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COUNTRY
REPORT
2021/06

MARCH
2021

REPORT ON CITIZENSHIP LAW: BAHRAIN

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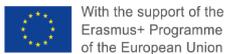
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Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Citizenship Law: Bahrain
RSCAS/GLOBALCIT-CR 2021/6
March 2021



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Printed in Italy

European University Institute

Badia Fiesolana

I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
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Research for the current GLOBALCIT Reports has been supported by the European University Institute's Global Governance Programme, and the British Academy Research Project CITMODES (co-directed by the EUI and the University of Edinburgh).

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Report on Citizenship Law

Bahrain

Zeineb Alsabeehg

1. Introduction

Bahrain's current law on citizenship is from 1963. The law, which is called Bahraini Citizenship Act of 1963, has been amended several times since it was first issued.¹ This report describes how persons can acquire Bahraini citizenship and in which ways they can lose it, according to the law. In addition to examining the current citizenship regime (chapter 3), the report gives insight into the historical background of the amendments to the modes of acquisition and loss of citizenship in Bahrain since the country got its first citizenship act in 1937 (chapter 2). The country has one of the smallest populations in the Middle East with approximately 1,5 million inhabitants of whom less than half are Bahraini citizens.²

Bahrain is an island state located in the Persian Gulf. It is one of the Arab Gulf countries, being a member state of the Gulf Cooperation Council (GCC) along with Saudi Arabia, Kuwait, Oman, United Arab Emirates and Qatar. The country is ruled by the Al-Khalifa royal family. The monarchy has from 2002 had a two-chambered legislature with same number of members in each chamber. Elections have been held regularly since then to one of the chambers, while the members to the other legislative chamber are directly appointed by the king. The government is also appointed by the king and consists to a large extent of members from the Al-Khalifa family. The king has supreme powers according to the Constitution from 2002.³

Bahrain has a long history of oppositional movements that has campaigned against the political system and to acquire greater space for political participation by the citizenry. This has influenced some of the amendments to the Bahraini Citizenship Act and the practical-political ways the government has handled citizenship issues. In particular, the uprising that Bahrain experienced in 2011 as part of the so-called "Arab Spring" paved the way to amendments to the regulation on deprivation of citizenship and hundreds of cases of revocation of citizenship of individuals predominantly linked to the opposition. The government has in the period post-2011 restricted the activities of political and civil societies, including by suspending opposition groups that had earlier run for election and denaturalising some of their members. At least 990 individuals had their citizenship revoked between 2012 and 2019.

¹ Bahraini Citizenship Act of 1963 (original title: قانون الجنسية البحرينية لعام 1963), available with its amendments at the Global Nationality Laws Database: <https://globalcit.eu/national-citizenship-laws/> (accessed 10 January 2021).

² 'Bahrain: Population crosses 1.5 million, of which 52.6% are expats', *Gulf Insider*, 13 October 2020 <https://www.gulf-insider.com/bahrain-population-crosses-1-5-million-of-which-52-6-are-expats/> (accessed 10 January 2021).

³ 'Bahrain: Constitution of the Kingdom of Bahrain', 14 February 2002, available at: <https://www.refworld.org/docid/48b54f262.html> (accessed 10 January 2021).

This report sheds light on peculiar features of Bahrain's citizenship regime that includes citizenship revocations, but also politically motivated naturalisations of foreigners and gender discrimination against female citizens' right to transfer citizenship to their children and spouses. Political debates and campaigns on these features are discussed in the report, showing that there have been some changes on individual cases, but that there is no clear political will to reform the citizenship regime on a structural level (chapter 4). The concluding chapter (chapter 5) sums up the findings of the report.

2. Historical Background

Bahrain has had two citizenship laws: one from 1937 and the current one from 1963. The Al-Khalifa rulers have been dominant actors in their drafting and amendments, even though Bahrain was under British protectorate when these two laws were enacted and has had a partly elected legislative assembly since the beginning of the 21st century. The amendments to the current Bahraini Citizenship Act from 1963 have changed some rules regarding acquisition and loss of citizenship in the law since it was first issued.

2.1 The Al-Khalifa rule since 1783, the British protectorate until 1971 and the Period after Independence

Bahrain has been ruled by the same clan for over 200 years. The Al-Khalifa conquered the country in 1783 and has since had the power over the territory. For over 100 years, this was with the direct support of Great Britain. Bahrain was a British protectorate from 1861 until 1971 when Bahrain became independent. Bahrain – along with some other Gulf states such as the United Arab Emirates and Qatar – thus gained its independence relatively recently. The Al-Khalifa clan has as the rulers of the country, had great impact on the drafting, enactment and implementation of laws.

For most of Bahrain's history, including the period after independence, Bahrain has not had an elected legislative assembly. A first attempt was made right after independence, when Bahrain held its first national election in 1972 and set up a parliament in 1973. However, after only two years in function, the Al-Khalifa ruler suspended the parliament as it proved that it could stop bills from the government. The government was directly appointed by the Emir from Al-Khalifa. Still today, the government is appointed by the Al-Khalifa ruler who today is called the king. The parliament was restored, since 2002, but still with practically no ability to challenge the supreme power of the king which is embodied in the Constitution.

Even before Bahrain's independence in 1971, the Al-Khalifa had the authority to pass legislation as long as it did not derive from the directives of the British administration.⁴ Bahrain's two citizenship laws were issued by the rulers from Al-Khalifa under the British protectorate. The first in 1937 was issued by Hamad bin Issa Al-Khalifa, the great-grandfather of the current king who has the same name. The second law from 1963, which replaced the former, was issued by Issa bin Salman Al-Khalifa, the father of the current king and ruler of Bahrain.

⁴ Yacoob Seyadi, 'رأي في بعض مواد قانون الجنسية البحرينية لعام 1963 وتعديلاته' [Opinion on some articles of the Bahraini Citizenship Act of 1963 and its amendments], *Al-Wasat*, 2 September 2014, <http://www.alwasatnews.com/news/917323.html> (accessed 2 January 2021).

2.2 Former Law: Bahraini Citizenship Act of 1937

Bahrain got its first law on citizenship on 8 May 1937. From that date, the state began registering subjects under its jurisdiction: firstly, the citizens who were born in Bahrain and, secondly, the citizens by descent who were residing either in Bahrain or abroad in neighbouring countries and even countries farther away such as India. Those who were regarded as Bahrainis were registered by the Bahraini government, while the inhabitants in Bahrain who were non-Bahrainis were registered by the British administration. In this way, the birth date of Bahraini citizenship is believed to be 8 May 1937 when the first law on citizenship entered into force.⁵

The 1937 Citizenship Act defined who could be registered as Bahraini citizens. It regulated the modes of acquisition of Bahraini citizenship, as well as the modes of its loss.⁶ A main distinction from the current citizenship law (see chapter 3 for the latter) was a more extensive right to acquisition after birth. All persons born in the country before or after 1937 acquired Bahraini citizenship except persons whose fathers were citizens of another state. That meant that children born in Bahrain who would otherwise be stateless, could acquire Bahraini citizenship by birth. Today, persons can acquire Bahraini citizenship after birth in rare cases, primarily only if they are foundlings. The right of acquisition of citizenship by descent also differed from today; persons who were born abroad but had fathers *or* grandfathers from the side of the father who were born in Bahrain, could acquire Bahraini citizenship. Differently from today, that would mean that persons whose fathers may have been denaturalised, still could obtain Bahraini citizenship because their grandfather from their father's side were Bahraini citizens by birth.

The 1937 law stated that the ruler of Bahrain could give persons residing in Bahrain citizenship by naturalisation after application. In a decree on 20 May 1955, the requirements for naturalisations were defined. To a large extent, they are the same as today except that the residence requirement was set to at least 10 years, which is less than what follows from the current legislation.⁷ Citizenship could be deprived from naturalised persons who no longer resided in Bahrain. Moreover, spousal extension of citizenship to wives of male citizens was established in 1937, in which all foreign women married to male citizens could acquire Bahraini citizenship. Today, the law requires the marriage to be upheld five years after application, before the foreign women can acquire Bahraini citizenship. In the 1937 law, the foreigner woman could lose Bahraini citizenship she acquired based on her marriage in the case of divorce. The other modes of loss of Bahraini citizenship were primarily related to cases in which Bahraini citizens had acquired another foreign citizenship. When the 1963 law enacted, the modes of loss of citizenship were further developed, among other things.

2.3 Bahraini Citizenship Act of 1963 – Current Law

On 16 September 1963, Bahrain's current citizenship law was published and ordered to be put into force from the same date. According to its first provision, the law was to be called the

⁵ Yacoob Seyadi, 'تأصيل الجنسية البحرينية بدأ في 8 مايو 1937' [The origin of the Bahraini citizenship began on 8 May 1937], *Al-Wasat*, 30 August 2014, <http://www.alwasatnews.com/news/917323.html> (accessed 2 January 2021).

⁶ An unofficial copy of the Bahraini Citizenship Act of 1937 '[قانون الجنسية البحرينية 1937]', is available here: <https://www.bahrainlaw.net/1937-t1139.html#p1270> (accessed 2 January 2021).

⁷ Yacoob Seyadi, 'تأصيل الجنسية البحرينية بدأ في 8 مايو 1937' [The origin of the Bahraini citizenship began on 8 May 1937], *Al-Wasat*, 30 August 2014, <http://www.alwasatnews.com/news/917323.html> (accessed 2 January 2021).

Bahraini Citizenship Act of 1963. Until the end of 2020, five amendments had been made to the act. These were enacted in 1963, 1981, 1989, 2014 and 2019. All amendments have been made during times in which Bahrain either did not have a legislative assembly or – as has been the case since 2011 – has had an assembly that almost lacks a political opposition. Consequently, the amendments have been put into force by the government and the king without prior political debates. The major changes to the Bahraini Citizenship Act of 1963 with regards to modes of acquisition of citizenship and loss of it, respectively, are examined below.

