

ARBITRARY

DEPRIVATION OF

CITIZENSHIP

SEMINAR HELD ON 31 OCTOBER 2016

AMNESTY
INTERNATIONAL



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First published in 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: POL 40/7349/2017

Original language: English

amnesty.org

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GLOSSARY

WORD	DESCRIPTION
BIDUN	Stateless people in the Gulf, literally “without”, as in “without nationality”
GCC	Gulf Cooperation Council
HRC	UN Human Rights Council
INGO	International non-governmental organization
NGO	non-governmental organization
OHCHR	Office of the UN High Commissioner for Human Rights
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UNHCR	UN High Commissioner for Refugees
UPR	Universal Periodic Review

PREFACE

This document is a collection of summarized contributions presented during a seminar entitled “The International Human Rights Challenge of Arbitrary Revocation of Citizenship”, held in London, UK, on 31 October 2016.

The seminar was hosted by Amnesty International, ARTICLE 19, the Gulf Center for Human Rights, Human Rights Watch, the Institute on Statelessness and Inclusion, and Salam for Democracy and Human Rights, which inspired the project. It brought together members of communities whose citizenship – or that of their antecedents – had been taken away; grassroots activists; human rights defenders; lawyers; researchers; and representatives of national and international NGOs and other international human rights bodies.

Most of the summaries are based on papers submitted and presented during the seminar; others are digests of presentations or talks given at the seminar, or interviews with participants. The sources of others, as in these cases, are given as a footnote at the outset of each summary, where an electronic link is provided, giving access to the full or original document, as appropriate. Contributions by two of the seminar participants could not be included on account of security concerns. Information about the authors and participants can be found in Appendix 2.

The purpose of the seminar was to provide a safe and engaging forum for participants in which they could explore their often personal experience and understanding of the arbitrary deprivation of citizenship, and where those who had been personally affected could describe the impact and implications for them.

Participants discussed a variety of national contexts and specific, national legal contexts in which states arbitrarily deprived their own citizens of their citizenship, as well as the international legal framework. Many participants took part in a discussion at the end of the seminar where they discussed the challenges presented by the practice of arbitrary deprivation of citizenship, but focused on ideas and possible strategies or actions in order to combat it.

Many participants expressed the hope that the seminar would be the first step towards co-operation between grassroots activists, international human rights bodies and engaged researchers. It is hoped that the collection of contributions included in this seminar report will be a useful resource for future work in this area.

Most of the participants at the seminar did not belong to the organizations that hosted the event. They expressed a wide variety of views, which were entirely their own. They do not represent the views of the hosting bodies. Their inclusion in the course of the seminar and in this report reflects the purpose of the seminar: to exchange information and ideas among a wide range of participants. Moreover, the inclusion in this report of a wide range of individual experiences is a recognition and expression of the fundamental human dignity at stake in this issue.

Since this seminar took place at the end of October 2016, there have been numerous political, social and legal changes in many of the country situations discussed below. These are not addressed here.

Seminar Steering Committee

July 2017

1. INTRODUCTION

OPENING COMMENTS¹

Jawad Fairouz

I am delighted and honoured to host today's seminar on the International Human Rights Challenge of Arbitrary Revocation of Citizenship. I wish to extend a warm welcome to fellow speakers and audiences from various countries.

Most of us take our citizenship for granted. Since we were born, we belong to a state or two. This belonging largely represents a significant part of our identity and enables us to maintain our daily life under the protection of the state.

But imagine what if, one morning, you suddenly wake up stateless.

Having your citizenship taken away can be a powerful blow to your life. If you lose your citizenship, you cannot easily do the things in your day-to-day life which used to be just ordinary and normal. If you lose your citizenship, you would immediately lose your job, you cannot access public services, you cannot travel and you cannot vote. Your identity paper becomes no longer valid, meaning that you are basically an invisible person in the eye of the law. Without the identification, you cannot open a bank account, you cannot buy or sell any of your properties and you cannot register to get married. You no longer feel security and rather, may be considered an illegal immigrant, and are treated like a criminal in your own country. You are more likely to be forced in the end to leave the country where you were born, raised and lived for your whole life, leaving your loved ones behind at home.

The impacts of citizenship revocation are especially harmful to children. They may be born stateless or fall into such a predicament later in life, as a result of the revocation of a parent's legal status. They become deprived of fundamental rights to safety and security, and denied access to basic medical care and education.

This is exactly what more than 340 Bahrainis, including myself and my family, have been going through in recent years. Most of the Bahrainis stripped of their citizenship had not formally received any prior notice of such a government decision. They found out by surprise and only from the media that they were no longer Bahraini citizens: while they were travelling, while they were fishing for a livelihood and while they were renewing their driving licences. There were no explanations and no possibilities of appeal and fair trial.

The intensified wave of repressive measures against its own citizens, under the pretext of national security, has deeply hurt many Bahrainis. They have witnessed their political and religious leaders, teachers, journalists, activists and their families and friends being forced to leave the country. Under the threat of citizenship revocation, Bahrainis have been restricted in the exercise of their legitimate rights to freedom of expression, freedom of association and assembly, and freedom of religion or belief.

¹ To read the full version of this contribution, see: <https://goo.gl/C4Huc8>

Making a person stateless is clearly prohibited by international law. Article 15 of the Universal Declaration of Human Rights (UDHR) states that “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality.”

Nevertheless, nationality revocation is not limited as an issue of one country, or a specific region. As we will discuss during this seminar today, the arbitrary revocation of citizenship and related legislation expanding the power to cancel citizenship is an ongoing process not only in Bahrain and the Gulf states, but also in Myanmar, the Dominican Republic, Canada and beyond. It often follows and is followed by arrests, detentions, interrogations and criminal charges, causing serious human rights violations.

Citizenship revocation has profoundly affected the lives and wellbeing of thousands of people throughout the world. But this is no time for despair, but rather for resolve. It is indeed the time for the international community to raise and discuss the issue, and co-operate to fight against the discretionary revocation of citizenship.

Citizenship is the most basic and fundamental right of every individual. Losing one’s nationality means a social death. The possession of citizenship should not be understood as privilege or reward for allegiance, and its revocation should not be wielded as a weapon of control and oppression. The citizenry is above government, not vice versa. Citizenship revocation only enhances the discretionary and arbitrary power of the executive authority.

SEMINAR OBJECTIVES²

Drewery Dyke

International law provides that the right of states to decide who their nationals are is not absolute and, in particular, that states must comply with their human rights obligations concerning the granting and loss of nationality. But it has not worked out that way in scores of countries across the globe.

The inspiration for today’s seminar has been the waves of arbitrary revocation of citizenship in Bahrain and similar developments in other Gulf Cooperation Council (GCC)³ countries (Kuwait, Qatar and the United Arab Emirates).

As we discussed with colleagues which states strip their nationals of citizenship and when, it seemed that this was a relatively new way for states to make their citizens stateless and was perhaps far more widespread than we realized. Accordingly, participants today will draw on their experiences to create comparative perspectives as they discuss Bahrain and the GCC but also Canada, the Dominican Republic, Myanmar and Syria. They will also speak about UK legislation, a broad brush of the European Union (EU) as well as some experiences from Africa.

Today’s talks entail a quick review of practices worldwide. The country case studies are intended to inform participants as to the long-standing nature and scope of the problem of arbitrary nationality revocation and its impact. What are the consequences of such measures? Are they also, in some way, a human rights violation?

What are states’ rights and obligations? Under what circumstances can states legitimately and fairly deprive nationals of their citizenship? Are such acts really always arbitrary actions, or is there due process and if so, to what degree? Can revocation of citizenship be simply a technical matter and politically neutral measure, or is it used as a political tool to exclude certain individuals or groups of individuals from accessing their own rights? Has it been used as a means of restricting the exercise of rights to freedom of expression, association or assembly, or impacted on human rights defenders? Has it been used to manage political discourse? Or, where states cite national security-related considerations,

² To read the full version of this contribution, see: <https://goo.gl/428jkb>

³ The GCC is a six-country political and economic organization comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE).

has it been rooted in an objectively verifiable risk and, accordingly, a measure aimed at protecting society?

In light of these questions, participants will explore the compatibility of states' domestic laws with international law and standards in respect to the withdrawal of a person's citizenship. We will review international human rights law addressing the arbitrary deprivation of nationality.

Conference objectives include:

- providing a safe space for individuals to share their experiences of revocation of nationality;
- developing an overview of the practice of nationality revocation in the GCC and elsewhere;
- facilitating the coming together of various persons and communities who have experienced revocation of nationality in order to foster future co-operation among them and the NGO community;
- exploring strategies concerning how to combat the root causes of arbitrary revocation of nationality and the practice itself;
- shining a light on the issue of arbitrary nationality revocation and its impact; and
- exploring campaign strategies to prevent or reverse the practice of arbitrary revocation of nationality.

What does it mean and what happens when a state takes away your citizenship? When we unpack this question we find that in country after country citizenship is a “right of rights” – it is the one thing that unlocks access to other rights and privileges, including the right to education and health care; to have a bank account; or to live in a specific place.

To my mind, these questions open a door to a world of suffering. Accordingly, our speakers today will examine situations where persons affected may be left stateless. Some – mainly Bahraini – will discuss what that did to them.

Together, we will explore what international legal or other mechanisms exist that would enable us – grassroots and international human rights campaigners – to tackle the issue in terms of our activism and advocacy. What can be done to halt the practice? What strategies appear to have worked and which ones have not? How can we seek redress for victims, within the framework of international human rights law?

