



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Submission by the United Nations High Commissioner for Refugees

for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review:

The Kingdom of Bahrain

I. BACKGROUND AND CURRENT CONDITIONS

A. Political context

According to the National Action Charter, the King is the head of the three branches of government: the executive, legislative, and judicial. Bahrain has a bicameral National Assembly (*al-Jamiyah al-Watani*) consisting of the Shura Council (*Majlis Al-Shura*) with 40 seats and the Council of Representatives (*Majlis Al-Nuwab*) with 40 seats. The 40 members of the Shura are appointed by the King. In the Council of Representatives, 40 members are elected by absolute majority vote in single-member constituencies to serve 4-year terms. In spite of being the majority of the Bahraini population, the Shia'a received only 18 seats out of 40. The Constitution gives the elected Council of Deputies a role in considering legislation, but most legislative authority still resides with the King.

Protection of Refugees

The Kingdom of Bahrain is not a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Kingdom of Bahrain currently hosts some 62 refugee families /157 persons as well as some 40 asylum seeker families /100 persons.

The policies regarding asylum stem from religious tenets, respect for international law and recognition of UNHCR's mandate. UNHCR does not have a country agreement or Memorandum of Understanding (MoU) with the Government.

Moreover, there are very limited prospects for the naturalization and local integration for the refugees that are under UNHCR's mandate. The stay of recognized refugees is only temporarily tolerated pending the identification of a durable solution, i.e., repatriation or resettlement. With the absence of local integration prospects or voluntary repatriation in the foreseeable future, resettlement is considered as the only viable durable solution and as a vital protection tool.

II. ACHIEVEMENTS, CHALLENGES AND CONSTRAINTS

(1) Refugee Protection

UNHCR has established a progressively improving relationship with the Bahraini authorities. UNHCR Regional Office in Riyadh conducted numerous missions to Bahrain, where meetings were held with key high-level officials in Bahrain, including meetings with the Head of the Department for International Organizations and the Director of the Legal Department. During these meetings, constructive discussions took place to address various issues related to

protection in the region, cooperation and partnership agreements and capacity-building activities.

UNHCR intervened with the Bahraini authorities on behalf of three Iraqi refugee families to prevent their deportation after the expiration of their residence permits. The Bahraini Ministry of Foreign Affairs (MFA) contacted the Passports Department and the deportation was stopped.

(2) The right to a nationality and statelessness

The Kingdom of Bahrain is neither a party to the *1954 Convention relating to the Status of Stateless Persons*, nor to the *1961 Convention on the Reduction of Statelessness*. The legislation of Bahrain does not ensure the right of every child to acquire a nationality and it does not contain sufficient safeguards to prevent statelessness of children. According to the Bahrain Citizenship Act of 1963, as amended in 1981 and currently in force, Bahraini mothers can only confer their nationality to their children when the father is unknown or not legally related to the children. The 2008 draft Nationality Law, which would entitle children born to foreign fathers to obtain the nationality of their Bahraini mothers, has not yet been passed. Bahrain should be encouraged to expedite the adoption of the draft Nationality Law and to consider accession to the international statelessness instruments.

Accession to the *1954 Convention relating to the Status of Stateless Persons* would establish a framework to protect such individuals and would work to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment of stateless persons, providing such persons with stability and security, and ensuring that certain basic rights and needs are met.

Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness.

(3) Capacity-Building and Technical Assistance

UNHCR shared a proposal with the Ministry of Foreign Affairs to conduct a Refugee Law workshop for Government counterparts as part of the capacity-building activities of UNHCR's Regional Office in Riyadh. The main objective of the workshop would be to raise awareness of the Government about international refugee law and about UNHCR's mandate. It is hoped that this event will take place in 2012.

III. RECOMMENDATIONS

In view of the above, we would like to suggest to the Office of the High Commissioner for Human Rights to consider referring in its compilation report to the following recommendations aimed at enhancing the protection of persons of concern to UNHCR in the Kingdom of Bahrain:

Issue 1: Accede to the *1951 Convention relating to the Status of Refugees and its 1967 Protocol* and adopt national asylum legislation.

Issue 2: Take positive steps to undertake efforts to adopt national asylum legislation and an asylum procedure in accordance with international standards, providing effective protection to asylum-seekers and refugees against *refoulement*.

Issue 3: Take concrete steps to avoid detention of persons in need of international protection¹ in view of the hardship it involves and use it only as a last resort where necessary, and for as short as possible. Consider alternatives to detention and ensure adequate procedural safeguards and humane detention conditions, with due consideration of the specific needs of asylum-seekers. Ensure that refugees and asylum-seekers in detention have access to asylum.

Issue 4: Continue to facilitate access of persons in need of international protection to UNHCR and to resettlement country missions to promote durable solutions for recognized refugees.

Issue 5: Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*.

Issue 6: Expedite the adoption of the draft Nationality Law to enable Bahraini mothers to pass on their nationality to their children.

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November 2011**

¹ An Iraqi refugee was released from detention after UNHCR's intervention.