2.3.1 Amendments regarding Acquisition of Citizenship

The first amendment of the Bahraini Citizenship Act came just one month after it was put into force. On 12 October 1963, the Al-Khalifa ruler clarified the article in the law that states acquisition of citizenship by virtue of former law, i.e. the 1937 citizenship law. A person was to be regarded as a Bahraini citizen “If he has obtained a valid or renewed passport of Bahrain since 1959, or Bahraini citizenship or final judicial decision [about Bahraini citizenship],” as the added phrase stated.⁸ The validity of the amendment was from the validity date of the original act, as pointed out in the amendment. The authorities wanted to stress the need of documentation for being a Bahraini citizen by virtue of the 1937 law, by requiring identification such as a passport. However, many Bahrainis had not obtained passports, because passports were predominantly used to travel outside Bahrain, and few travelled prior to 1959. This could potentially have led to situations of denial of Bahraini citizenship after the 1963 law was put into force, and to people becoming stateless. Still, many persons without passports who were born in Bahrain between 1937 and 1963, managed to get Bahraini citizenship and documentation on that after applying to the Bahraini government as late as in the 1970s. Two Bahraini citizens had to sign the application as witnesses.⁹

The amendment that has restricted the right to acquire Bahraini citizenship perhaps the most, is the change to article 4 (b) in 1989. Article 4 (b) is about Bahraini mother’s right to transfer citizenship to own children. Female citizens have this right on rare situations, and the right was further restricted when the following phrase was removed: “or the father has no citizenship”.¹⁰ Thus, before 1989, a person whose mother is Bahraini and father is stateless, could acquire Bahraini citizenship. This certainly could have been a safeguard to prevent children being born stateless when they have mothers who are Bahraini citizens.

Another change that was in the 1989 amendment, that also represented a setback against preventing statelessness in Bahrain, is ending acquisition after birth in the country to third generation children. When the Bahraini Citizenship Act entered into force in 1963, it stated that a person shall be regarded Bahraini by birth if born in Bahrain and the person’s father was also born in Bahrain and has made Bahrain his permanent residence, at the time of birth of that person, provided, however, that this person is not holding another citizenship. In 1989, this provision was removed.¹¹ Today, persons can live as third generation in Bahrain and have father who is stateless, and end up as stateless themselves even though they are born in Bahrain – and even if their mother happen to be a Bahraini citizen. A potential way of preventing ending up

⁸ Amendment of 12 October 1963 (Issue No 11 / 1963), Art. 3, of the Bahraini Citizenship Act 1963. English language translation of the 1963 Act and the amendments up to 1989 is available via: <https://www.refworld.org/pdfid/3fb9f34f4.pdf>

⁹ Yacoob Seyadi, ‘رأي في بعض مواد قانون الجنسية البحرينية لعام 1963 وتعديلاته’ [Opinion on some articles of the Bahraini Citizenship Act of 1963 and its amendments], *Al-Wasat*, 2 September 2014, <http://www.alwasatnews.com/news/917323.html> (accessed 2 January 2021).

¹⁰ Decree Law No (12) of 1989 Amending Bahraini Citizenship Act of 1963.

¹¹ Decree Law No (12) of 1989 Amending Bahraini Citizenship Act of 1963.

in this situation, is if the father meet the requirements in the 1963 law to be naturalised, including by having been resident of Bahrain at least 15 years if he is an Arab or 25 years if he is a non-Arab.

Another restriction was about transfer of citizenship to female spouses of Bahraini men. The 1963 law maintained from the former law that all foreign women married to male citizens, could acquire Bahraini citizenship. In 1981, a five-year requirement of continuation of marriage in order for the application to be approved, was introduced.¹² Moreover, from 1989 not all children of a naturalised man could acquire Bahraini citizenship after their father manages to acquire citizenship by naturalisation; they have to be below the age of 18.¹³

Another change that has perhaps been for the better, is the removal of the requirement that the father or grandfather from the father's side had to be born in Bahrain, in order for acquisition of citizenship for persons who are born abroad to a male citizen.¹⁴ Today, citizenship is acquired by descent through a Bahraini father, regardless of the place of birth of the person in concern and the father or grandfather. Most changes regarding acquisition of citizenship that are mentioned above were part of the amendment in 1989, whereas some of them were a result of the amendments in 1963 or 1981. The amendments to the Bahraini Citizenship Act up to the 1990s were thus primary concerned about amending modes of acquisition of citizenship.

2.3.2 Amendments regarding Loss of Citizenship

The Bahraini Citizenship Act of 1963 has separate articles on loss (article 9) and withdrawal of citizenship (article 10), as well as a specific article on deprivation of citizenship of naturalised persons (article 8). The difference between the two first-mentioned, is that article 9 is more concerned with 'technical causes' such as dual citizenship that can lead to loss of citizenship, while article 10 is focused on offenses to the interests of the Kingdom that can result in withdrawal of citizenship. In this report, all three 'types' of citizenship revocations are discussed under the headline of 'loss of citizenship'.

The 1981 amendment had a provision about deprivation of citizenship of naturalised persons. The 1963 law stated that "if a [naturalised] person is found guilty on a case connected with honour and honesty (impugned integrity), within five years of his acquisition of Bahraini citizenship", his citizenship is deprived of him. In 1981, the time span of five years was extended to ten years after acquisition of the Bahraini citizenship. Otherwise, the amendments in the late 20th century were, as mentioned above, mainly about changes to how to acquire the Bahraini citizenship. In contrast, the amendments so far in this century have focused on extending the reasons that can lead to loss of citizenship.

In 2013, it was an amendment to another Bahraini law that had an impact on the regulation on loss of citizenship. The Law No (58) of 2006 with Respect to Protecting the Society from Terrorist Acts was amended, stating that citizenship can be revoked of persons found guilty in a crime stated in articles 5 to 9, 12 and 17 of the same law. The courts were to take such decisions on deprivation of citizenship based on terrorism-related charges.¹⁵ Since its introduction in 2013, this rule has been the most used cause of denaturalisations in Bahrain. In

¹² Decree Law No (10) of 1981 Amending Bahrain Citizenship Act of 1963.

¹³ Decree Law No (12) of 1989 Amending Bahraini Citizenship Act of 1963.

¹⁴ Decree Law No (12) of 1989 Amending Bahraini Citizenship Act of 1963.

¹⁵ Decree Law No (20) of 2013 Amending Law No (58) of 2006 with Respect to Protecting the Society from Terrorist Acts. English language translation is available via: [https://www.mofa.gov.bh/Portals/0/pdf/AntiTerrorist/LAW%20NO.%20\(58\)%20OF%202006%20amended%20by%20law%20\(68\)%20and%20\(20\)%20PDF.pdf](https://www.mofa.gov.bh/Portals/0/pdf/AntiTerrorist/LAW%20NO.%20(58)%20OF%202006%20amended%20by%20law%20(68)%20and%20(20)%20PDF.pdf) (accessed 25 February 2021).

2019, the Bahraini Citizenship Act was amended in order to include a provision about the possibility to revoke citizenship based on the mentioned Terrorism Law.¹⁶ However, the 2019 amendment removed the courts' ability to sentence subjects to revocation of citizenship. With the added paragraph 10 (d) to the Citizenship Act, it is now the executive authority – the Cabinet after the proposal of the Minister of Interior – who decides on withdrawal of citizenship based on terrorism-related charges.¹⁷

Another provision which has been used extensively to legalise citizenship revocations, is article 10 (c). It states one of several causes that lead to withdrawal of citizenship of a person. Before the amendment in 2014, this read as following “If he causes harm to the security of the State.” After the amendment, this was reformulated to “If he causes harm to the interests of the Kingdom or acts contrary to the duty of loyalty to it.”¹⁸ From then, not only what was counted as “security issues” could result in denaturalisation, but anything which the authorities regarded as against their interests or an act of disloyalty. As the examination in chapter 3.2.1 will show, this has been widely understood and practiced by the authorities to revoke citizenship of political opponents.

Moreover, the amendment in 2014 reformulated how acquisition of foreign citizenship could lead to loss of Bahraini citizenship. Before, this had to be a result of an order issued by the king. In the 2014 amendment, this was put more widely, in which dual citizens who acquired foreign citizenship without prior permission from the Minister of Interior, risked denaturalisation. However, it was clarified that one group was exempted: dual citizens of Bahrain and another Gulf state, although these citizens also had to get prior permission from the Interior Minister. If not, they will risk an expensive fine. Furthermore, in 2014, paragraph 9 (2) was removed; it stated that if a person has lost his citizenship by virtue of article 9, which were in cases of dual citizenship or voluntarily renunciation of citizenship, his children under the age of 18 will also lose citizenship.¹⁹ With this, Bahrain almost put an end to loss of citizenship for persons whose parents lose citizenship, except in one situation that is stated by law and that is for naturalised persons whose parents have acquired citizenship by fraud. Notwithstanding, generally all children who are born to men who have been denaturalised before the time of their birth, are no longer qualified to acquire Bahraini citizenship by descent.

The article in the Bahraini Citizenship Act that is specifically about withdrawal of citizenship of naturalised persons, was also amended in 2014.²⁰ Two new reasons to withdraw Bahraini citizenship acquired by naturalisation, were added to the provision. These are in case a person retrieves his original citizenship or renounces his permanent residence permit in Bahrain for five consecutive years, in both cases without obtaining the prior permission of the Minister of Interior. The amendment, however, stated that these two cases did not apply to naturalised citizens whose original citizenship is from another Gulf state.²¹ The two other reasons for loss of citizenship of naturalised persons are 1) conviction of a crime connected with honour and honesty and 2) fraudulent acquisition.

Lastly, there has been a shift in terms of *who* is named as responsible to take decisions on deprivation of citizenship. When the 1963 law was issued, it stood in the relevant provisions that it had to be “by the order of His Majesty the Governor”, i.e the Al-Khalifa ruler who today

¹⁶ Decree Law No (16) of 2019 Amending Bahraini Citizenship Act of 1963.

¹⁷ Bahrain Mirror, ‘2019 Roundup: Citizenship Restored to Hundreds of Bahrainis, Legal Amendments Withdraw from Judiciary Power to Revoke Citizenship’, 20 January 2020, <http://www.bahrainmirror.com/en/news/57000.html> (accessed 1 January 2021).

¹⁸ Decree Law No (21) of 2014 Amending Bahraini Citizenship Act of 1963.

¹⁹ Decree Law No (21) of 2014 Amending Bahraini Citizenship Act of 1963.

²⁰ Bahraini Citizenship Act 1963, Art. 8.