1. OVERVIEW

STATELESSNESS: A GLOBAL ISSUE⁴

Zahra Albarazi

Citizenship matters since it is a right that underscores access to other rights or privileges, such as the right to education or health care: it is a “right of rights”.

As soon as the state could determine who was and was not a citizen, there has been variance in the application of the concept – one of eligibility. In some instances, the state did not register some people as much by accident as by oversight; in others, oversight appeared to be or was deliberate.

Citizenship and statelessness

The modern, legal concept of statelessness emerged after World War II, during which the Nazi government in Germany stripped Jews of their nationality and deprived them of many other rights, before going on to carry out the Holocaust. The Jews of Germany and other countries, as well as countless other displaced people, criss-crossed Europe in search of a home. It was amidst this massive upheaval that the international community began to talk about statelessness and refugees in earnest. These events informed discussions that resulted in the 1954 Convention on Statelessness.

That said, the pre-existing notion of citizenship and its obverse of statelessness grew in complexity in the late 1800s and 1900s in the context of colonization. The decolonization process in the 1950s and 1960s, along with the emergence of new states in the last 40-50 years, created some of the features that are present in the modern field of statelessness.

These include:

Discrimination against ‘transplanted’ or other communities

A community of Nubians was brought to what is now Kenya by the British colonial power. When Kenya gained independence, there appears to have been an unwillingness to register many Nubians as Kenyans, partly as a result of the new government’s vision of independent Kenya.

In Kuwait, a large community was not registered in 1961 and therefore was not eligible for registration as Kuwaiti citizens after independence that year. Now often termed *bidun* (without), as in “without nationality”, some may have been Bedouin who travelled seasonally throughout the Gulf with their herds. Some argue that their ancestors had not been registered by the British or indeed the Ottomans and saw no point in any form of formal recognition with the new government.

⁴ To read the full version of this contribution, see: <https://goo.gl/pwwF83>

Political expediency and discrimination

State conduct is often informed by political expediency. It is perhaps through this lens that one should view the decision by the Myanmar (Burmese) government to deprive around 1 million Rohingya (mainly Muslims who speak a language related to Bengali) of nationality.

In Bahrain, the minority Sunni government has stripped hundreds of the majority Shi'a community of their citizenship.

The authorities in the Dominican Republic have refused to register or accept state documentation previously issued to Dominicans of Haitian descent, apparently partly on the basis of racial discrimination.

Palestinians in Lebanon have an extraordinarily difficult time in gaining nationality on account of the particular (quasi-legal) status accorded the Palestinian people over decades since 1947, but also on account of the confessional balance in Lebanon.

Liberia is one of the last countries that discriminates on the basis of ethnicity: nationality is not possible for those "not of negro descent".

Statelessness can also be rooted in gender discrimination. Twenty-six countries do not allow women to confer nationality, and Danish men cannot confer nationality to a child born outside of Denmark. However, in the past 14 years, 14 countries have changed their legislation to become gender-neutral in this regard.

In short, these are instances in which citizenship and statelessness are wrapped up in politics, but which emanate from discrimination, be it based on religion, ethnicity or gender.

Successor states

The successor states of the former Union of Soviet Socialist Republics (USSR) and Yugoslavia have struggled with the issue of statelessness. People in the border regions between Sudan and South Sudan have also become stateless as, although Sudanese law provides for dual nationality, it expressly does not do so in respect to South Sudan.

Stripping of nationality for reasons of loyalty or 'terrorism'

For decades, people have left their countries to go elsewhere to fight, such as during the Spanish civil war, and states did not strip them of their nationality. On the other hand, those seen as spies by their government did have their nationality revoked.

In Syria in the 1970s and 1980s, the government stripped over 300 people of their nationality for undefined "disloyalty".

Nowadays, those seen as betraying their country are in some circumstances at risk of losing their citizenship if found to be sympathizing with an "enemy" state or to have assisted a body that their country has designated as "terrorist".

Registration

In parts of Africa, there are problems with regard to registration of foundlings, or children found without parents, such as in a context of conflict, for example in Côte d'Ivoire, Kenya and South Africa, which can lead to statelessness.

The situation today

Progress has been made. Many states have ratified the two conventions on statelessness; fewer states discriminate in terms of access to citizenship based on gender, ethnicity or race; there have been many positive reforms; and the issue has been, to some degree, mainstreamed in international and regional human rights instruments.

Some states have developed good practices. Several, including the Philippines, France, Mexico and Moldova, have Statelessness Determination Procedures (SDP) which seek to reduce statelessness by first identifying who is stateless. This is partly a response to the growing number of stateless people in detention who cannot be returned to their home country. Over 30 countries in the last five years have implemented an SDP.

Norway has recently developed a safeguard that no child may be born stateless, and Madagascar has introduced a law to reduce statelessness.

Yet, in other ways, state practice has changed little. Some states still see nationality as a gift rather than a right, and political crises place citizenship at risk. For instance, the Turkish government has threatened to strip the nationality of those who do not return to Turkey following the 2016 attempted coup. Conversely, Iran appears to have suggested to the descendants of Afghans who settled as refugees in the years after 1979 that they could obtain Iranian nationality by fighting for Iran in Syria during the conflict there. Russia, too, has used citizenship as a political tool, offering to resolve cases in exchange for loyalty.

The naturalization issue is a deeply rooted problem in some regions. Whereas a Syrian in Canada can eventually become a Canadian citizen, a foreign national in Syria cannot generally become a Syrian citizen.

Some people see the Latin American approach of *jus soli* (being born of a soil) rather than *jus sanguinis* (being born of a blood) as representing good practice to reduce statelessness. That said, each system for conferring nationality needs to be assessed on its own merits.

UN HUMAN RIGHTS MECHANISMS AND ARBITRARY DEPRIVATION OF NATIONALITY⁵

Hernan Vales

UN human rights mechanisms are well positioned to tackle the blight of statelessness by increasing awareness, promoting good practice and making recommendations to states. However, until recently the mechanisms paid little attention to the issue compared with other thematic topics.

This situation has been changed by several high profile statelessness situations as well as the UN High Commissioner for Refugees' (UNHCR's) 2014 Campaign to End Statelessness by 2024. The Human Rights Council, the UN Special Procedures, treaty bodies and the Universal Periodic Review (UPR) process have all increased their engagement with statelessness, opening up great possibilities to challenge the inconsistencies of approach and take advantage of opportunities to make significant progress.

Several human rights treaty bodies and the UPR have made useful recommendations, and two Human Rights Council resolutions have highlighted norms and standards aimed at preventing and reducing statelessness. Indeed, the 2016 resolution on the right to nationality was co-sponsored by 111 states. Despite this progress, there is still no thematic resolution on statelessness.

The issue of statelessness has become even more crucial in the context of the global displacement crisis. The question of inclusion and exclusion is closely connected to domination by certain groups over others, and discrimination continues to be the greatest cause of statelessness. Some 27 states do not allow women to pass nationality to their children on an equal basis with men, which perpetuates statelessness, and several countries condition nationality on belonging to a certain ethnicity or race.

Human Rights Council

Although the Human Rights Council has yet to pass a resolution or hold a debate solely on statelessness, since 2008 it has passed resolutions on the right to a nationality and regularly worked on arbitrary deprivation of nationality. It has urged states to “adopt and implement nationality legislation with a view to avoiding statelessness”.

The Council resolutions recalled positive obligations on states to prevent statelessness and grant nationality to particular groups, such as ensuring all children are registered after birth and have the right to acquire a nationality.

⁵ This summary is based on notes of Hernan Vales' contribution on the day of the seminar. For further information on the issues covered in this contribution, see Melanie J Khanna and Peggy Brett, “Making Effective Use of UN Human Rights Mechanisms to Solve Statelessness”, *Solving Statelessness*, 2016.

The 2016 resolution proposes that states refrain from automatically extending deprivation of nationality to dependants and discusses the right of the child to nationality and protection against statelessness. This reflects the increased recognition that children, as well as women and men, should have an autonomous right to nationality.

Despite the progress, there are significant omissions in the way statelessness is addressed in the Council's work. For example, thematic resolutions dealing with specific groups such as the Roma, Indigenous people and migrants have not mentioned statelessness. In terms of country-specific resolutions, the most striking feature is the lack of attention to statelessness.

In addition, little attention has been paid to stateless minorities in the thematic resolution on minorities or during the Council's annual Forum on Minorities. However, it is hoped that the 2017 resolution on minorities will address statelessness.

Special Procedures

Many Special Procedures have touched on statelessness or the right to a nationality, but without depth or regularity. The exception is the Working Group on Discrimination against Women in Law and Practice, which in 2014 sent its concerns to states that have gender discriminatory national laws.

Universal Periodic Review

This Human Rights Council mechanism examines the human rights situation in every UN member state every four and a half years. As of the 25th session (May 2016), the second cycle (2012-2016) included 315 recommendations on statelessness or the right to a nationality – about 1% of all recommendations. Some 131 specifically mentioned statelessness and, of these, 76 related to ratification of the UN statelessness conventions. This represents a slight increase over the first UPR cycle.

However, this does not mean that all recommendations in the first cycle were repeated or followed up. In fact, the most striking feature of the UPR is its unevenness. For instance, seven of the 20 states that have a stateless population of over 10,000 received no recommendations on statelessness or the right to nationality. Where many recommendations were made, for example in relation to the Dominican Republic, Kuwait and Myanmar, this was because the issue had become high profile.

