



## **Childhood Abused in Bahrain:**

# **Children in Bahrain between Imprisonment and Revocation of Nationality**



**BAHRAIN CENTER FOR HUMAN RIGHTS**

*Defending and promoting human rights in Bahrain*

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## **I. International agreements and conventions guaranteeing children's rights**

- **The Universal Declaration of Human Rights**

Article 15 of the Universal Declaration of Human Rights (UDHR) provides that “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”.

- **The International Covenant on Civil and Political Rights**

Article 24 states that: “Every child has the right to acquire a nationality”.

- **The Declaration on the Rights of the Child (1959)**

The third principle of this Declaration states that: “the child must be the first to receive relief in times of distress”.

- **The Convention on the Rights of the Child (1989)**

The Convention on the Rights of the Child, adopted by the United Nations General Assembly Resolution 44/25 of 2 September 1990, was acceded to by the Government of Bahrain by Prince's Decree No. 16 of 1991. It was published in the Official Newspaper on 3 September 1991 and was put into force on 14 March 1992. Article 7 of this Convention provides that: “(1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents; (2) Member States shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless”.

- **Declaration on Social and Legal Principles relating to the Protection and Welfare of Children (1986)**

This Declaration was adopted and published in accordance with United Nations General Assembly Resolution 85/41 of 3 December 1986. Article 8 of this Declaration states: “The child should at all times have a name, a nationality and a legal representative. The child

should not, as a result of foster placement, adoption or any alternative regime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative”.

## **II. The Bahraini Nationality Law on Children**

The Bahraini Nationality Act was issued in 1937 and was amended twice, in 1963 and 2014. This law includes many articles related to the right to citizenship in general and the nationality of women and children in particular.

- **The child's acquisition of his father's nationality:**

Article 1 and Article 2 of the Bahraini Nationality Law provide that Bahraini nationality is granted to all persons born in Bahrain, before or after the date of this law, and to those born abroad before or after the date of this law, whose fathers or grandparents of the father were born in Bahrain. Persons born in Bahrain, whose parents have other nationalities at birth, are not holders of Bahraini nationality before or after the date of this law.

The concept of “Bahrainis by birth” provides for the granting of citizenship to a child if he was born in Bahrain after the date of the application of this law to unknown parents, with the proof that he was born there.

- **Deprivation of the child from the nationality of his father if it was denaturalized or withdrawn:**

Bahrain punishes children for a sin they did not commit by depriving them of the nationality because their parents have been denaturalised or their nationality has been revoked.

According to “Law No. 21 of 2014” amending some provisions on “Bahraini Citizenship Act (1963)”, the revocation of nationality was adopted by order of the Minister of Interior with the approval of the Council of Ministers after it was exclusively in the hands of the King.

Article 10 of this law provides that “the Bahraini Citizenship may be deprived by virtue from whoever enjoys such nationality in the following cases: a) If he enters the military service of

a foreign country and stays on service despite an order issued by the Government of the Kingdom of Bahrain ordering him to leave such service; b) If he helps or engages in the service of an enemy country; c) If he causes a damage to the interests of the Kingdom and if he committed a disloyal act against the Kingdom". Thus, the Bahraini nationality shall be revoked from the concerned individual only; while it shall be withdrawn from naturalized individual and whoever has acquired it through him. Article 8 provides that "Bahraini nationality may be deprived from any person who has acquired the citizenship of Bahrain by naturalization in one of the following conditions: a) if a person acquired the citizenship of Bahrain by deception or based on false statements or has hidden substantial information. In such events, Bahraini nationality may be withdrawn from any person who has acquired it through that person". The minor children of the concerned person will lose their nationality if the father has voluntarily acquired another foreign nationality, or he has renounced to his Bahraini nationality and a decree is issued based on the proposal of the Minister of Interior to withdraw the nationality of that person".

Since the beginning of 2011, however, more than 500 Bahraini 30 citizens have had their nationality revoked and denaturalized because of their political and human rights attitudes, which have deprived their children of their nationality.

- **Depriving the child of his mother's nationality:**

After the amendment of the Citizenship Act (1963), several Articles were added, including one that deprives the Bahraini mother who marries a foreigner of her right to grant citizenship to her children.

Any individual who has a Bahraini mother at birth and an unknown, no-registered or stateless father acquires the Bahraini nationality under the concept of "Bahrainis by descent". However, this law is not put into force yet, and Bahraini women are not able to grant the citizenship to her children; which contradicts Article 4 (b) of this Act.

This problem is not limited to Bahrain only; most Arab countries do not approve the right of woman to grant citizenship to their children. The deprivation of the child from the nationality of his mother, though it is unfair, may not be an obstacle if the father is foreign (non-Bahraini), but it can negatively affect the child's future, if his father's nationality was revoked or denaturalized. Thus, this child is stripped of his father's nationality for political reasons and from the nationality of his mother for traditional and ideological reasons.

### **III. Why Bahraini children are deprived of citizenship**

- **The Punishment of the mother reverses on the child:**

Article 7 of the amended Bahraini Citizenship Act 1963 provides that a Bahraini woman shall lose her nationality if she "marries a foreigner and when she acquires the nationality of her husband; otherwise she remains Bahraini; and her Bahraini nationality will be retained upon her request, if marriage ceases to subsist and her usual residence is in Bahrain or she returns to live in Bahrain".

This law does not only deprive women of this right but extends it to their children. Article 4 of the Act states that: a Bahraini mother can grant citizenship to her children if "the father was unknown, without nationality or fatherhood was not substantiated".