²¹ Decree Law No (21) of 2014 Amending Bahraini Citizenship Act of 1963.

has the title of ‘king’. This main responsibility is now transferred to the Minister of Interior. However, the king still has the supreme power in the country, according to the Constitution and also the Citizenship Act. The king can overrule decisions by other state authorities, such as reinstating citizenship revoked by the courts, and has also practically issued his own revocations of citizenship throughout the last years.

3. The Current Citizenship Regime

The Bahraini Citizenship Act of 1963 including its amendments regulates the acquisition, loss and restoration of Bahrain citizenship. It defines five main modes of acquisition of the Bahraini citizenship: (1) by descent, (2) by birth, (3) by naturalisation, (4) by marriage and (5) by virtue of former law i.e. the 1937 citizenship law. The act also defines the main ways in which the Bahraini citizenship can be withdrawn or lost, which summed up are (1) revocation of citizenship for “harming the interests of the Kingdom” in several – more or less – defined ways, (2) withdrawal of citizenship specifically of naturalised persons such as if the citizenship was acquired by fraud, (3) in some cases of dual citizenship and (4) by voluntarily renunciation of citizenship.

The current citizenship regime can be characterised by gender discrimination against female citizens and their right to transfer citizenship to own children and spouses – a right that is exclusive for male citizens. Moreover, Bahrain’s citizenship regime is characterised by relatively high number of naturalisations, on the one hand, and revocations of citizenship, on the other hand. For instance, 990 individuals had their Bahraini citizenship revoked between November 2012 and until April 2019 when the king restored 551 citizenship. These peculiar features of the regime are highlighted and elaborated in the examination in this chapter, particularly under sections 3.1.3 and 3.2.1. In its different provisions, the Bahraini Citizenship Act stresses the king’s supreme power to give, revoke and restore the citizenship of whom he wants. The law also specifies the Minister of Interior’s determination power on citizenship.

3.1 Modes of Acquisition of Citizenship

3.1.1 Citizenship by Descent

The most dominant mode of acquisition of Bahraini citizenship, is by descent in which a person has a father who is a Bahraini citizen. Regardless of birthplace, whether it is in Bahrain or abroad, the person acquires Bahraini citizenship if he or she has a father that is a Bahraini citizen.²² However, in November 2020, it was announced that children born abroad, had to substantiate the biological relationship to a Bahraini father by providing a DNA testing report.²³ In any case, the father must be a citizen at the time of birth.²⁴ This implies that in cases in which a man has renounces his Bahraini citizenship or has had his citizenship revoked, his children can no longer obtain Bahraini citizenship. Thus, children of the same father can have different legal statuses, one being Bahraini citizen and the other not – the latter potentially stateless – based on whether their father was a citizen at the time of their birth or not.

²² Bahraini Citizenship Act 1963, Art. 4 (a).

²³ GDN Online, ‘New passports rule’, 23 November 2020, <http://www.gdnonline.com/Details/898333> (accessed 2 January 2021).

²⁴ Bahraini Citizenship Act 1963, Art. 4 (a).

The latter has represented a problem for children of hundreds of people who have had their citizenship revoked by Bahraini authorities (more on this under chapter 3.2.1). They are predominantly men and their children who normally would have been granted Bahraini citizenship, can no longer acquire it because of a governmental decision directed at their fathers. There have also been cases in which the fathers have not lost their citizenship, but are imprisoned or wanted by the authorities, and their children meet administrative obstacles to acquire Bahraini citizenship that they are qualified for by descent. Stateless children to Bahraini men have consequently been born both inside and outside Bahrain.²⁵ In most cases, their mothers are Bahraini citizens, but as the Bahraini citizenship is transferred through the father, the mother's nationality plays no role in this regard.

The foregoing signals gender discrimination in the national citizenship law. Like most states in the Middle East region, citizenship in Bahrain is predominantly transferred through men to their children.²⁶ Female citizens do not have the right to transfer citizenship to their own children the same way as male citizens have. However, the Bahraini Citizenship Act opens for persons to acquire Bahraini citizenship if they have a Bahraini mother only on condition that their father is unknown or fatherhood cannot be legally substantiated.²⁷ The mother must be a Bahraini citizen at the time of birth, regardless of whether the child is born inside or outside Bahrain. As the Bahraini society is centred on marriage, and being pregnant with or giving birth to a child whose father is unknown is socially unaccepted, this provision can be said to be rarely applicable in practice. A child may perhaps be more likely at risk of ending up as a foundling if he/she is born in Bahrain than having a mother who proceed to apply on Bahraini citizenship to the child on this provision of the law.

3.1.2 Citizenship by Birth

Foundlings found in Bahrain of unknown parentage can acquire Bahraini citizenship by birth. Neither of the parents must be known. A foundling found in Bahrain is deemed to have been born in Bahrain, unless otherwise has been proved.²⁸ The current Citizenship Act grants nobody other than foundlings the right to acquire citizenship by the virtue of just being born in Bahrain.

3.1.3 Citizenship by Naturalisation

One of the longest provisions in the Bahraini Citizenship Act of 1963, is about acquisition of citizenship by naturalisation. It defines four requirements for persons who want to be naturalised in Bahrain. Article 6 (1) in the law states that

The Bahraini Citizenship may be granted, by order from His Majesty the Governor, to any foreigner of full legal capacity, if requested by the foreigner who should meet the following requirements:

- (a) He has made Bahrain his usual place of residence legally for at least twenty-five consecutive years or fifteen years consecutively for Arab nationals,

²⁵ Bahrain Center for Human Rights (BCHR), 'Bahrain: Children Without Citizenship', March 2017, <http://bahrainrights.org/sites/default/files/NEW%20BCHR%20Children%20Without%20Citizenship%20-%20March%202017.pdf> (accessed 8 January 2021).

²⁶ The Global Campaign for Equal Nationality Rights, 'Middle East & North Africa', <https://equalnationalityrights.org/countries/middle-east-north-africa> (accessed 8 January 2021).

²⁷ Bahraini Citizenship Act 1963, Art. 4 (b).

²⁸ Bahraini Citizenship Act 1963, Art. 5.

provided, however, that this period shall commence after the effective date of this act.

(b) Shall be of good conduct.

(c) Must be fluent in Arabic.

(d) Shall have a real estate in Bahrain registered in his name at the Land Registry Office of the Government of Bahrain.²⁹

Thus, the requirements for naturalisation is about residence period, conduct, language skills and real estate ownership. There are different residence requirements for Arabs and non-Arabs, in which the former must live in Bahrain at least 15 years consecutively, while the requirement is ten years longer for non-Arabs.³⁰ However, all these four requirements can be skipped by the decision of the king. Article 6 (2) states that

Notwithstanding the above, Bahraini citizenship may be granted to anyone, by order of His Majesty the Governor.

Bahraini Citizenship may also be granted, by Order of His Majesty the Governor, to any Arab person, upon his request, if that person has rendered Bahrain great services.³¹

In fact, naturalisations take place in Bahrain and are believed to be in large numbers. In many cases, it has been pointed out that naturalised persons had neither lived in Bahrain enough years nor were fluent in Arabic or had fulfilled all the other requirements stated in article 6 (1) before obtaining the Bahraini citizenship. In other words, they must have been naturalised according to article 6 (2) in the law. There have been naturalisations of individuals such as foreign celebrities, athletes and academics, as well as large groups from abroad that are linked to the government's recruitments to the police and military forces (more on this under the next subheading).

Article 6 (4) in the Bahraini Citizenship Act regulates the right of citizenship to children and wives of naturalised persons – or more precisely: naturalised men. Minor children who are under the age of 18 are granted the Bahraini citizenship from the date of naturalisation of their father. However, if it is only one year left until they turn 18 years, the children may choose to keep their original citizenship instead of becoming naturalised Bahrainis. Children born to a naturalised man after his acquisition of the citizenship of Bahrain, are regarded as Bahraini citizens.³² Regarding acquisition of citizenship by wives of naturalised men, this is examined in more detail under chapter 3.1.4 in this report that examines citizenship by marriage. The main rule is that spouses of male citizens, be they naturalised or not, can obtain citizenship five years after application.

Naturalised persons have restricted political rights the first years after acquiring the Bahraini citizenship. They cannot vote or stand as candidate in elections, or by other means be represented, nominated or appointed, in local councils (except clubs and private associations) during the first ten years after acquisition of the citizenship.³³ However, like other regulations regarding naturalisation in Bahrain, this also has exceptions. In 2002, it was documented that 20,000 persons from the Al-Dawasir tribe in Saudi Arabia were naturalised and driven over the

²⁹ Bahraini Citizenship Act 1963, Art. 6 (1).

³⁰ See also information about “Application for Bahraini Citizenship” on the website of the Bahraini government: <https://www.bahrain.bh/> (accessed 23 December 2020).

³¹ Bahraini Citizenship Act 1963, Art. 6 (2).

³² Bahraini Citizenship Act 1963, Art. 6 (4).

³³ Bahraini Citizenship Act 1963, Art. 6 (3).

causeway linking the two neighbouring countries in order for the new citizens to cast votes in Bahrain's first parliamentary election since the 1970s.³⁴

The 2002 incident reflected several things: (1) the practice of mass-naturalisation; (2) the abandonment of requirements for naturalisation stated in the law; and (3) citizens given electoral rights straight after being naturalised. Furthermore, it shows an opening for dual citizenship, which is based on a royal decree from the same year allowing citizens from other Gulf countries to acquire the Bahraini citizenship without abstaining from their own citizenship.³⁵ In fact, the law does not explicitly prohibit foreigners from keeping any previous citizenship they may have in order to access naturalisation in Bahrain. Instead, the law states that the Ministry of Interior has to be informed about any foreign citizenship to avoid being put in risk of deprivation of the Bahraini citizenship (more on the regulation on dual citizenship in chapter 3.2.3 in this report).