An uneven approach has also been apparent in relation to the 27 states that have gender discriminatory nationality laws, and the 129 states that were not states parties to both the 1954 and 1961 statelessness conventions at the time of their review. One key reason behind the lack of consistency is that the documentation for the UN's input to the UPR during the first and second cycles did not include a dedicated statelessness heading. Information was typically slotted in under the heading on migrants, refugees, asylum-seekers and internally displaced persons.

Unsurprisingly, recommendations perceived as political or interfering with state sovereignty are more likely to be rejected. This particularly applies to recommendations on specific situations, rather than general policies.

Treaty bodies

The issue of statelessness can arise in any of the human rights treaty bodies, the committees of international experts that monitor implementation of the legally binding treaties.

For example, Article 5, paragraph (d)(iii) of the International Convention on the Elimination of Racial Discrimination guarantees the rights to nationality without distinction as to race, colour, or national or ethnic origin. As with the UPR, the Convention's treaty body, the Committee on the Elimination of Racial Discrimination, is inconsistent in terms of which states receive recommendations and which do not. Its recommendations cover many relevant issues, including data collection, birth registration and avoidance of statelessness in cases of state succession, as well as direct and indirect discrimination. The strongest recommendations deal with arbitrary denial or deprivation of nationality.

Yet some inconsistency has also been apparent with specific treaty bodies and types of recommendation. For instance, in 2012 recommendations to remove gender discrimination from nationality laws were made to several states, but none was made between 2013 and 2015,

Conclusions

There is considerable scope for better co-ordinated work between the UN human rights mechanisms to tackle the problem of statelessness, and to improve the consistency of approach of the mechanisms. There is, for example, room for existing Special Procedures to step up their engagement with the issue of statelessness.

CITIZENSHIP STRIPPING: DEMOCRACY DEBASED AND DEVALUED⁶

Bill Law

When Justin Trudeau and his Liberal party swept to power in Canada in October 2015, his new government quickly delivered on a promise to dismantle legislation that allowed citizenship stripping for those convicted of terrorism-related crimes.

It was in a televised debate during the election campaign that the young and relatively untested Trudeau showed his mettle on this crucial matter. The then Conservative Prime Minister, Stephen Harper, had posed the question “why should terrorists and alleged terrorists not lose the right to Canadian citizenship?” Trudeau’s answer was one of those moments that made me proud to be Canadian. He replied:

A Canadian is a Canadian is a Canadian, [and] you devalue the citizenship of every Canadian in this place and in this country when you break down and make it conditional for anybody.

Clearly Justin Trudeau in this had struck a chord with Canadian voters. In the election that followed, Harper and his Tory government were consigned to the dustbin of history.

And guess what? A Bahraini is a Bahraini is a Bahraini and yes the citizenship of every Bahraini is devalued by the sustained campaign of the regime to strip citizenship from those who have the temerity to disagree, who dare to comment and criticize, who call for peaceful change when such change is urgently required for the betterment of all Bahrainis.

The former UK Home Secretary, now Prime Minister, Theresa May, is also a keen advocate of stripping citizenship. On her ministerial watch as Home Secretary, 33 Britons lost their nationality on the basis that to take it away was “conducive to the public good”, that is they were deemed to be terrorists or terrorist sympathizers. In February 2016, May said she was planning to strip the citizenship of at least three of those convicted in the notorious Rotherham sex abuse case. Once they have completed their sentences the men will be deported to their native Pakistan.

The use of citizenship stripping by Western democracies as a punitive measure against both ordinary criminals and those either convicted of or suspected of committing terrorism offences, legitimate though measures against the threat may be, gives convenient cover to regimes far less concerned about the rule of law. Using the UK and, until Justin Trudeau intervened, Canada as examples of “best practice”, repressive states have stepped up the revocation of citizenship for human rights activists, opposition politicians and religious leaders. The claim is that these actions are all part of a global war against terrorism. Of course, it isn’t anything of the sort. Rather it is a systematic campaign to trample the rights of citizens with impunity, one that has been given a virtual carte blanche by western democracies, a worrying trend indeed.

Take Bahrain, Britain’s island ally in the Gulf, as one example. In November 2012, little more than a year after a largely peaceful pro-democracy movement had been brutally suppressed, the Bahraini government issued a list of 31 individuals who had lost their citizenship for “undermining state security”.

At the time, Amnesty International and other human rights organizations argued that the only reason for the revocations was to silence critics of the regime: “We urgently call on the Bahraini authorities to rescind this frightening and chilling decision,” said Amnesty.

⁶ To read the full version of this contribution, see: <https://goo.gl/fD8Lxy>

But the regime wasn't listening. In January 2015, another 72 names of individuals deprived of citizenship were released. This time, however, human rights defenders, political activists and former opposition MPs were jumbled together with violent protesters and 22 alleged Daesh [Arabic acronym for the armed group calling itself the Islamic State] or al-Qa'ida supporters. In a lengthy charge sheet released by the Ministry of the Interior, all 72 stood accused of "belonging to terrorist groups fighting abroad". No evidence was presented to justify the charges, nor was any effort made to distinguish alleged terrorists from peaceful oppositionists. By the end of 2015, the number of people who had lost the right of citizenship had risen to at least 260, with activists claiming the number to be more than 300. Nearly all were peaceful critics.

In addition, their families may arbitrarily have their citizenship stripped away. On 8 March 2016 in Sharjah [in the UAE], the three adult children of a man imprisoned for 10 years in the infamous UAE94 trial – a trial widely condemned by leading human rights organizations as grossly unfair – were informed that their nationality was revoked. No reason was provided. Their father had lost his citizenship in 2012. And so another line was crossed with impunity by the authorities. Families, too, had become targets.

Perhaps the most audacious line to be crossed thus far has been in Bahrain. In June 2016, the authorities removed the citizenship of Sheikh Isa Qassim, an ayatollah and spiritual leader of the majority Shi'a population. The Sheikh stood accused of using his position to "serve foreign interests" and of promoting "sectarianism and violence", according to a statement from the Ministry of the Interior.

Sheikh Isa Qassim has been a long-time critic of the government and the ruling family, and had called frequently for greater civil and political rights for Shi'a. But that is no good reason for removing his citizenship and threatening to make him stateless.

Indeed, the act of stripping such a senior religious figure of his nationality and effectively putting him under house arrest caused the USA to say it was "alarmed" at the decision, with a State Department spokesperson noting that Washington was "unaware of any credible evidence" to support the removal of citizenship.

And from Theresa May who was still [UK] Home Secretary at the time? Not a word. Unsurprising perhaps but disgraceful nonetheless.

The right to a nationality, which must not be removed arbitrarily, is enshrined in the UDHR and the International Covenant on Civil and Political Rights, to which Bahrain is a signatory. The UAE is not. Nonetheless, international human rights law prohibits arbitrary deportation and the exiling of persons from their own country. The Bahraini and Emirati governments appear blissfully untroubled by such concerns. Although the regimes may have lost the example of Canada, they would appear to still have a very staunch friend in Theresa May and the UK government.

It would be reassuring to think that one of the world's oldest democracies, stealing a page from Canada, one of the younger, would simultaneously curb its own practice of citizenship stripping while denouncing the same practice in Bahrain, the UAE and elsewhere. It won't happen but it should. Everywhere one chooses to look, the ideal of democracy is under siege. Yet at a time when democracy so urgently needs to be defended, it is being further debased by an odious practice. Removing citizens' nationality, rendering people stateless, wherever it happens, demeans us all.

2. BAHRAIN

REVOCATION OF BAHRAINI CITIZENSHIP⁷

Personal reflections of Abdulhadi Khalaf, read by Melanie Gingell

In the early morning of 7 November 2012, I was informed by a relative that Radio Bahrain had broadcast a statement by the Minister of Interior revoking the citizenship of 31 people, including myself. The ministerial statement was brief. It just said that our citizenship had been revoked for causing “damage to state security”.

My first reaction to the ministerial statement focused on its flaws. Article 17 of the Bahraini Constitution of 2002 states, among other things, that “Bahraini nationality shall be determined by law. A person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in cases of treason and other cases as prescribed by law”. Applicable laws at the time made revocation of citizenship a royal prerogative, left to the King after he has exhausted certain requirements.

Except for that brief statement, which was published subsequently in various local media, I have not received, directly or indirectly, any information from any government agency in Bahrain. In fact, I do not know which of my activities the government of Bahrain considers as damaging to state security. Bahraini authorities have not offered me an opportunity to defend myself against any of the secretly kept charges. Unfortunately, the number of those affected has increased tenfold since the first batch of 31 people in 2012.

Like more than 300 people whose citizenship has been revoked, I feel the injustice, the insult and the pain of losing a birth right. And there are the unavoidable discomforts in having to adjust my personal and professional life to not carrying a valid Bahraini passport and facing the constraints on my movement, particularly in the GCC region, due to being declared “a security risk”. My personal discomforts, however, are nothing compared to most of the Bahrainis whose citizenship has been revoked.

Loss of citizenship has been most tragic in the case of those residing in Bahrain. They have to apply for residence permits, which they cannot get because they have no passport and do not qualify because they are considered as *bidun*. This legal limbo jeopardizes their and their children’s rights to social services, including education and health. Lawyers, medical doctors, clerics, teachers, consultants and other professionals have lost their right to practice.