This discrimination in the laws in most Arab countries is a violation of all international standards that advocate equality between women and men in rights, especially the right to a nationality. This punishment is prescribed by Bahraini law for children even before they are born.

- **The Punishment of the father reverses on the child:**

The woman already knows that if she marries a foreigner she will not be able to grant her nationality to her children. It is more complicated in the case of the father because he may have children before his nationality is revoked and it will automatically be revoked from anyone who has acquired it through him, in case he is naturalized. In other cases mentioned

earlier (Second-B), the law only provides for the withdrawal of nationality from the concerned person. However, the nationality of the children is revoked in all cases, thus depriving these children of their most basic civil and political right.

#### **IV. How the law treats stateless children**

The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law”. According to the UN Refugee Agency (UNHCR), this means that a stateless person does not have a nationality of any country. Some people are born stateless, but others become stateless.

Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws.

For whatever reason, statelessness has dire consequences for people in almost every country and in all regions of the world. Member States that have ratified the “Convention on the Rights of the Child”, including Bahrain, take first account of the best interests of the child. They ensure that States, departments and facilities responsible for the care or protection of children comply with the standards established by the competent authorities, particularly in the area of safety. Article 7 of this Convention Provided that the child shall be registered immediately after birth and shall have the right from birth, to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Member States shall respect and ensure these rights in accordance with their national law and their obligations under the relevant instruments, in particular where the child is deemed to be stateless in the event of the failure to do so.

The right to a nationality is recognized in a range of international legal agreements and covenants: the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and

Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Nationality of Married Women, the Convention on the Rights of Persons with Disabilities, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The issue of nationality is also regulated in the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless Persons, and the Convention relating to the Status of Refugees.

It is particularly noteworthy that Article 15 of the Universal Declaration of Human Rights expressly states that “no one shall be arbitrarily deprived of his nationality”. The General Assembly, in Resolution 50/152, also recognizes the fundamental nature of the prohibition of arbitrarily depriving a person of his nationality.

## **V. Legal effects of depriving children of nationality**

Nationality is a legal relationship between an individual and the State; it organizes the obligations of the state towards the citizen in the form of political and civil rights. Therefore, it obliges the citizen to fulfil legal duties. In fact, nationality enables an individual to interact and adapt within the society. However, a stateless individual is prohibited from practicing all of his political and civil rights, meaning that he cannot take part in education, healthcare and employment. These rights cannot be given neither from public nor private sectors. This comes in addition to the deprivation from legal marriage, possession and children registration. He is prohibited from his right to inherit, travel, vote and run for election. Therefore, he loses his legal personality.

## **VI. Torture of children in prisons**

At a time when States are highlighting issues related to children, such as labor, abuse and the right to education, Bahrain violates the most important human rights, which is freedom.



These violations have been evident since 2011, when the authorities in Bahrain arbitrarily arrested children, imprisoned them and tortured them during arrest and investigation. More than 1,400 children have been imprisoned since the beginning of popular protests. The United Nations Committee against Torture previously published its report in 2017, which concluded that torture in Bahrain remains widespread and the policy of impunity prevails. The report indicated that children suffer from torture and ill-treatment, as about 200 minors were imprisoned in 2015 and half of them were held in adult prisons. The report also indicated that non-governmental organizations received complaints between January and June 2016 regarding torture and ill-treatment of minors.

In our report, some cases of torture and deprivation of freedom for children due to expressing their views will be addressed, and it is an example of cases of violations in Bahraini prisons:

The Bahraini detainee Sayed Ahmed Sayed Majeed Fadl (17 years old, legal minor) complained in June 2020 of his inability to chew food after his teeth crumbled. It is noteworthy that the detainee Sayed Ahmed Sayed Majeed Fadl was arbitrarily arrested at the age of less than 15 years and remained in the Criminal Investigation Department (CID) for 34 days. The court did not take into account his young age, and he was accused of unreasonable charges of his age. He was even in the CID at the time of the incident in which he was accused. However, the sentence came to imprisonment for 10 years and 6 months, of which he spent 3 years.

The child Ebrahim Al-Meqdad is the youngest prisoner of conscience in Bahrain, after spending 8 years in prison. He was arrested as a child on (27 July 2012) after a peaceful demonstration in Bilad Al-Qadeem region. Al-Meqdad was beaten and tortured to extract confessions from him. He was sentenced to 10 years in prison after being tried under the **Terrorism Act**, and the case papers were devoid of any visible evidence that he had

committed that crime other than his confession. He was released in 2020 after international appeals

The child Haydar Al-Mulla was subjected to ill-treatment on April 12, 2017, in prison, which led to damage to his eye, as a result of being beaten by the security forces. It is reported that the child Haydar Al-Mulla was arrested in November 2015, and he was sentenced to 7 years of imprisonment. According to what his family reported, he was transferred to the hospital in October 2016 after suffering from health complications as a result of being tortured.

## **Recommendations**

The BCHR calls upon the United States, the United Kingdom, the United Nations, the European Union and all close allies and international institutions to urge the Government of Bahrain to:

- Immediately release all detained children;
- Stop all violations against children in Bahrain;
- Enacting clear legislation to protect children and their rights;
- The application of the terms of the conventions guaranteeing the right of individuals to a nationality, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Rights of the Child and other conventions;
- Enacting the Bahraini Nationality Act (2014), that guarantees the right of the individual in all matters relating to nationalities;
- Stop making decisions and provisions not stipulated in the Penal Code;
- Granting citizenship to every Bahraini child who has been stripped of his nationality and compensated for every right he was deprived of when he was stateless and;

- Amend the law to allow the Bahraini mother to transfer her nationality to her child.