3.1.4 Naturalisations and Demographic Engineering in Bahrain

Naturalisations are believed to have taken place on a massive scale the last decades; these continued and perhaps escalated after the Arab Spring in Bahrain in 2011.³⁶ In 2012, it was estimated that up to 200,000 or one-third of Bahrain's citizenry could be naturalised individuals.³⁷ There are several indications that the number of naturalisations in the country is not merely a result of people who have come to Bahrain on regular immigration grounds such as work or humanitarian causes and have obtained the Bahraini citizenship after application when they have met the four requirements for naturalisation according to the Citizenship Act (that being legally resident in Bahrain for at least 25 consecutive years or 15 years for Arab nationals; having good conduct; fluency in Arabic; and a registered real estate in Bahrain).³⁸ Instead, naturalisations in Bahrain seems to be a deliberate policy by Bahraini authorities in which new citizens are to a large extent recruited to the country. The naturalised persons are predominantly from Sunni-dominated countries, and the naturalisations are believed to be aimed at changing the demographic balance between Bahrain's majority population consisting of Shia Muslims and the Sunni minority which the ruling family is part of.

The naturalisations in Bahrain are highly linked to recruitments to the country's security sector. Although Shia Muslims are the majority, a study from 2009 says between 53 to 62 % of the citizens, they are greatly underrepresented among the employees in the police and military.³⁹ The 2009 mass political survey of almost 500 Bahraini households found that 17 % of employed Sunni men worked in the security services, while there were no Shias who did the same.⁴⁰ Other

³⁴ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 45.

³⁵ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 45.

³⁶ Zeineb Alsabeehg, 'Bahrain's Citizenship Policy of Inclusion and Exclusion' in *The Middle East in Transition – The Centrality of Citizenship*, eds. Nils A. Butenschøn and Roel Meijer (Cheltenham: Edward Elgar Publishing, 2018), 149-152.

³⁷ Omar Al-Shehabi, 'Demography and Bahrain's Unrest', *Carnegie Endowment for International Peace*, 16 March 2011, http://carnegieendowment.org/sada/?fa=43079_ (accessed 24 December 2020).

³⁸ Bahraini Citizenship Act 1963, Art. 6 (1).

³⁹ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 96.

⁴⁰ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 114.

estimations put the percentage of the latter at 5 % at the most.⁴¹ At the same time as the security sector is almost inaccessible to native Shia citizens, the Bahraini government is relying on recruits from abroad in exchange of good salary, housing – and Bahraini citizenship, for the recruits and their children. The government has published recruitments adverts in Pakistani newspapers, among other places.⁴²

Already in 1998, it was reported about 40,000 to 50,000 naturalised citizens, who included male recruits and their families, and equalled around 13 % of the native population.⁴³ The new citizens originated from Jordan, Syria, Pakistan and Yemen. Between 2001 and 2007, additionally 70,000 persons were naturalised and reportedly simultaneously given electoral rights to vote in the 2002 and 2006 elections.⁴⁴ In 2011, Bahraini authorities managed to recruit 2,500 persons only from Pakistan to join the military and crush the popular Arab Spring uprising in the country.⁴⁵ Based on the practice that was witnessed prior to 2011, activists and analysts reckon that many if not all of the recruits have undergone fast track acquisition of the Bahraini citizenship.⁴⁶ These numbers are just some leaked figures; the total number could be higher than the cases that come to the surface.

In addition to the naturalisations of groups of people, there are individuals who are selected to be naturalised by Bahraini authorities. In the sport world, Bahrain has adopted athletes to compete under its national flag. For instance, in 2016 Summer Olympics in Rio de Janeiro, almost all members of the Bahraini team were naturalised citizens from Kenya, Ethiopia, Jamaica or Morocco; some competed for their native countries only one year before the 2016 Olympics. Bahrain's two medal winners that year were both originally from Kenya, including 19-year-old Ruth Jebet who won women's 3,000 meters steeplechase and gave Bahrain its first ever Olympic gold medal.⁴⁷ Other examples of "sport naturalisations" can be found among members of Bahrain national football team, though to a lesser extent; for instance, Brazilian Tiago Augusto was naturalised in the run-up to Bahrain's participation in the Gulf Cup 2019 that Bahrain won.⁴⁸

Such naturalisations have been criticised for several reasons, including because Bahrain in many cases has not treated football players and other athletes from the native Bahraini population well, Shia Muslims in particular. Many have been persecuted after they expressed

⁴¹ Ian Siperco, 'Bahrain's Sectarian Challenge', *Middle East Policy Council*, 2010, <http://www.mepc.org/articles-commentary/commentary/bahrain-s-sectarian-challenge> (accessed 24 December 2020).

⁴² Mujib Mashal, 'Pakistani Troops Aid Bahrain's Crackdown', *Al Jazeera English*, 30 July 2011, <http://www.aljazeera.com/indepth/features/2011/07/2011725145048574888.html> (accessed 25 December 2020).

⁴³ Mansoor Al-Jamri, 'State and Civil Society in Bahrain', *Middle East Studies Association*, 6 December 1998, http://bahrain.wikia.com/wiki/State_and_Civil_Society_in_Bahrain (accessed 25 December 2020).

⁴⁴ Jane Kinninmont, 'Bahrain: Beyond the Impasse', *Chatham House (The Royal Institute of International Affairs)*, 2012, http://www.bcsl.org.uk/media/k2/attachments/Bahrain_Beyond_the_Impasse-English.pdf (accessed 9 January 2020), 18.

⁴⁵ Mujib Mashal, 'Pakistani Troops Aid Bahrain's Crackdown', *Al Jazeera English*, 30 July 2011, <http://www.aljazeera.com/indepth/features/2011/07/2011725145048574888.html> (accessed 25 December 2020).

⁴⁶ Aryn Baker, 'What Lies Beneath: Bahrain's "New Citizens" Fuel Unrest', *Time*, 11 March 2011, <https://world.time.com/2011/03/11/what-lies-beneath-bahrains-new-citizens-fuel-unrest/> (accessed 25 February 2021).

⁴⁷ Drazen Jorgic and Isaack Omulo, 'Bahraini overtures to Kenya-born runners attract medals, controversy', *Reuters*, 17 August 2016, <https://www.reuters.com/article/us-olympics-rio-athletics-kenya-bahrain-idUSKCN10S235> (accessed 25 December 2020).

⁴⁸ 'Bahrain Naturalizes Brazilian player Tiago Augusto, Adds him to National Team to Play in Gulf Cup', *Bahrain Mirror*, 22 November 2019, <http://bahrainmirror.com/en/news/56595.html> (accessed 25 December 2020).

their views, for instance by having taken part in protests during the 2011 uprising.⁴⁹ One of them is Hakeem Al-Araibi, who played for Bahrain national football team before he had to flee the country in fear of imprisonment, ending up as a refugee in Australia where he today continues his football career.⁵⁰ Such “replacement” of sport talents, native – predominantly Shia - with naturalised Bahrainis, may be just another indication of the government-led marginalisation of the Shia population in Bahrain.⁵¹ Similar tendencies have been noticed in other occupational groups, such as among teachers and health workers who experienced mass-dismissals after the 2011 uprising, at the same time as the dismissed workers witnessed that the Bahraini government was recruiting employers to the professions from abroad.⁵²

The revelations in the so-called Bandergate scandal in 2006, are perhaps the clearest proof that the naturalisations in Bahrain are a deliberate government policy with sectarian motives. Salah Al-Bandar is a British citizen who worked as an adviser to the Bahraini government in 2006. He leaked documents that showed that Bahraini authorities are working to ‘improve the general situation of Sunnis’ by marginalising the Shias in the country. One of the strategies to do so, was by manipulating the country’s sectarian balance through naturalisations. The report indicated that the government perceived its Shia citizens as a security threat.⁵³ The Bandergate scandal confirmed what many had a thought of: the authorities are demographic engineering in order to change the Shia majority with a population they believe will be more loyal and less protest-willing. In this lays an assumption that the government can groom loyalty from the naturalised citizens and content them by giving them jobs and citizenship rights. This raises the question of whether the Bahraini citizenship is practically used as a form of investor citizenship, in which the Bahraini authorities are “selling” or giving the citizenship in exchange of expected rewards or achievements from the naturalised citizens.⁵⁴

It has been argued that naturalisations are seldom in the Middle East, including the Gulf region where migrant workers make up more than half the population in most countries.⁵⁵ Although the exact number of naturalisations in Bahrain remains unknown and only estimations as mentioned above are available, there are clear signs that naturalisations are in fact taking place in this country. The naturalisation policy in Bahrain has been noticed and has even provoked outcry in other Gulf countries, such as among Saudi Arabian businessmen who find themselves competing in their country with businessmen of for instance Yemeni origin who

⁴⁹ Americans for Democracy & Human Rights in Bahrain (ADHRB), ‘November Champions for Justice: Athletes’, 12 November 2015, <https://www.adhrb.org/2015/11/november-champions-for-justice-athletes/> (accessed 9 January 2021).

⁵⁰ Austin Ramzy, ‘Soccer Player Who Faced Extradition From Thailand to Bahrain Is Back in Australia’, *The New York Times*, 11 February 2019, <https://www.nytimes.com/2019/02/11/world/asia/thailand-soccer-hakeem-al-araibi.html> (accessed 25 December 2020).

⁵¹ For report on different forms of marginalisation against Shias in Bahrain, see the two-volume report by human rights groups Americans for Democracy and Human Rights in Bahrain (ADHRB), Bahrain Institute for Rights and Democracy (BIRD) and Bahrain Center for Human Rights (BCHR), ‘Apart in Their Own Land: Government Discrimination against Shia in Bahrain’, 2015, <https://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/> (accessed 25 December 2020).

⁵² Americans for Democracy and Human Rights in Bahrain (ADHRB), Bahrain Institute for Rights and Democracy (BIRD) and Bahrain Center for Human Rights (BCHR), ‘Apart in their Own Land’, Volume 2, 2015, http://birdbh.org/wp-content/uploads/2015/09/ADHRB_ApartLand_Vol2_Web.pdf (accessed 25 December 2020), 28-31.

⁵³ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 45-48.

⁵⁴ For introduction to ‘The Global Market for Investor Citizenship’, read GLOBALCIT Review Symposium by Jelena Džankić, <https://globalcit.eu/globalcit-review-symposium-on-jelena-dzankic-the-global-market-for-investor-citizenship-and-yossi-harpaz-citizenship-2-0-2/> (accessed 25 December 2020).