Living in legal limbo in Bahrain means that a person has no legal status. He or she cannot formally own real estate, or enjoy any of the social benefits of citizens, including access to free health care. Children of stateless persons require special permission to enrol in schools and universities.

⁷ To read the full version of this contribution, see: <https://goo.gl/r5DR74>

Revocation of citizenship as a political tool

The ministerial decree of 7 November 2012 revoking our citizenship has been widely criticized by local and international human rights watchdogs. Critics noted, among other things, that it contravenes Bahrain's Constitution, as well as Article 15 of the UDHR.

Backed by the Legislative Council, the government proclaimed a decree that provides for the denaturalization of Bahrainis convicted of violating various provisions of the 2006 Anti-Terrorism Law. Further, on 24 July 2014, Bahrain's *Official Gazette* published amendments to Articles 9 and 10 of the Citizenship Law of 1963. The amended Article 10 empowers the Minister of the Interior, with cabinet approval, to revoke the citizenship of a person who "aids or is involved in the service of a hostile state" or who "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it." The amended Article 9 obliges any individual who has been willingly naturalized by a foreign state without prior permission from the Interior Ministry to either forfeit the foreign citizenship or submit, within six months, an application to the Minister of Interior for permission to retain this citizenship.

With these amendments in place, Bahrainis may be stripped of their citizenship by decisions taken by any of three authorities: the King, the Minister of the Interior and the courts. The new decrees together with the amended laws were swiftly implemented by the courts. On 6 August 2014, a Bahraini court sentenced nine people to long prison terms and stripped their citizenship on charges that included participation in an illegal organization and having ties to Iran. A further nine received similar sentences on 29 September 2014.

Since 2014, the Minister of the Interior has issued several decrees revoking the citizenship of over 300 people. The current list of Bahrainis stripped of their citizenship includes bloggers, human rights activists, academics, journalists, former members of parliament, as well as alleged jihadists of the Islamic State. Most of these were not given a reasonable opportunity to contest in a court of law the charges held against them.

The extent of the powers held by the Ministry of the Interior became evident through a statement issued on 31 January 2015 announcing the revocation of citizenship of 72 people. This notes that the Ministry is responsible for protecting the security and stability of Bahrain and that "part of that responsibility is a duty to fight terrorism and identify those who engage, encourage or participate in such acts." The statement also notes that "each citizen of Bahrain has the responsibility to act in ways that do not harm the interests of the Kingdom". None of those 72 people named in the statement have been formally charged and tried by a proper court of law.

Citizenship as a royal *makrama* (personal favour)

The use of citizenship as a political tool is not unique to Bahrain. Other ruling families in GCC countries also regard their citizens as subjects and require they repeatedly show their loyalty. All ruling families in the GCC region do not consider citizenship as a birthright, and consider revocation of citizenship or passports as a controlling tool. Citizenship continues to provide the ruling family in Bahrain with an effective political tool.

Loss of citizenship, on the other hand, has become a routine punishment for actual or potential dissidents. The message is becoming clear: a dissident is not a loyal citizen. To enjoy the privileges of citizenship, people must show loyalty to the ruling family.

DENATIONALIZATION: A FORM OF COLLECTIVE PUNISHMENT⁸

Masaud M. Jahromi

On Saturday 31 January 2015, while I was having lunch with my family in a mall and enjoying time with my kids, suddenly I received a broadcast message from an online news agency indicating that the citizenship of 72 Bahrainis had been revoked through the King's decree. After a while a friend sent me a message urging me to check the list. I was shocked to find I was the third person on the list. The arrangement of the first five names was noteworthy: not in alphabetical order, all from the al-'Ajam community,⁹ all then living inside

⁸ To read the full version of this contribution, see: <https://goo.gl/pxfZzX>

⁹ The al-'Ajam community is composed of Bahrainis of Persian origin.

Bahrain while engaged in different professions, and all sharing a common fact: none had participated in the 2014 elections.

Applying the foreign residence law

Several days later I went with my lawyer to the passport department in response to their request to present my national ID card and passport. They asked me to hand over the documents and to sign a pledge, which stated I had to either correct my residency status or leave the country within just two weeks. Of course, both choices were impossible and not practical, as following the King's decree I had become stateless and I hold no other nationality to even apply for a Bahraini residential visa. My travel document (passport) was withdrawn so also I wasn't able to leave Bahrain.

Losing my job

On Sunday 1 February 2015, I discussed the issue with the President of the university where I worked. It was agreed that my employment at the university was based on my certifications and losing citizenship should not affect it. However, just two weeks later I received a call from the university's President's office asking for an urgent meeting. As expected, he had been forced by the Ministry of Education to dismiss me.

Appealing citizenship revocation

A Bahraini government authority stated that each of the 72 denationalized people had the right to appeal the decision. I decided to do so in order to clarify my status. On 7 December 2015 the court decided to reject my appeal on the amazing grounds that basically issuing or revoking citizenship is not subject to judicial control.

Deportation

On 6 March 2016, the appeal court approved the verdict, found my presence in Bahrain illegal, and stated that deportation was the final decision to be implemented. On 7 March, I received a call from the passport department asking me to visit them just for five minutes. Those five minutes cost me a life. I was forced to leave my family, relatives, friends and simply my life – which I believe is just because I practised my right to not participate in elections.

Impacts of being stripped of nationality

The government claims that this policy and action is only against the targeted person. However, I am going to prove the opposite and insist that the regime is targeting much more than a person and his family.

Targeting al-'Ajam

Considering the list of 72 and the way it was ordered and published, there is a hidden message to all members of the al-'Ajam community: if you are going to be part of the opposition party, and even more repressively if you do not follow government wishes, then you risk losing your citizenship.

Opposition members living abroad

More than 75% of the denationalized individuals are active opposition members living abroad and most have been granted political asylum in the second country. Therefore, losing their Bahraini citizenship does not affect them to the same degree that it affects their families living in Bahrain.

New family members

When a father is denationalized, newborn members of the family will not be granted citizenship or a passport. After the deportation, therefore, the family will be disunited as the child/children will not be able to leave the country without valid documentation and nationality.

Family relationships

Every family is a combination of different people at different levels of knowledge, beliefs and attitudes. Stripping nationality evokes different reactions: some become frightened and may take action against others, and therefore relationships will be affected.

Services

By losing citizenship, all governmental and social services will be cut. This means social and housing benefits will be lost, increasing the suffering of all family members.

Social insurance benefits

As a result of nationality being stripped, social insurance benefits and other benefits are stopped.

These facts clearly demonstrate that it is not only the person or even his family who are the intended targets.

Article 15 of the UDHR states: “Everyone has the right to a nationality” and “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”. This article is great on paper, but has no power in practice. We see regimes such as Al Khalifa easily stripping people of their nationality and deporting native citizens without any attention to the universal articles. Therefore, it is recommended that certain mechanisms to enforce these articles be considered.

REFLECTIONS ON BAHRAIN¹⁰

Natasha Bowler

My colleague Filippo [Brachetti] and I produced a film on the revoking of citizenship in Bahrain. Last year, we travelled to Bahrain under the guise of being Grand Prix tourists so we could meet and film those who’d had their Bahraini nationality revoked and were still residing in the country. Naturally, we would never have been granted permission to make the film had we asked.

So, it had to be undertaken with the utmost secrecy to prevent the authorities from knowing what we were doing. Had they found out, there would have been repercussions for those we filmed and it’s likely we too would have been arrested and deported. The majority of people we knew about who had had their citizenship revoked decided that it was too dangerous to be featured in the film. Many had already been arrested and jailed, all on trumped-up charges, and some tortured, and were fearful the same would happen again should the authorities find out or see the film.

For those who decided they wanted to tell their story, it took a great deal of courage. These were people who felt they had nothing left to lose. All of these stateless Bahrainis were, for lack of a better expression, just regular, normal people. These were not the so-called terrorists the authorities had labelled them. They weren’t even politically minded individuals as far as we could tell.

We interviewed a paramedic, a former lawyer, small business owners and others, and they were all just regular Bahrainis who’d been living their lives in peace but could no longer do that because their citizenship had all of a sudden been taken from them.

Many of the Bahrainis living in exile are journalists, human rights defenders, former members of parliament. Those without citizenship in Bahrain were, as far as we could tell, in no way involved in the politics of the country. It seemed to us that they’d quite literally been scapegoated at random by the authorities, been made an example of.

Since 2012, the Bahraini regime has revoked the citizenship of hundreds of people, more than 200 in 2015 alone. But casualties of this practice aren’t just those who have their citizenship revoked. It obviously affects that person’s entire family and social network as well. A stateless person in Bahrain cannot work freely, so this can make it difficult to support one’s family. There are endless restrictions on people without citizenship.

One person featured in our film was Ebrahim Darwesh. Before his citizenship was revoked, he ran a successful diving company in Bahrain but his situation is drastically changed following the revocation of his citizenship. His life is massively impeded.

Bahrain is a country of contrasts. When we were there, we were shocked by the huge discrepancy in lifestyles between people living in the Shi’a villages and those enjoying an expat life in the capital Manama. These two places are worlds apart and many of the expats living in Bahrain appear to be either blissfully

¹⁰ To read the full version of this contribution, see: <https://goo.gl/xeByUA>

ignorant of or unconcerned by this fact. Manama is a bustling, liberal city relative to other places in the Gulf, with impressive malls, restaurants and hotels, while the villages are very poor with police everywhere. I was keen to enter the villages and film them as well as the barbed wire and security forces constantly patrolling. But it's very hard to do this undetected as a foreigner, especially with a camera. The authorities do their utmost to keep these two different worlds apart.

