights Council. The revision of Article 4 would be seen as a step in the right direction.

The NCF feels that it is pertinent to note that the rewording of Article 4 has a large amount of support both within Bahrain and in the international community. The NCF would like to point out that the work of the Bahrain Women's Union since 2006 in their pursuit of the abolishment of Article 4 and Paragraph 2 of Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women is commendable. The NCF feels that the education campaigns of the Bahrain Women's Union are admirable and hopefully with their continuation, awareness will be raised further and spur action from the Bahrain government.

The NCF is hopeful that the memorandum of understanding between the Bahrain Women's Union and the Supreme Council of Women will fulfil its purpose of defending women's rights and eliminating all forms of discrimination. The passing of citizenship from Bahraini women to children is an important cause and fulfils the criteria of eliminating discrimination and the defence of women's rights.

The NCF would like to acknowledge that previous attempts to amend the law have been unsuccessful in 2005, 2007, 2014, and 2017. However, 2022 marks an exceptionally important year as not only is an election being held later in the year, but Bahrain has acknowledged a desire to negotiate a memorandum of understanding with the Human Rights Council. Additionally, as Parliament is currently suspended, there is an opportunity for this human rights violation to be swiftly eliminated by Royal Decree.

In conclusion, The Next Century Foundation would like to re-emphasise the importance of expanding and rewording Article 4 of Bahrain's Decree Law Number 12 amending the Bahraini Citizenship Act of 1963. Denying women the right to pass on citizenship to their children is a human rights violation and the Next Century Foundation would respectfully ask the Government of Bahrain to address and resolve the issue in support of women. Currently in view of the suspension of parliament prior to elections later this year, this seminal step could be taken by Royal Decree.