⁵⁵ Ryan Harrison, ‘GCC Citizenship Debate: A Place To Call Home’, *Gulf Business*, 5 January 2014, <https://gulfbusiness.com/gcc-citizenship-debate-a-place-to-call-home/> (accessed 9 January 2021).

operate in the Gulf marked as Bahrainis.⁵⁶ As naturalised Bahrainis, the businessmen gain access to the internal market that is under development by the six member states of the Gulf Cooperation Council (GCC) and that ought to secure equal treatment among GCC citizens to work in the different Gulf countries.

However, there is likely a selection policy on who are naturalised in Bahrain. The large number of migrant workers from predominantly South Asia such as India, Bangladesh, Indonesia and Philippines who are dominant as work force in shops, salons, construction and as housekeepers, among other professions, are seemingly not the groups that are brought by Bahraini authorities to the country to be naturalised. Normally, they have self-migrated to Bahrain in search of work and would need to reside in the country for 25 consecutive years to meet the formal requirements to apply for Bahraini citizenship, in addition to 10 years to obtain electoral rights. Persons with military background and higher education, or exceptional talents such as athletes, appear to be the desired people the Bahraini government want to naturalise and include as equal citizens.⁵⁷ However, also groups of South Asian expatriate workers have been naturalised, such as in 2006 when 5,000 were reportedly naturalised in the run-up to the elections,⁵⁸ but these are likely a minority among South Asians in Bahrain and among the naturalised citizens.

3.1.5 Citizenship by Marriage

A fourth way of acquiring the Bahraini citizenship, is by marriage. However, the law is clear on that this is a possibility available only to foreign women who marries male citizens, not to foreign husbands of female citizens. The foreign wife has to apply for citizenship to the Minister of Interior and the marriage has to uphold five years consecutively after application, in order that she can be granted the Bahraini citizenship.⁵⁹ Almost the same applies for wives of naturalised male citizens. “Acquiring citizenship of Bahrain by a foreigner, does not give his wife the citizenship, unless she applies to the Minister of Interior about it,” as stated in the Bahraini Citizenship Act. The wife has to live with her husband in Bahrain five years consecutively after application. The marriage must be upheld during that period, unless the husband dies, for the citizenship application to be accepted.⁶⁰ The only difference for a female spouse of a naturalised citizen, is that the five years requirement has to be fulfilled while she lives with her husband *in Bahrain*.

Notwithstanding the above, the Minister of Interior may relinquish all or part of the five-year-period. The minister may also reason and decide to deprive the female spouse the right of acquiring the Bahraini citizenship during that period.⁶¹ According to article 7 (1), a woman can be deprived from acquiring the citizenship by way of marriage based on reasons pertaining to national security and public order.

As for the gender inequality that is present in the regulation about acquisition of citizenship by descent, women are also discriminated in the rules regarding citizenship by

⁵⁶ Manama Post, «سعوديون» يهاجمون المُجنّسين من أصولٍ يمنيّة «في البحرين»: عبث وخطر على البلاد «-» فيديو، [Saudiis “attack naturalised people with Yemeni origin” in Bahrain: “Mess and dangerous for the country” – video], 16 February 2020, <https://www.manamapost.com/news/2019132517/> (accessed 9 January 2021).

⁵⁷ It is argued that naturalised citizens may perhaps be treated even better than native Bahrainis particularly those from the Shia population as the latter have restricted opportunity to work in the police and army, which many of the naturalised citizens are recruited to.

⁵⁸ Mark Owen Jones, *Political Repression in Bahrain* (Cambridge: Cambridge University Press, 2020), 105.

⁵⁹ Bahraini Citizenship Act 1963, Art. 7 (1).

⁶⁰ Bahraini Citizenship Act 1963, Art. 6 (4).

⁶¹ Bahraini Citizenship Act 1963, Art. 7 (1) and 6 (4).

marriage. Bahraini women, be they naturalised or not, cannot transfer their own citizenship to either their children or spouses. Instead, the law elaborates the possibility of a female citizen to lose her Bahraini citizenship by means of marriage if she acquires the citizenship of her foreign husband.

3.1.6 Citizenship by Virtue of Former Law

In addition to the four modes mentioned above, citizenship can be acquired by virtue of former law. Simply, all who were regarded as Bahraini citizens before 1963, more precisely by virtue of Notice Number 20/1356 dated 8 May 1937, upheld their legal status as citizens after the current Bahraini Citizenship Act was put into force on 16 September 1963.⁶² In particular, this applied to persons who had obtained valid or renewed Bahraini passports since 1959 or Bahraini citizenship or final judicial decision that granted them Bahraini citizenship before the 1963 date of entry of force of the new law.⁶³ The 1937 law was more open to grant citizenship by birth than the current law. This means that persons who maybe today would not be qualified to obtain the Bahraini citizenship, for instance children who otherwise would be stateless, became citizens by virtue of the law before 1963. This implies that their children and grandchildren (if they are men) are granted the Bahraini citizenship by descent today (if those men have not lost their Bahraini citizenship by the time of their children's birth). However, there are reports of families been left out in the initial registration of citizens even though they met the requirements in law for acquisition of Bahraini citizenship. In 2008, it was estimated that there were 2000 families predominantly from the Shia population who have historically lived in Bahrain but are rendered stateless – or “Bidoon” as they are called in Arabic.⁶⁴

3.2 Modes of Loss and Revocation of Citizenship

3.2.1 Revocation of Citizenship

The most preeminent mode of loss of Bahraini citizenship, which has made several headlines during the last years since the suppression of the Arab Spring uprising in 2011, is Bahraini authorities' decisions on revocations of citizenship. The Constitution of Bahrain of 2002, article 17, proclaims that “A person enjoying his Bahraini citizenship as defined by law cannot be stripped of his citizenship except in case of treason, and such other cases as prescribed by law.”⁶⁵ The Bahraini Citizenship Act of 1963 with its amendments – most recently the 2019 amendment – elaborates in which cases Bahraini citizenship can be revoked. Article 10 in the law states that citizenship can be revoked of a person in the following cases:

- (a) If he enters in military service of a foreign country and keeps 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 service of an enemy country.

⁶² Bahraini Citizenship Act 1963, Art. 3.

⁶³ Bahraini Citizenship Act 1963, Art. 3.

⁶⁴ Bahrain Center for Human Rights (BCHR), ‘Stateless in Bahrain’, 2014, <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf> (accessed 10 January 2021), 5.

⁶⁵ Constitution of the Kingdom of Bahrain, 14 February 2002. English language translation available at: <https://www.refworld.org/docid/48b54f262.html> (accessed 25 February 2021).

(c) If he causes harm to the interests of the Kingdom or acts contrary to the duty of loyalty to it.

(d) If he is found guilty in a crime stated in articles 5 to 9, 12 and 17 in the Law No (58) of 2006 with Respect to Protecting the Society from Terrorist Acts.⁶⁶

Article 10 has been presented and used as justification in the decrees that contain the names of the persons who the authorities have denaturalised. Most cases of revocations of citizenship during the last ten-year-period are based on article 10 (c) or (d).

Between 2012 and 2019, Bahraini authorities stripped 990 individuals of their citizenship.⁶⁷ 108 revocations of citizenship were predominantly based on article 10 (c) and issued by the King or the Minister of Interior.⁶⁸ The rest of the revocations were made by the courts, mainly after the subjects were sentenced in accordance with the Bahraini Terrorism Law, which is Law No (58) of 2006 as mentioned in article 10 (d) above. In many cases, tens of individuals had their citizenship revoked in the same decree or ruling. For instance, on 31 January 2015 the Ministry of Interior stripped 72 of their citizenship based on a list the Ministry publicised with allegations that were not specially directed at each of the 72 individuals; they were left denaturalised without knowing what they had exactly done that made them part of that list.⁶⁹ In a mass trial on 16 April 2019, 138 individuals had their citizenship stripped in one single case after been accused of forming a terrorist cell inside the country called “Hezbollah Bahrain” that allegedly was linked to Iran.⁷⁰

On 21 April 2019, the king issued a royal directive restoring the citizenship of 551 Bahrainis whose citizenship was revoked by court rulings, including 92 of the 138 who five days earlier were denaturalised in the “Hezbollah Bahrain” case.⁷¹ According to the Terrorism Law, the king had to approve such court rulings.⁷² Thus, after more than five years – since 2013 when the courts were given the authority to revoke citizenship – in which court rulings had revoked hundreds of citizenship, the king ordered the citizenship to be restored. No compensation was publicly declared or given for the period these persons were without citizenship and to any children born to them during that period. That is despite the fact that being without citizenship meant that they had no or limited access to health services, education and work, among other things – particularly if the denaturalised persons were not imprisoned, which many of them were and still are.⁷³ Furthermore, what this order by the king shows, is the

⁶⁶ Bahraini Citizenship Act 1963, Art. 10.

⁶⁷ Bahrain Institute for Rights and Democracy (BIRD), ‘Bahraini Court Revokes 138 Individuals of their Citizenship and Sentences 69 to Life in a Mass Trial’, 16 April 2019, <http://birdbh.org/2019/04/bahraini-court-revokes-138-individuals-of-their-citizenship-in-a-mass-trial/> (accessed 27 December 2020).

⁶⁸ Zeineb Alsabeeh, ‘Bahrain’s Citizenship Policy of Inclusion and Exclusion’ in *The Middle East in Transition – The Centrality of Citizenship*, eds. Nils A. Butenschøn and Roel Meijer (Cheltenham: Edward Elgar Publishing, 2018), 135-136.

⁶⁹ Zeineb Alsabeeh, ‘Bahrain’s Citizenship Policy of Inclusion and Exclusion’ in *The Middle East in Transition – The Centrality of Citizenship*, eds. Nils A. Butenschøn and Roel Meijer (Cheltenham: Edward Elgar Publishing, 2018), 139.

⁷⁰ Bahrain Institute for Rights and Democracy (BIRD), ‘Bahraini Court Revokes 138 Individuals of their Citizenship and Sentences 69 to Life in a Mass Trial’, 16 April 2019, <http://birdbh.org/2019/04/bahraini-court-revokes-138-individuals-of-their-citizenship-in-a-mass-trial/> (accessed 27 December 2020).