Before we left for Bahrain, we interviewed a number of Bahrainis who'd had their citizenship revoked and are living in exile in Britain, some of whom are here today. This too, albeit in a different way, is equally devastating to a person and their family. Among them was Jalal Fairooz, a former member of parliament and the now forcibly dissolved Al-Wefaq opposition party, who has faced many difficulties due to his exile.

A huge number of the Bahrainis who have had their citizenship revoked have been granted asylum here in Britain, a fact I find ironic given the strong ties between Britain and Bahrain. Despite the vast and relentless human rights abuses in Bahrain, the ruling Al Khalifa family are continual guests here. As you'll know, just last week the Bahraini king was hosted by Prime Minister Theresa May in Britain to bolster relations. By prioritizing its economic and military ties with Bahrain, Britain is abetting gross violations of human rights in Bahrain. These violations include, although are certainly not restricted to, the revocation of citizenship.

Having made this film, I came to the conclusion that revoking citizenship was the Bahraini regime's last, desperate attempt to suppress any opposition to its rule. Press censorship, arrests and torture hadn't been successful, so taking away a person's identity, or at least trying to, was yet another way to try to quell dissent and silence moderate opposition demands. But, as we all know, this has not worked.

3. A GLOBAL PROBLEM

DEPRIVATION OF CITIZENSHIP IN THE UNITED ARAB EMIRATES¹¹

Ahmed Mansoor

The law

UAE law allows for the revocation of citizenship. Article 15 of Federal Law No. 17 of 1972 states that this may happen if a citizen:

- engages in the military service of a foreign state without authorization from the UAE;
- acts in the interest of an enemy state;
- has been willingly naturalized by another state.

Article 16, as amended by Federal Law No. 10 of 1975, adds that nationality can be withdrawn if a citizen:

- commits or attempts to commit an act deemed dangerous to the state's security;
- is convicted repeatedly for "disgraceful" crimes;
- uses forgery or fraud to acquire nationality;
- lives outside the UAE "without excuse" for four consecutive years.

The same law outlines how revocation may happen. Article 20 specifies that withdrawal of nationality can be decreed if proposed by the Interior Minister and approved by the Council of Ministers. Article 21 states:

- the Interior Minister will examine applications;
- the person concerned can submit a grievance to the Council of Ministers about the Interior Minister's decision within a month of notification of the decision;
- the Council of Ministers' decision is irrevocable.

Article 41 states that the Interior Minister may, for special reasons, refuse to grant or renew a passport, and may withdraw a passport after it has been issued.

Article 114 states that a decree becomes constitutional when confirmed by the Council of Ministers and ratified by the President of the UAE or the Supreme Council.

The practice

The practice, however, is very different to that laid out in law. In general, people are summoned to the Interior Ministry and asked to bring their ID and other official documents. There, their documents are seized

¹¹ This paper was given as a PowerPoint presentation. See: <https://goo.gl/ArPqtG>

and they are simply informed that their citizenship has been revoked by a superior authority, generally understood to mean the state security apparatus. No decree or any other documentation is shown to them, making it difficult to challenge the decision. Some are told they have a fortnight to find alternative citizenship or face arrest.

Some people have lost their UAE citizenship while outside the country. In addition, there have been mass revocations of citizenship, many of them not for political reasons.

The impact on the human rights of those affected is huge. Without proof of citizenship, they lose their social, economic, civil and cultural rights, and any remaining political rights. Without a nationality, they cannot buy a car or house, open a bank account or have bank cards. They cannot drive or own a car. They lose their job and cannot get a new one. They cannot access medical care in public hospitals, and their children are sometimes refused enrolment in school. They cannot register the birth of their children, and they risk arrest for having no documentary proof of right to residency. Finally, they cannot even leave the country to seek work elsewhere.

AL-GHUFRAN CLAN IN QATAR: PUNISHED WITH STATELESSNESS¹²

Misfer al-Marri

In February 1996, supporters of Sheikh Khalifa Al Thani attempted a counter-coup to re-install him as Emir of Qatar. He had been deposed by his son, Sheikh Hamad bin Khalifa Al Thani, in June 1995.

Approximately 119 of those accused of involvement in the counter-coup belonged to the al-Ghufran clan of the al-Murra, a large tribe whose members live mainly in the east and north-east of the Arabian Peninsula, including in Qatar and Saudi Arabia. By February 2000, 19 of the accused had been sentenced to death and 33 to life in prison. The rest were acquitted. (None of those sentenced to death has been executed.)

Revocation of citizenship

On 1 October 2004, Qatar's Interior Ministry issued an administrative decree that deprived 5,266 people of their citizenship. The decree targeted almost the entire al-Ghufran clan, not just those linked to the counter-coup attempt. It allowed for no exceptions in relation to the elderly, widows or children. All of those stripped of their nationality belonged to the al-Ghufran clan.

The revocations pivoted on 927 heads of family from whose "leadership" the others derived their citizenship.¹³ The decree was purportedly based on alleged but prohibited possession of another nationality.¹⁴ The process was arbitrary and discriminatory, and did not provide for an independent appeal.

Background

The Gulf states that gained independence in the 1960s and 1970s imported laws that were based on very different socio-economic circumstances. For example, the laws generally did not provide for dual nationality even though Gulf society was deeply influenced by tribes that criss-crossed modern borders.

In the years following independence, members of these tribes often had two nationalities as laws were less strictly applied and transhumance (nomadism) was more common. The growing industrialization and urbanization of Gulf societies meant more people became settled. For the al-Murra tribe, for example, new employment opportunities in Saudi Arabia often led to Saudi Arabian citizenship. In recent years, however, the fluidity of the tribe has been used to marginalize, silence or expel those seen as dissidents.

¹² To read the full version of this contribution, see: <https://goo.gl/LsNriC>

¹³ Under citizenship laws in Qatar, revocation of the citizenship of a father or grandfather results in the automatic stripping of the nationality of the sons, daughters and grandchildren.

¹⁴ Qatari nationality law prohibits dual nationality; and naturalization regulations are strict though discretionary. Al-Ghufran activists point out that the government has used discretionary powers to bestow Qatari citizenship on high-profile individuals, including athletes, while hundreds of al-Ghufran clan members remain stateless or marginalized.

Punitive measures

After Qatar issued the revocation of citizenship decree, government officials ordered thousands of members of the al-Ghufran clan to leave Qatar. Many refused or sought to delay their departure.

Further punitive measures followed. State security and police closely monitored members of the clan. The government cut electricity and water supplies to their homes, usually without warning, and denied those stripped of their nationality the right to work. Further pressure mounted when the government promised people that their Qatari nationality would be restored if they left Qatar and acquired another nationality.

Some families resisted police action to remove them from their dwellings, leading to dissent among police and the halt of forcible removals. However, a small number of people were imprisoned. Among them was Saleh Mohammad al-Marri, who was held for three days in 2005 when aged 21. As a holder of a US passport, he was able to leave Qatar after his release. Between June and September 2005, nine people were detained for three months at the Central Jail under Law No. 17 of 2002, which is used to “protect society”.

The punitive measures aimed to force al-Ghufran clan members to leave Qatar and/or renounce their citizenship and submit their Qatari ID documents to the Passports and Immigration Department in the capital, Doha. Most people facing removal of their citizenship went to this department as it was the only place able to provide concrete information about citizenship revocations. Among them was my mother, Manah Saleh al-Kohla, who went there in 2005 to ask to leave Qatar for Saudi Arabia. The government did not return her documents.

The government also dismissed clan members from specific jobs, notably in the civil service and the military. Almost all of the military personnel were transferred to Civil Defence on the basis of verbal instructions, not written documents.

Anecdotal evidence suggests there are between a few hundred and 2,000 former Qatari citizens of the al-Ghufran clan now living in Saudi Arabia.

Impact of statelessness

In its 2016 annual report, Alkarama, a human rights organization, stated that Qatar’s National Human Rights Committee said there were between 300 and 400 stateless persons living in Qatar. According to the UNHCR, however, the true figure is about 1,500.

Stateless residents of Qatar have to renew their residency permit every two years at a high price, even though they are economically disadvantaged and face problems gaining employment. As stateless persons are only allowed a travel document that asserts their statelessness, their right to freedom of movement is severely curtailed. Some countries may allow them to apply for and attain refugee status, but many refuse them entry altogether.

Stateless residents of Qatar also have to obtain approval prior to getting married, whether to a Qatari citizen, a non-Qatari citizen or a stateless person.

Reinstatement of nationality

In early 2006, according to reports, the Qatari government began to restore the citizenship of up to 6,000 members of the al-Murra tribe whose citizenship had been revoked between October 2004 and June 2005. The reports indicate that each case was reviewed separately and that, by the end of 2006, citizenship had been restored to all but around 150-200 of those who had lost it.

Other reports indicate that the government restored citizenship to a further 2,000 people in 2008, but details are not known. The head of Qatar’s National Human Rights Committee, himself a member of the al-Murra tribe, said on 5 August 2008 that 95% of the tribe had had their citizenship restored.

The government also said it would restore Qatari citizenship to al-Ghufran clan members once they obtained Saudi Arabian citizenship. However, when some returned to Qatar the government only restored Qatari nationality selectively, not automatically.

People who have lost their Qatari citizenship feel they are treated as a visitor to their own country, and that the prospect of eventually obtaining Qatari citizenship is used to keep them docile; if they complain, they are reminded that they are Saudi Arabian citizens.

THE CASE FOR A UK PARLIAMENTARY GROUP ON HUMAN RIGHTS IN THE GULF¹⁵

Margaret Ferrier

As a UK parliamentarian, there are particular areas of interest on which I tend to focus. Something I've tended towards since my election is that of human rights abuses across the world, and the role that the UK could and should be playing to address these.

Unfortunately, as you will all be aware, this is a rather broad topic. The systematic abuse of intrinsic human rights is still something that blights many countries in 2016.

As Vice-Chair of the All-Party Parliamentary Group on Human Rights, I work alongside politicians of any and all party colours to highlight these abuses, to raise the profile of individual cases, and to challenge the UK government on the action it is, or isn't, taking.

I have found myself drawn particularly to the Gulf countries. The UK has strong ties with these countries – which regrettably often leaves the Foreign Office tongue-tied on matters of human rights.

Look at the case of Nabeel Rajab in Bahrain. Dozens of non-governmental organizations are calling for his release. The European Union is calling for his release. Even the USA is calling for his release. The UK has managed to remain remarkably silent. Today, the verdict was due to be delivered at Nabeel's trial, and the UK government are unable to say they've done anything other than privately raise concerns. With the hearing rescheduled for 15 December, there is now an opportunity for the government to escalate this and to follow the lead of the EU and USA.

I wrote to Prime Minister Theresa May just last week calling for this action and, whilst I will continue to lobby the government, I cannot say that I am optimistic. This case is just one of many examples of the UK's frustratingly feeble foreign policy in the Gulf.

I do not believe it is right for us to enter into an arrangement with Bahrain to build a new Royal Navy base in the country – in turn strengthening the bond with the country as a key strategic ally – if we are not prepared to challenge their human rights situation.

Similarly, I find it abhorrent that we allow multi-billion pound arms deals with Saudi Arabia whilst turning a blind eye to their domestic human rights situation, and refusing to acknowledge the breaches in international humanitarian law being conducted in Yemen.

It simply isn't good enough to stand back and hope that things improve. We are actually seeing the situation worsening.

There is an argument being made that Saudi Arabia is taking small progressive steps in the right direction, and that we must show patience. I for one will welcome any progression, but I will not celebrate it whilst ignoring the massive surge in public executions. We are witnessing an unprecedented regression of rights.

This fact was an important factor in my decision to seek to form a new all-party group. I'm very pleased to announce today that we have just received notification that the group's formation has been officially approved, and I am speaking to you all, for the first time, as the Chair of the All-Party Parliamentary Group on Democracy and Human Rights in the Gulf. There is much work to be done.

The abuses of migrant workers and the problems with human trafficking in the Gulf need tackling.

The *kafala* (sponsorship) system favours the rights of employers – it allows them to sequester the identity documentation of their workers, and to withhold their wages. The retention of passports has, in many instances, led to forced labour situations. There is evidence to suggest that people have been forced to work in gruelling conditions for long hours, without being paid for their overtime. They are often forced to forgo weekly rest, annual leave and holidays. Many workers fear false accusations being levelled against them, and

¹⁵ To read the full version of this contribution, see: <https://goo.gl/h2vmxY>

being deported. Many experts consider the system to be a form of modern slavery, and have called for the system to be abolished.

I see the All-Party Group playing a role in challenging this system.

In Bahrain, the arbitrary revocation of citizenship is becoming a widespread practice. The country denaturalized 21 people in 2014. In 2015, this number increased tenfold, to 208. This escalation is a source of great worry for me. The removal of citizenship is in direct contravention of Article 15 of the UDHR. No one should be arbitrarily deprived of their nationality. Bahrain, as every other country, has human rights obligations regarding the bestowal and removal of nationality. It is deeply regrettable that these obligations are being ignored, and that supposed counter-terrorism laws are being used to achieve this.

Those who have had their nationality revoked must surrender their passports and identification documents. They can then apply for a residency permit as a foreigner – or leave the country. Those who have remained there, and who have been fortunate not to be executed, have no security. In the past, those who have not been granted a residency permit, yet have remained in Bahrain, have been charged with “illegally residing” there, and deported.

Removal of citizenship isn't happening only in Bahrain but in Kuwait, Qatar and the UAE too, as well as countries outside the Gulf.

It is encouraging that so many people have gathered together today to seriously discuss the issue. I hope that real action follows as a result. I hope that our All-Party Group can be part of that action, challenging our government into action over the revocation of citizenship in the Gulf countries.

In the words of Dr Martin Luther King: “Injustice anywhere is a threat to justice everywhere.” If human rights are truly universal, then we must uphold them everywhere, and challenge violations – no matter where they occur.

THE KURDS OF SYRIA

Lorin Sulaiman

I am a Kurd from Syria. The Kurds are the largest ethnic minority in Syria, comprising 10-15% or more of the population, residing mainly in the north and north-west of the country.

As far as my family was aware, in the 1950s the Syrian government had developed a comprehensive plan to Arabize the Kurdish areas and villages. They moved Arab settlers to the Kurdish areas – this is known as the Arab belt.

In 1962 the Syrian Government also ordered a census to be carried out. This is known as Decree No. 93. The census took place during a single day, which meant that if a person was not available they would not be included in the registry. To be registered as a Syrian, individuals had to produce certain documents which, if they failed to provide, increased obstacles to some people registering.

The census resulted in Kurds being divided into three categories:

Syrian nationals – *muwatineen*. These individuals were given full rights as Syrian nationals.

Foreigners – *ajaneb*. These individuals were treated as second class and, whilst they had some rights, they were still limited.

Illegal/Invisible – *maktoumeen*. These are people who refused to participate in the census and/or failed to provide the documents needed. They no longer existed in the [eyes of the] Syrian government and merely received a document from the local mayor (*mokhtar*) confirming some of their basic details.

My family fell under the last category and as such we lost all citizenship. When I was born I was never registered or given any form of documentation – I do not exist in Syria.

I came to the UK as an asylum-seeker and my mother informed the UK authorities that we are *maktoumeen*, stateless. The UK authorities, at the time being in alliance with Syria, did not believe us.

Although I am now a British citizen and am no longer stateless, I will always remain a Kurd and hope that one day we will be recognized in Syria and all over the world.

ROHINGYA IN MYANMAR: A PERSONAL REFLECTION¹⁶

Maung Tun Khin

I was born and brought up in Rakhine state in Myanmar (formerly known as Burma). My father was a government servant but was sacked after getting involved in political issues in 1978. My mother passed away in 2003. My father had full citizenship. Before 1982 and the Citizenship Law, everything was fine for Rohingya.

After the 1982 Citizenship Law, in around 1989-90 after an uprising by the military, the government collected in all the NRCs – the national registration cards [which were proof of citizenship]. Then they gave everyone “national scrutiny cards”, but they didn’t give them to Rohingya. They gave us a degrading white card, which is of a much lower rank compared with the previous papers [and is not proof of citizenship].

I never had any documents as I was born after this. I got a white card in 1994. It is like a visa for a foreigner. It means you need a pass to go from one village to another. With a white card you can’t get a job in the public sector. You can’t go to university.

It makes me feel very frustrated to be in this situation in my own country, where my father and grandfather were born and were brought up. My grandfather was a parliamentary secretary during the democratic time – and now I’m not a citizen of Myanmar.

This is how the Myanmar military has weakened the Rohingya minority in Myanmar. It is very painful to be in this situation. I’m lucky that I’m living in London, but the Rohingya living in Myanmar are suffering. We need the international community to be stronger. I appreciate Amnesty’s work on the Rohingya but now something needs to be done at an international level.

The Rohingya are amongst the largest of Myanmar’s numerous minorities. They are different in terms of culture, politics, religion and ethnicity. Because of this we are suffering. All Rohingya have been kicked out of government jobs. Before 1988 there were many Rohingya in such jobs and in parliament. Every election from 1937 Rohingya had the right to vote and be part of parliament. In the 2015 elections, Rohingya had no right to vote and no right to be a member of parliament.

The government wants to get rid of the Rohingya from Myanmar. That’s their plan. Taking away their citizenship is part of the plan because after that they can enforce much stronger restrictions against the Rohingya people. So it was a top priority for them. That’s why they did it first. After that, worse things happened and Rohingya were forced out of Myanmar.

I was a political activist in Myanmar, so I couldn’t go to university and I had to leave the country. After I left, the political situation got worse for the Rohingya.

The Rohingya people live in the west of the country in Rakhine state and number over one million people. Before, they were recognized as an ethnic group in Myanmar, even if not in legislation. The Rohingya language was broadcast in Myanmar. When the military dictatorship came to power in 1962 it took away Rohingya ethnic rights. By 1982 they had taken away most of their identity. Then they imposed restriction of movement and then there was anti-Rohingya violence.

In 2012 state-organized violence against the Rohingya took place in Rakhine state, burning down Rohingya houses and displacing 120,000 Rohingya and a smaller number of others, too, such as Muslims of Kaman ethnicity, as well as ethnic Maramagyi and Rakhine people. After that, there is no safety or security. A new system – like apartheid – was introduced in Rakhine state for the Rohingya people.