⁷¹ AFP, ‘Bahrain court overturns decision to strip 92 Shias of citizenship’, 1 July 2019, <https://www.dawn.com/news/1491442/bahrain-court-overturns-decision-to-strip-92-shias-of-citizenship> (accessed 31 December 2020).

⁷² Ministry of Interior, ‘HM the King restores citizenship of 551 convicts’, 27 April 2019, <https://www.policemc.gov.bh/en/news/ministry/91399> (accessed 27 December 2020).

⁷³ For an examination of the rights that are stripped from those who have their citizenship revoked, read page 142-145 in Zeineb Alsabeeh, ‘Bahrain’s Citizenship Policy of Inclusion and Exclusion’ in *The Middle East in*

fact that it is the king who ratifies all revocations of citizenship. This includes the revocation decrees that were issued by the Minister of Interior, which contain the signature of the king.

3.2.2 Arbitrary Revocation of Citizenship

Of the nearly one thousand individuals who had their citizenship revoked since 2012, including the 439 who until the end of 2020 still are denaturalised, the overwhelming majority can be linked to Bahrain's protest movement that aims to achieve greater political rights for citizens. Among the people whose citizenship are revoked, are human rights defenders such as Sayed Ahmed Alwadaei and Husain Abdulla; politicians including prior members of the Bahraini parliament such as Jawad Fairooz and Jalal Fairooz; journalists, researchers and authors such as Abdulhadi Khalaf and Ali Al-Dairy; religious scholars such as Sheikh Issa Qassim; and doctors such as Ebrahim Al-Aradi. The practice of citizenship revocation in Bahrain has therefore been criticised for being exercised arbitrarily towards people whom the authorities want to punish for their opinions and peaceful activities, including medical professionals who treated injured protestors and spoke about the violations that they witnessed. UN bodies and human rights groups have on several occasions criticised Bahrain for its practice.⁷⁴

A main challenge lays in the law and how the provisions are interpreted and implemented by the authorities in Bahrain. The rules, including article 10 in the Citizenship Act, have been criticised for being diffuse and legalising revocation of citizenship as a mean to punish political opponents. For instance, article 10 (c) emphasises that citizens have to have loyalty to the *Kingdom*, i.e. the status quo political regime with supreme power in the hands of the king and the Al-Khalifa royal family. Taking action "contrary to the duty of loyalty to it", as it stands in the law, allows for withdrawal of citizenship. Before the 2014 amendment to the Citizenship Act, it was harming "the security of the State" that could lead citizens to be deprived of their citizenship (as mentioned in chapter 2.3.2 in this report). After the amendment, this is replaced with "the interests of the Kingdom or acts contrary to the duty of loyalty to it." The current formulation in the citizenship law may therefore have widened the possibility to use revocation of citizenship as a political tool against dissidents who oppose the monarchical regime. By using the regulation on revocation of citizenship, the authorities could crack down on the people who – as part of the Arab Spring or in its aftermath – challenged the status quo political regime and demanded a democratic system, with some even calling for the kingdom to be replaced with a republic. This was not to have "loyalty" to the kingdom, as the Bahraini government could claim, and thus denaturalised those who had – or were accused of having – such calls.

Likewise, the regulation on terrorism has been criticised for being diffuse and having a definition of terrorism that is vague. Most denaturalisation cases from the last decade are based on this regulation. According to Bahrain's Terrorism Law, terrorism is "...criminal undertaking with the aim of disturbing the public order, endangering the Kingdom's safety and security, or prejudicing national unity...", among other things.⁷⁵ Here also, there is an emphasis on the *Kingdom* when mentioning the state's safety and security. Those whose citizenship were revoked on terrorism-related offences, were often sentenced in mass trials that accused them of forming or being part of a terrorist group that planned or conducted one or more attacks such

Transition – The Centrality of Citizenship, eds. Nils A. Butenschön and Roel Meijer (Cheltenham: Edward Elgar Publishing, 2018).

⁷⁴ See for instance, Amnesty International, 'Bahrain: Mass trial revoking citizenship of 138 people 'a mockery of justice'', 16 April 2019, <https://www.amnesty.org/en/latest/news/2019/04/bahrain-mass-trial-revoking-citizenship-of-138-people-a-mockery-of-justice/> (accessed 5 January 2021).

⁷⁵ Law No (58) of 2006 with Respect to Protecting the Society from Terrorist Acts, Art. 1.

as bombings. However, almost all deny these charges, adding that they have been subjected to torture and mistreatment to confess. Amnesty International noted that the Terrorism Law, with its amendments in 2014 in particular, “pave the way to further abuses” such as heightened risk of torture or other human rights violations.⁷⁶ The Terrorism Law is believed to be used as part of the suppression strategy of critical voices, in which revocation of citizenship is part of this strategy. Expressing your views about the political system and protesting against it – by peaceful means as the Bahraini protestors have predominantly done – seems to qualify to the act of “disturbing the public order”, as if the latter was concentrated and dependent on upholding the status quo.

The number of terrorism-related cases in Bahrain since 2011 indicates that something is abnormal and that there is reason to doubt the authorities’ accusations against individuals for performing terrorist acts. In 2013, Bahrain Center for Human rights (BCHR) estimated that there was on average one terrorism case every ten days.⁷⁷ That is a high number for a small country such as Bahrain with 1,5 million residents, in which less than half are citizens. BCHR expressed in their report concern about “the authorities’ use of the terrorism law as a tool to crackdown on pro-democracy protesters and silence the opposition”. Moreover, BCHR observed a pattern that “clearly shows the targeting of a specific religious sect and political orientation.”⁷⁸

Almost all who have had their citizenship revoked, are Shia Muslims. This is regardless of which authority issued the revocations and whether they were legally based on the Terrorism Law or only the Bahraini Citizenship Act. Thus, at the same time as Bahraini authorities are recruiting foreigners from predominantly Sunni majority countries and naturalising them on politically motivated grounds, they are stripping the citizenship of native Bahrainis predominantly from the country’s Shia population. There is therefore reason to believe that the Bahraini government is leading a deliberate policy of inclusion and exclusion of the citizens and that this is part of the political project of demographical engineering that was explained in chapter 3.1.3.

Citizenship revocations do not only impact the individuals who are deprived of their citizenship, but also their families. Almost all citizenship revocations with some few exceptions have been directed against men. This have serious consequences on particularly their children who are born after the denaturalisations. As citizenship is mainly acquired by descent through a Bahraini father, those whose father is no longer Bahraini citizen at the time of their birth, will no longer have the right to acquire the Bahraini citizenship. In most cases, these children end up as stateless – unless they are born in a country which gives children citizenship at birth or have mothers who are non-Bahrainis and can transfer their citizenship to children (as this is not an available option for Bahraini mothers, as mentioned in chapter 3.1.1).⁷⁹

The first post-2011 incident of birth of a stateless child who – had it not been for the citizenship revocation – would normally have acquired Bahraini citizenship, happened only two

⁷⁶ Amnesty International, ‘Bahrain: New Anti-Terrorism Amendments Pave the Way to Further Abuses’, 16 December 2014, <https://www.amnesty.org/en/documents/mde11/051/2014/en/> (accessed 28 December 2020).

⁷⁷ Bahrain Center for Human Rights, ‘The Terrorism Law in Bahrain: A Tool to Silence Dissidents’, 2014, <http://www.bahrainrights.org/sites/default/files/Terrorism%20Laws%20in%20Bahrain%20-%20FINAL.pdf> (accessed 31 December 2020), 5.

⁷⁸ Bahrain Center for Human Rights, ‘The Terrorism Law in Bahrain: A Tool to Silence Dissidents’, 2014, <http://www.bahrainrights.org/sites/default/files/Terrorism%20Laws%20in%20Bahrain%20-%20FINAL.pdf> (accessed 31 December 2020), 3.

⁷⁹ Bahrain Center for Human Rights (BCHR), ‘Bahrain: Children Without Citizenship’, March 2017, <http://bahrainrights.org/sites/default/files/NEW%20BCHR%20Children%20Without%20Citizenship%20-%20March%202017.pdf> (accessed 8 January 2021).

weeks after the first revocations were issued in November 2012. Fatima was born to a Bahraini mother and a Bahraini father, but the father Adnan Kamal had his citizenship revoked just before the birth of his daughter; two years later, Fatima had not managed to acquire Bahraini citizenship and did not have any identification documents except her birth certificate, according to a news report from *Al-Wasat* newspaper.⁸⁰ In this way, citizenship revocation functions as a form of collective punishment against the individuals whose citizenship is revoked and their families, particularly those with children. This has also an impact on the sect they belong to; in most cases, citizenship revocations affect families with Shia background. A Bahraini family by descent can suddenly find itself becoming part of the stateless statistics with consequences on coming generations.

What is more, those without citizenship in Bahrain risk deportation from the country as they end up as people without a legal residence permit. For instance, in 2018 Fatima's father along with eight others were deported from Bahrain. Human Rights Watch (HRW) commented that "Bahrain should immediately put an end to these arbitrary deportations and restore citizenship to those who have been left stateless or whose citizenship was revoked unfairly or arbitrarily". For HRW it was clear that "Bahraini authorities have dropped all pretence of pluralism and tolerance for dissent and are clearly stripping away the citizenships of people whom they find undesirable".⁸¹

During the first years after the 2011-uprising, the authorities were revoking the citizenship of individuals who were linked to the peaceful political movement in Bahrain, but from 2015 a small minority of those who had their citizenship revoked – often in the same decrees – were ISIS affiliates. This is believed to be a calculated action by the government in order to mix peaceful activists with individuals who joined ISIS in Iraq and Syria, and make it difficult for the public to differentiate between these two groups of people who are denaturalised. As human rights defender Sayed Ahmed Alwadaei, who is the director of the London-based Bahrain Institute for Rights and Democracy (BIRD), said when his citizenship was revoked in January 2015 along with 50 other activists and 20 known to have gone to fight for ISIS: "We, who call for parliamentary reform and an end to torture, who call for the perpetrators of extrajudicial killings to be brought to justice, and who report on these events to the world – we are put on par with the barbaric murder[er]s [from ISIS]".⁸²

There are thus clear indications that individuals have been deprived of their Bahraini citizenship arbitrarily as a reprisal for their peaceful activism. However, the king reinstated the citizenship of 551 individuals in April 2019 to "reinforce noble values based on tolerance, love, the spirit of nationalism, respect for the law and loyalty for HM the King and his leadership", as stated in the royal directive.⁸³ Is this not an act of reconciliation? Firstly, the restoration of citizenship did not include prominent opposition figures and activists, such as Sayed Ahmed Alwadaei; they are still left without Bahraini citizenship and – most of them – as stateless.⁸⁴

⁸⁰ Hasan Al-Madhoob, «فاطمة» البحرينية «تقترب من عامها الثاني... بلا جنسية», *Al-Wasat*, 12 August 2014, <http://www.alwasatnews.com/news/911435.html> (accessed 3 January 2021).