¹⁶ Based on an interview with Maung Tun Khin after the seminar.

What happened next is that the Rohingya were not counted in the 2014 census. When the UNHCR met the President of Myanmar, the President told them that Rohingya do not belong to Myanmar, that they are illegal immigrants, and that the only solution is to kick them out of the country.

Then the authorities took away the right of Rohingya to vote and to be a member of parliament.

We need stronger pressure from overseas states. The USA, UK and EU should put pressure on the government. We also need more advocacy from people in countries in the Middle East.

DEPRIVATION OF NATIONALITY IN THE DOMINICAN REPUBLIC¹⁷

Robin Guittard

The situation of statelessness generated [in the Dominican Republic] by judgment 168-13 is of a magnitude never before seen in the Americas.

When the Inter-American Commission on Human Rights published earlier this year its report on the human rights situation in the Dominican Republic, this simple sentence perfectly captured the reality faced by tens of thousands of people in the Dominican Republic as well as the frustration of the relatively limited attention this situation attracted at the international level. According to UNHCR, at least 133,770 persons are currently stateless in the Dominican Republic, home to the largest stateless population in the Americas.

23 September 2013

On 23 September 2013, the Dominican Constitutional Court issued a judgement in the case of Juliana Deguis Pierre, a Dominican woman of Haitian descent. Juliana Deguis had initiated the case to seek protection of her rights (*recurso de amparo*) after the Civil Electoral Board – the body in charge of the civil registry – seized her birth certificate in 2008 and refused to issue her an identity card.

The Court dismissed Juliana Deguis' appeal, claiming that she had been wrongly registered as a Dominican as her parents declared her birth with documents that did not prove their regular migration status in the country. The Court declared that Juliana Deguis should never have acquired Dominican nationality because her parents were “foreigners in transit” and she was, therefore, a foreigner in the Dominican Republic.

The Court stressed that Juliana Deguis was only one of 668,145 people of Haitian origin living in the Dominican Republic and stated that its judgement applied not only to her, but to all those people of foreign descent whose births had been registered in similar circumstances since 1929.

The road to statelessness

Between 1929 and 2010, successive versions of the Dominican Constitution granted Dominican nationality to all children born on national territory (*jus soli*). The only exceptions were the children of diplomats and of people “in transit”. Long-standing and authoritative legal interpretations limited the definition of people considered to be “in transit” to those present in the country for fewer than 10 days. Irrespective of the migration status of their parents, therefore, for many decades the Dominican Republic formally recognized Dominican-born children of Haitian parents as citizens and issued them with Dominican birth certificates, identity cards and passports.

However, during the 1990s, nationalist groups started to promote a restrictive interpretation of “in transit” and as a result many civil registry officers started denying the children of undocumented Haitian migrants their right to birth registration. In 2004, a new Migration Law formally considered temporary foreign workers and undocumented migrant workers as foreigners “in transit”.

The Central Electoral Board started applying this law retroactively. In 2007 it systematized these practices by issuing two administrative decisions which had the effect of preventing identity documents being issued or renewed for Dominican-born children of Haitian migrants who had not regularized their migration status at the time of their children's birth. These practices continued despite the concerns raised by several

¹⁷ To read the full version of this contribution, see: <https://goo.gl/JjKxrB>

international human rights bodies and a 2005 binding judgement by the Inter-American Court of Human Rights.

On 26 January 2010, the current Dominican Constitution entered into force. Under this, children of irregular migrants born in the Dominican Republic no longer had the automatic right to Dominican nationality. Finally in 2013 the Constitutional Court issued Judgment 168-13, depriving nationality on a large scale and making statelessness a matter of law for several generations of Dominicans of foreign descent.

168-13: an arbitrary and discriminatory judgement

The right to a nationality is a human right enshrined in several international human rights instruments to which the Dominican Republic is a party. The right to a nationality includes the right not to be arbitrarily deprived of one's nationality. In order to respect this right, measures leading to deprivation of nationality must meet certain conditions. These include: being in conformity with domestic law; serving a legitimate purpose that is consistent with international law and, in particular, the objectives of international human rights law; being the least intrusive instrument to achieve the desired result; and being proportional to the interest to be protected. The notion of arbitrariness includes not only acts that are against the law but, more broadly, elements of inappropriateness, injustice and lack of predictability.

Judgment 168-13 has been widely considered discriminatory, disproportionately affecting Dominicans of Haitian descent. As the Inter-American Commission on Human Rights reported, in the context of the Dominican Republic where the Haitian population constitutes the largest group of immigrants the decision of the Constitutional Court to challenge the Dominican nationality of individuals based on the migratory status of their parents will primarily affect a clearly identifiable population, the Dominicans of Haitian descent.

Impact on human rights: 'a life in transit'

Identity documents are essential to access services, for personal and professional development and to claim one's rights. In particular, birth certificates serve as the primary form of identification for all Dominican citizens under the age of 18, and unrestricted access to certified copies of birth certificates is critically important. The national identity card (*cédula de identidad y electoral*), which all Dominican nationals must apply for when they reach 18 years of age, is needed to enjoy a wide variety of civil, political, social and economic rights.

The right to freedom of movement is severely limited for people who cannot access identity documents and are stateless, and they are at risk of expulsion to Haiti. They are vulnerable to violence and exploitation and, in the vast majority of cases, are condemned to lives of poverty and marginalization. As a consequence of gender inequalities, stateless women are particularly at risk of abuse. Because statelessness is often passed from parent to child, statelessness results in a continuing cycle of alienation and marginalization down the generations.

Conclusions

While the Dominican authorities have never acknowledged that Judgment 168-13 resulted in mass statelessness, the President and other officials have indicated a level of awareness of the ruling's harsh impact on the lives of those affected.

In May 2014, Congress adopted Law 169-14 in response to a wave of criticism at the national and international levels. Although it was a step in the right direction, it failed to provide for an automatic restoration of Dominican nationality to all those who had been arbitrarily deprived of it by Judgment 168-13.

As a consequence, several groups of people remain stateless or effectively stateless in the Dominican Republic owing to the inadequacy of the solutions provided by Law 169-14, shortcomings in its implementation and its failure to propose any solution at all for some neglected groups.

SECOND-CLASS CITIZENSHIP IN CANADA¹⁸

Josh Paterson

Canada's federal government revokes the citizenship of up to 60 Canadians each month. In the view of the British Columbia Civil Liberties Association (BCCLA) and the Canadian Association of Refugee Lawyers (CARL), the process – put in place under the previous government's Bill C-24 – is unfair and unconstitutional.

When a Canadian gets a parking ticket, they are entitled to a court hearing to defend themselves. But when the government strips a Canadian of their citizenship, alleging that they misrepresented themselves, that person has no right to a hearing with an independent decision-maker. The Minister alone has the authority to act as prosecutor and judge, and the Canadian who is affected does not have the right to know the full case against them.

The Minister of Immigration, Refugees and Citizenship has recognized that this process is unfair, and the Federal Court has suggested that removing citizenship demands a high level of procedural fairness – but the federal government has pressed ahead with these citizenship revocations anyway.

That is why the BCCLA and CARL have taken legal action against the federal government – to stop it from carrying out these unfair citizenship revocations until a proper process can be put in place.

Background: Bill C-24

Bill C-24, the Strengthening Canadian Citizenship Act, was passed by the previous government and became law in June 2015. It created two tiers of citizens: those who could have their citizenship revoked and those who could not. It gave fewer rights to some Canadians based on where they were born, turning many into second-class citizens.

A few weeks after Bill C-24 came into effect, the BCCLA and CARL filed a constitutional challenge in the Federal Court of Canada alleging that the amendments to the Citizenship Act made by Bill C-24 violate the Canadian Charter of Rights and Freedoms (Charter), which is Canada's own human rights charter.

In February 2016, the Liberal government introduced Bill C-6, which – when passed – will reverse many of the problematic changes brought about by Bill C-24. However, there is one important issue that Bill C-6 did not address: the process by which citizenship revocations happen.

Process for citizenship revocation

The Canadian government has always had the ability to revoke someone's citizenship on the basis of fraud or misrepresentation. If someone lies in order to gain Canadian citizenship, revoking their citizenship is akin to correcting a mistake, as the person should never have been granted citizenship in the first place.

Prior to Bill C-24, a finding of fraud could only be made by the Governor-in-Council based on a report prepared by the Minister. Prior to issuing a report, the Minister was required to notify the affected individual, who had a right to require that the matter be referred to the Federal Court for a full hearing and decision.

Now, the decision to revoke is taken by the Minister (or his or her delegate) directly, and in almost all cases, the subject has:

- no right to an oral hearing;
- no right to have the matter referred to Federal Court or any other independent decision-maker; and
- no right to disclosure of relevant materials in the possession of the Minister that would allow the subject to know the case against them.

This regime established by Bill C-24 lacks basic procedural protections for persons at risk of revocation. We believe it is contrary to principles of fundamental justice and in violation of section 7 of the Charter.

¹⁸ To read the full version of this contribution, see: <https://goo.gl/LE6CnE>

What have the courts said?

In a recent Federal Court decision, a number of individuals who had received revocation notices on the basis of misrepresentation under these new procedures sought an injunction preventing the Minister from taking any further steps or proceedings in their cases. This is known as a stay of proceedings.