⁸¹ Human Rights Watch, 'Bahrain: New Deportations of Nationals', 4 February 2018, <https://www.hrw.org/news/2018/02/04/bahrain-new-deportations-nationals> (accessed 3 January 2021).

⁸² Sayed Ahmed Alwadaei, 'We Are Human Rights Defenders, but Bahrain Says We're Terrorists', *The Guardian*, 9 February 2015, <https://www.theguardian.com/commentisfree/2015/feb/09/human-rights-defenders-bahrain-says-terrorists> (accessed 31 December 2020).

⁸³ Ministry of Interior, 'HM the King restores citizenship of 551 convicts', 27 April 2019, <https://www.policemc.gov.bh/en/news/ministry/91399> (accessed 31 December 2020).

⁸⁴ The New Arab, 'Major opposition figures not on 'restored Bahraini citizenship list'', 29 April 2019, <https://english.alaraby.co.uk/english/amp/news/2019/4/29/major-opposition-figures-not-on-restored-bahraini-citizenship-list> (accessed 31 December 2020).

Secondly, those whose citizenship were restored, are predominantly prisoners who are sentenced to long prison sentences, life in prison or even sentenced to death. Thus, the chance for them to experience the gains of having the Bahraini citizenship is minimal when they are behind bars and some risk execution at any time. In fact, two of those who had their citizenship restored – Ali Al-Arab and Ahmed Al-Malali, who were in their twenties – were executed only three months later.⁸⁵ The same way as the citizenship revocations have to be approved by the king, the king approved the executions in July 2019 and – before that – in January 2017, which were the first executions against Bahrainis since 1996.⁸⁶ Thirdly, for those individuals who are freed from prison, they often experience difficulties and delays until they manage to receive official documents proving their Bahraini citizenship, such as passports. The same often applies to any children born to these 551 Bahrainis while their citizenship was revoked. Lastly, even though it has not been reported about any new citizenship revocations during 2019 and 2020, the damage can be said to have been already done: 439 individuals are still denaturalised only since 2012 and their upcoming children are deprived from the right to acquire Bahraini citizenship. Summing up, the arbitrary characteristic of the practice and policy of deprivation of citizenship seems to be upheld even though some citizenship were restored in 2019.

3.2.3 Denaturalisation of Naturalised Citizens

In addition to the regulation on revocations of citizenship and its practice on predominantly native Shia Bahrainis, another article in the Bahraini Citizenship Act specifies the cases in which citizenship can be withdrawn from naturalised persons. Article 8 (a) puts forward that the government can withdraw the citizenship if the naturalised person has acquired the Bahraini citizenship by fraud; that is, by deception, based on false statements, has hidden substantial information or used forged documents to acquire the citizenship. In such cases, the law states that citizenship is withdrawn from the naturalised person and any person who has acquired the Bahraini citizenship through that person. If the naturalised person is a man, that means that his children who were under the age of 18 at the time of naturalisation and his wife (if she was naturalised because of her relationship to her husband) will also be denaturalised. This is the only place in which the Bahraini Citizenship Act mentions that citizenship can also be withdrawn from others than the concerned person.

In a royal decree in 2016, the king revoked the citizenship of one named person and all members of his family who acquired Bahraini citizenship based on their relation to this person.⁸⁷ The decree was actually based on article 10 (c) and not article 8 that is specifically about naturalised persons, but according to unofficial sources, the person in concern was a naturalised citizen with Palestinian origin.⁸⁸ This also probably means that the total number of denaturalised persons between 2012 and 2019 is higher than 990, with more than 439 who until the end of 2020 had not got their citizenship reinstated, taking into account an unknown number of family members who were affected by this royal decree. Moreover, as examined in 3.2.1,

⁸⁵ Americans for Democracy and Human Rights in Bahrain (ADHRB), ‘ADHRB Strongly Condemns Bahrain’s Unjust Execution of Ali AlArab and Ahmed AlMalali’, 29 July 2019, <https://www.adhrb.org/2019/07/adhrb-strongly-condemns-bahrainis-unjust-execution-of-ali-alarab-and-ahmed-almalali/> (accessed 31 December 2020).

⁸⁶ Bahrain Institute for Rights and Democracy (BIRD), ‘Bahrain Executes three Stateless Torture Victims Following King Hamad’s Authorisation’, 15 January 2017, <http://birdbh.org/2017/01/bahrain-executes-three-stateless-torture-victims-following-king-hamads-authorisation/> (accessed 31 December 2020).

⁸⁷ Decree No. 11 of 2016 on Revocation of Bahraini Citizenship, *Official Gazette*, Issue No. 3249, 18 February 2016, <http://www.legalaffairs.gov.bh/Media/LegalPDF/D1116.pdf> (accessed 31 December 2020).

⁸⁸ Bahrain Mirror, مرسوم ملكي بإسقاط الجنسية البحرينية عن رائد حوراني وعائلته [Royal decree on revocation of Bahraini citizenship of Raad Horani and his family], 22 February 2016, <http://bahrainmirror.com/news/29585.html> (accessed 31 December 2020).

practically all male citizens who get deprived of their citizenship, their children lose the right to acquire citizenship by descent.

For the rest of the cases in which citizenship can be withdrawn of a person who has acquired citizenship by naturalisation, only the concerned person has his or her citizenship withdrawn. If a person is found guilty in a case connected with honour and honesty within ten years of his acquisition of Bahraini citizenship, his citizenship gets revoked, according to article 8 (b). The last two cases are if a person retrieves his original citizenship without obtaining the prior permission of the Minister of Interior; and if a person renounces his permanent residency permit in Bahrain for five connected years without obtaining the prior permission of the Minister of Interior or an acceptable excuse.⁸⁹ However, these two last cases do not apply for naturalised citizens from one of the member states of the Gulf Cooperation Council (GCC), i.e. Kuwait, Oman, Qatar, Saudi Arabia or United Arab Emirates.

3.2.4 Loss of Citizenship in Cases of Dual Citizenship

Article 9 (a) in the Bahraini Citizenship Act states that a Bahraini citizen may lose his citizenship if he or she has voluntarily acquired another foreign citizenship without obtaining prior permission from the Minister of Interior. This rule thus applies generally, not only on naturalised citizens who retrieves their original citizenship as specified in article 8 (c). In the 2014 amendment of the Citizenship Act, article 9 (a) was further elaborated. A holder of dual citizenship had to “settle his situation within a maximum period of six months” as of the date of entry into force of the amendment which was on 25 July 2014, either by renouncing the acquired foreign citizenship or by submitting a request to the Minister of Interior to keep this citizenship. A person can lose Bahraini citizenship by virtue of a decree proposed by the Minister of Interior and approved by the Council of Ministers rejecting the request to keep the foreign citizenship, and in the case in which the person refuses to renounce the foreign citizenship. However, this does not apply to a Bahraini citizen who acquired the citizenship of one of the five other member states of GCC; dual citizens of another Gulf state do not risk losing Bahraini citizenship.

Article (11) (2) stresses that a Bahraini citizen who fails to settle his situation regarding dual citizenship within the six month deadline provided for in article 9 (a), is fined between 3000-1000 Bahraini dinars (approximately 8000-27000 USD). The same penalty applies to a Bahraini citizen who voluntarily acquired another citizenship of one of the Gulf states without obtaining the prior permission of the Minister of Interior. However, in both situations, this does not lead to loss of citizenship. Summing up, the Bahraini Citizenship Act seems to not have an absolute prohibition of dual citizenship. Dual citizenship with other GCC countries is allowed. The Bahraini Citizenship is withdrawn only in case a citizen apply for permission to acquire or keep an foreign citizenship from outside the GCC region and this is rejected by Bahraini authorities, and the citizen chooses to acquire or keep the foreign citizenship despite the rejection from the authorities. Not asking for this permission, can result - as described in the section – in a very expensive fine that the citizen must pay.

However, article 9 (a) deals with *voluntarily* acquisition of foreign citizenship. There are probably situations in which a person acquires another citizenship involuntarily or automatically, for instance by birth abroad in a country that gives citizenship to all children born in its territory; or if the person’s mother is non-Bahraini and the mother’s citizenship is transferred by descent to the child which also acquires Bahraini citizenship by descent from his

⁸⁹ Bahraini Citizenship Act 1963, Art. 8 (c) and (d).

Bahraini father. As the Bahraini Citizenship Act is formulated today, such situations should not put the person in risk of losing or perhaps not acquiring his or her Bahraini citizenship.

In a specific-directed note, article 7 (1) stresses that a Bahraini female citizen who marries a foreigner and acquire her husband's citizenship, loses her Bahraini citizenship. Perhaps, this can be added to the gender discriminatory features of the Bahraini Citizenship Act. While the law talks about how foreign wives of male Bahraini citizens can acquire the Bahraini citizenship, it simultaneously – actually in the same article – talks about how female Bahraini citizens can lose their citizenship by marriage to foreigners.

3.2.5 Renunciation of Citizenship

All the above-mentioned modes of loss of citizenship, happen involuntary for the person in concern. However, a citizen does also have the possibility to voluntarily renounce his or her citizenship. According to article 9 (b), the renunciation of Bahraini citizenship happens after the approval of the Ministry of Interior based on the proposal from the individual.

3.3 Restoration of Citizenship

The king of Bahrain can restore the Bahraini citizenship to any person who has lost citizenship under the provisions of the Bahraini Citizenship Act of 1963 and its amendments.⁹⁰ The citizenship is restored anyway to a Bahraini woman if she lost her Bahraini citizenship due to acquisition of the same citizenship of her foreign husband, but later gets divorced and applies to the Minister of Interior to restore her Bahraini citizenship. She has to be living in Bahrain or return to live there.⁹¹

Except in case of the last-mentioned and other cases in which the king decides to restore citizenship, the probability to re-obtain Bahraini citizenship by for instance legal appeals is minimal. There have been a few legal appeals against decisions of citizenship revocation since 2012, but none have succeeded.⁹² The only incident of restoration of citizenship, was the royal decree in April 2019 when the king restored the citizenship of 551 persons, as mentioned in chapter 3.2.1.

3.4 The King's Supreme Power and other Institutional Arrangements for Determination of Citizenship

Dominant actors for determination of Bahraini citizenship, both the acquisition and loss of it, are (1) the King; (2) the Minister of Interior; (3) the Council of Ministers, or the cabinet as it is also called; and (4) the courts – the latter with downgraded role since 2019. The king has absolutely the supreme power, in which he can grant Bahraini citizenship to whom he wants, according to the regulation on naturalisation in article 6 (2); likewise, he can restore the citizenship of anyone who have lost the Bahraini citizenship, according to article 11. The king can overrule any decisions made by the other actors.

⁹⁰ Bahraini Citizenship Act 1963, Art. 11.

⁹¹ Bahraini Citizenship Act 1963, Art. 7 (1).

⁹² Human Rights Watch, 'Bahrain: New Deportations of Nationals', 4 February 2018, <https://www.hrw.org/news/2018/02/04/bahrain-new-deportations-nationals> (accessed 3 January 2021).

The Minister of Interior and his ministry has the primary and daily responsibility to assess applications for acquisition of citizenship, requests of dual citizenship and renunciation of citizenship. For instance, the Information & eGovernment Authority, which falls under the Ministry of Interior, is responsible for issuing birth certificates, both to Bahraini children born in Bahrain and abroad. The Minister has also the power to suggest who shall be revoked their citizenship and put it forward to the Cabinet for approval. Until April 2019, the courts also had the authority to revoke citizenship based on terrorism-related charges. After a royal decree that year, the civil courts no longer have this authority.⁹³ Today, all revocations of citizenship have to be proposed by the Minister of Interior and approved by the Cabinet. The king always signs and thus ratifies the decisions, as the decrees on revocation of citizenship throughout the last years since 2011 show.

4. Political Debates and Campaigns on Citizenship

The examination in this report sheds particular light on three features in Bahrain's citizenship regime that are peculiar. These are (1) gender discrimination against women's right to transfer Bahraini citizenship to children and spouses – a right that is reserved for male citizens; (2) mass-naturalisations that are politically motivated; and (3) arbitrary revocations of citizenship. These three features have been subject to political debates and campaigns in order to end them and reform the citizenship regime.

Calls for an end to gender inequality in the citizenship law have been fronted by several organisations inside Bahrain, often with support from global campaigns to end gender discrimination in citizenship laws. The Bahraini calls have been perennial, as the discriminatory rule have been valid since Bahrain got its first citizenship law in 1937. However, the campaigns to get it changed have been most prominent after the civil society started to develop in Bahrain in the 21st century. Bahrain Women Union is one of the organisations that have fronted that campaign nationally. They have cooperated with the Global Campaign for Equal Nationality Rights, and together they organised the Gulf Regional Conference on Citizenship Laws in February 2016 in Bahrain. The aim was to mobilise support for the right of women to confer citizenship to their children. Representatives from the Bahraini parliament and the Ministries of Justice and Social Affairs were among the participants.⁹⁴ The efforts to push for legal reforms have however to this date not succeeded, but they have resulted in some changes to the better for persons born to Bahraini mothers and foreign fathers. For instance, in 2009, they were granted access to the same health, education and housing services as Bahraini citizens and were exempted from fees related to residence permits. In addition, the king has granted citizenship to thousands of persons in this situation. Between 2006 and 2014, the king reportedly naturalised over 3500 children born to Bahraini mothers and foreign fathers.⁹⁵

The revelations about politically motivated naturalisations and the theory of sectarian engineering, have sparked several political debates in the country. In 2006 in particular, when

⁹³ Bahrain Mirror, '2019 Roundup: Citizenship Restored to Hundreds of Bahrainis, Legal Amendments Withdraw from Judiciary Power to Revoke Citizenship', 20 January 2020, <http://www.bahrainmirror.com/en/news/57000.html> (accessed 1 January 2021).

⁹⁴ 'Bahrain Civil Society & Government Discuss Achieving Women's Nationality Rights at Global Campaign Conference', February 2016, <https://www.equalnationalityrights.org/?id=62:bahrain-civil-society-government-discuss-achieving-women-s-nationality-rights-at-global-campaign-conference> (accessed 5 January 2021).

⁹⁵ Habib Toumi, 'New Hope for Children Born to Foreign Fathers in Bahrain', *GULF NEWS*, 11 August 2017, <https://gulfnnews.com/world/gulf/bahrain/new-hope-for-children-born-to-foreign-fathers-in-bahrain-1.2071264> (accessed 5 January 2021).

the Bandargate scandal documented that the government was deliberately working to change the sectarian balance between the Shia and Sunni Muslims in the country, it was an attempt to debate it in the parliament. On that time, the parliament consisted of prominent opposition groups such as Al-Wefaq; it was the largest and had 17 out of 40 elected representatives. They attempted to question the Minister of Cabinet Affairs – the leaked documents were from his Ministry – but the resolution failed as they did not make a majority in the parliament. There have also been popular protests demanding an end to the political naturalisations. However, no official clarification has been made from the king or the cabinet to address the revealed sectarian policy of the state.⁹⁶ Instead, the trend of politically motivated naturalisations seems ongoing with reports of thousands of possible new citizens from Sunni-dominated countries recruited to security services in Bahrain since 2011.

The arbitrary revocations of citizenship since 2012 have sparked condemnations from human rights groups, UN bodies, the European Parliament, and other states. For instance, during the Universal Periodic Review (UPR) of Bahrain in 2017, several states including Belgium and Denmark recommended Bahrain to end the practice of arbitrarily revoking citizenship. When the largest single incident of mass-revocations happened on 16 April 2019, leaving 138 denaturalised, several actors were outraged. Amnesty International called it “a mockery of justice”⁹⁷, and the UN High Commissioner for Human Rights expressed that “There are serious concerns that the court proceedings failed to comply with international fair trial standards”.⁹⁸ International pressure probably had an effect when – only few days after this incident – the king restored more than half of the citizenship that had been revoked since 2012. There has not been any revocation of citizenship from April 2019 and throughout 2020; time will show if this is a beginning of a moratorium on this practice. However, still there are hundreds left arbitrary without citizenship – in most cases rendering them stateless and depriving their upcoming children and generations of the right to acquire Bahraini citizenship.

There are no declared governmental plans of reforms in sight that will lead to structural changes regarding citizenship in Bahrain. Instead, changes to individual cases have taken place and depends on the discretion of the king. For instance, the incident of restoration of citizenship to subjects affected by the citizenship revocations, or in the example regarding granting citizenship to persons affected by the gender discrimination in the citizenship law, it depended on an order by the king to restore or grant citizenship. The peculiar and unfortunate features of the current citizenship regime are in this way expected to continue when there are no significant signs of political will to reform on a structural level.

5. Conclusions

Bahrain’s citizenship regime is based on the Bahraini Citizenship Act of 1963 including its amendments, and the practical-political ways the law is implemented by the authorities. The most dominant mode of acquiring the Bahraini citizenship, is by descent. A person acquires

⁹⁶ Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State* (Bloomington: Indiana University Press, 2015), 45-48.

⁹⁷ Amnesty International, ‘Bahrain: Mass trial revoking citizenship of 138 people ‘a mockery of justice’’, 16 April 2019, <https://www.amnesty.org/en/latest/news/2019/04/bahrain-mass-trial-revoking-citizenship-of-138-people-a-mockery-of-justice/> (accessed 5 January 2021).

⁹⁸ United Nations Human Rights Office of the High Commissioner, ‘UN human rights chief deeply concerned by mass terrorism convictions in Bahrain’, 18 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E> (accessed 5 January 2021).

citizenship if her or his father is Bahraini citizen. A female citizen, in contrast, can only transfer citizenship to her child if the father is unknown, which is socially unacceptable, and thus this option is rarely or never implemented in practice. The same gender inequality is present in the possibility to acquire citizenship by marriage; this is an option available only to spouses of male citizens. Citizenship by birth is granted to foundlings with no known parents. The fourth mode of acquisition of citizenship, is by naturalisation and is probably the most controversial. According to the law, foreigners may be naturalised when they meet four requirements or when they are granted the citizenship by order from the king. Naturalisations are reportedly taking place to a large degree and are often linked to the government's recruitment of foreigners to serve in Bahrain's security services. The naturalised citizens have predominantly origin from Sunni-majority countries and are arguably naturalised to challenge the demographical balance between the country's Sunni minority and Shia majority populations. The last mode of acquisition of Bahraini citizenship, is by virtue of the former citizenship law of 1937.

Bahraini citizenship can be revoked based on some reasons stated in the law; having "caused harm to the interests of the Kingdom or acted contrary to the duty of loyalty to it" is the most used reason besides being charged with terrorism. On this basis, hundreds of revocations of citizenship have been issued, particularly post the popular "Arab Spring" uprising in Bahrain in 2011. The revocations have been criticised by human rights groups for being practised arbitrarily on individuals, many of whom are activists and almost all belong to the Shia population. As the denaturalised persons are mostly men, the revocation of citizenship has consequences on the upcoming generations from their descent who no longer are eligible to acquire citizenship by descent. Furthermore, the Bahraini Citizenship Act defines some conditions in which citizenship can be withdrawn particularly from naturalised persons, for instance if the citizenship was acquired by fraud. Cases of dual citizenship can also lead to loss of Bahraini citizenship, but not if the foreign citizenship belongs to another Gulf state.

There have been and still are calls and campaigns to reform Bahrain's citizenship regime, not least concerning the gender discrimination in the citizenship law and to challenge the arbitrariness in the authorities' practice of revocations of citizenship and their naturalisation policy. However, the current political situation and human rights conditions in the tiny gulf state, including an almost absence of a political opposition on the ground in Bahrain, make it difficult to be optimistic about that there will come government reforms any time soon.