Their underlying application seeks a declaration that the procedural provisions described above violates section 7 of the Charter and the right to a fair hearing protected by section 2(e) of the Bill of Rights. That challenge will be heard in November 2017.

The Court granted the applicants' stay motion. In his reasons for the judgement, Justice Zinn noted the serious consequences for individuals of a decision to revoke their citizenship:

The more serious the consequences to an individual, the greater the need for procedural fairness and natural justice. Revocation of citizenship for misrepresentation and fraud is a very serious matter and the allegations made by these applicants, although they may ultimately not succeed, raise a case demanding a response from the Minister.

On the basis of the Court's decision, numerous individuals who have received revocation notices have also obtained stays of their proceedings pending the outcome of the constitutional challenge. However, notwithstanding the many individual stays granted by the Federal Court, the government has continued to use the current process to give notice and revoke the citizenship of individuals on fraud/misrepresentation grounds.

What has the government said?

Minister of Immigration John McCallum agrees that the current revocation process is defective and needs to be reformed. In May, the Minister informed the House Standing Committee on Citizenship and Immigration that he would "move forward in the fall on a proper appeal right on the issue of citizenship revocation".

When in opposition, John McCallum spoke bluntly and succinctly about the problems with the process. On 9 June 2014, he said during debates on Bill C-24:

We object in principle to the arbitrary removal of citizenship from individuals for reasons that are highly questionable and to the very limited opportunity for the individual to appeal to the courts against that removal of citizenship.

The solution

The government should repeal the procedural changes made to the Citizenship Act by Bill C-24 and restore individuals' right to a fair hearing before an independent judicial decision-maker who can take humanitarian and compassionate considerations into account in making their decision. The new law should also restore the right to disclosure of relevant materials in the possession of the Minister. In the meantime, the government must stop issuing revocation notices until the process is fixed.

Action by the BCCLA and CARL

On 26 September 2016, the BCCLA and CARL launched an action in the Federal Court specifically targeting the procedural unfairness of the citizenship revocation regime. We are seeking a stay of the operation of the revocation provisions of the Citizenship Act pending either a decision from the courts about whether the regime is constitutional or the creation of a new and fair process.¹⁹

¹⁹ To find out more, see: <https://bccla.org/end-second-class-citizenship/>

REVOCAION OF CITIZENSHIP IN THE UK²⁰

Edward Grieves

The statutory power to revoke citizenship has existed in the UK since 1914. The current law for such power is provided by the British Nationality Act 1981 (BNA), which came into force in 1983 and was amended in 2014.

Although the Act has always included powers to deprive a person of their British nationality, the nature of these powers has changed significantly through various amendments. The most recent, the Immigration Act 2014, inserted new provisions into the BNA. As a result, powers to revoke citizenship are contained in section 40 of the BNA and enable deprivation of citizenship where:

- it is “conducive to the public good” and would not render the person stateless (section 40(2); section 40(4));
- the person obtained citizenship through naturalization, and the Home Secretary considers that deprivation is conducive to the public good because the person has conducted themselves “in a manner which is seriously prejudicial to the vital interests of the United Kingdom” and the Home Secretary has reasonable grounds to believe that the person is able to become a national of another country (section 40(4A));
- citizenship was obtained through registration or naturalization, and the Home Secretary is satisfied that this was obtained by fraud, false representation or concealment of a material fact (section 40(3)).

Under section 40A, an appeal is made to the First-Tier Tribunal (Immigration and Asylum Chamber). Subsequent appeals are to the Upper Tribunal and Court of Appeal. However, the Secretary of State may certify that the decision was taken wholly or partly on the basis of information that they consider should not be made public in the interest of national security. In that case, the right of appeal is to the Special Immigration Appeals Commission (SIAC).

Cases

Between 2010 and 2015, 33 individuals were stripped of citizenship. The cases include:

In *S1 v Secretary of State for the Home Department* [2016] EWCA Civ 560, the Court of Appeal held that the SIAC had correctly upheld a decision to revoke the citizenship of a Pakistani family believed to be active members of a terrorist organization. The Secretary of State’s decision had been made whilst the family were out of the UK.

In *L1 v Secretary of State for the Home Department* [2015] EWCA Civ 1410, the Court of Appeal held that it had been lawful for the Home Secretary to await the departure of the appellant from the UK before serving notices of deprivation of citizenship and exclusion based on national security concerns. The appellant, a Sudanese national, was forced to remain outside the UK during the appeals.

In *M2 v SSHD SIAC Appeal No SC/124/2014*, Judgment 2015, the SIAC upheld a decision to revoke the British citizenship of someone who was also an Afghan national. The Secretary of State’s decision was made on the ground that the person’s presence in the UK was not conducive to the public good as they presented a risk to national security.

In *NM v SSHD*, SC/87/2009, Judgment 2009, the SIAC upheld a decision to revoke the British citizenship of a Pakistani national as the man in question was assessed to be a senior and active member of Lashkar-e-Taiba [an Islamist organization based in Pakistan], that he had been involved in fundraising for that organization and was a close associate of a former Emir and a senior current member of the organization. The man lost his appeal.

²⁰ Joanne Cecil, Edward Grieves and Ella Gunn produced this paper. Edward Grieves delivered it. To access it, see: <https://goo.gl/QKu2V8>

Al Jeddah [2013] UKSC 62 involved an Iraqi national who had moved to the UK in 1992 with his wife and claimed asylum. In 2000 they were granted British citizenship, upon which he automatically lost his Iraqi nationality under Iraqi law. In September 2004, the man travelled to Iraq and the following month US forces arrested him in Iraq and handed him over to British forces, who detained him without charge until 30 December 2007.

The man claimed that the imprisonment amounted to a violation of his right to liberty and security, and his claim was upheld by the European Court of Human Rights on 12 December 2007. A few weeks after his release, he moved to Turkey.

On 14 December 2007, prior to the man's release, the UK Secretary of State made an order under the BNA to deprive him of his British nationality on the ground that it would be conducive to public good. Under section 40(4), the Secretary of State could not make such an order if he was satisfied that the order would make the person stateless.

In domestic proceedings challenging the detention, the House of Lords had found that the man held both British and Iraqi nationality (apparently misunderstanding that he had lost his Iraqi nationality). In January 2008, the man challenged the order depriving him of British nationality before the SIAC on the grounds that the order had made him stateless and was therefore void.

The SIAC rejected this contention on the basis that the man had not been able to prove on the balance of probabilities that he had not regained Iraqi nationality. The SIAC was directed to rehear the issue by the Court of Appeal, and held again on 26 November 2010 that the man had automatically regained Iraqi nationality under Article 11(c) of the Law of Administration for the State of Iraq for the Transitional Period (June 2004 to May 2006).

The Court of Appeal set aside as erroneous in law the SIAC's conclusion that the man had automatically regained Iraqi nationality. It also rejected the Secretary of State's alternative contention that even if the man had not been an Iraqi national before 14 December 2007, it had been open to him to regain it and therefore it was his failure to apply for nationality rather than the order that rendered him stateless.

The Secretary of State appealed the decision of the Court of Appeal before the Supreme Court, which dismissed the matter. The Supreme Court held that section 40(4) does not permit or require an analysis of the "real" cause of statelessness, and the only question that the Secretary of State had to answer was whether the person held another nationality at the date of the order.

CITIZENSHIP DEPRIVATION IN AFRICA²¹

Bronwen Manby

The legal provisions

More than half of Africa's 54 states forbid deprivation of nationality from a national from birth (of origin, in the civil law terminology), whether or not the person would become stateless. Although a large number of the remaining countries have a provision framed along the lines provided in the 1961 Convention on the Reduction of Statelessness, only a small handful provide for deprivation of a birth right citizen in case of a crime against the state – Egypt, Eritrea and Mali. None of the sub-Saharan countries comes close to the extremes of Egypt, where citizenship can be deprived from anyone (citizen from birth or by naturalization) if, among other things, "at any time he has been qualified as Zionist".

Most African countries allow for deprivation of nationality acquired by naturalization, some of them on vague and arbitrary grounds. The former British colonies borrow language from the British precedents and provide for deprivation on the grounds of "disloyalty" or the "public good"; while the francophone countries talk about behaviour "incompatible with the status of a national" or "prejudicial to the interests of the country".

²¹ This paper is a distillation of *You can't lose what you haven't got: Citizenship acquisition and loss in Africa*, a paper that the author delivered to the European University Institute. See: <https://goo.gl/92NTDd>

However, naturalization is generally very difficult to access in African states, with only a few hundred gaining citizenship by this route each year, even in very large countries such as Nigeria.

The practice

This review of deprivation provisions has a slightly unreal feel. These procedures are hardly used, so far as one can tell. Statistics are not published; while countries such as Kenya and Nigeria, both facing well-publicized and serious security threats from the Al-Shabaab and Boko Haram Islamist groups, are not known to have deprived any individual of citizenship through the formal procedures of the law on deprivation.

The methods traditionally used in Africa to denationalize a person are to deny that he or she ever had nationality; to argue that the nationality documentation previously held was issued in error, or simply to fail to issue or renew a document providing proof of nationality (not even requiring an allegation of fraud). The key amendments to nationality laws in Africa have not been to increase government powers to deprive, but to restrict access to nationality based on birth and residence, and to exploit any ambiguity in the rules applied on succession of states at independence. These are the methods used against some high profile individuals: Kenneth Kaunda of Zambia and Alassane Ouattara of Côte d'Ivoire most famously; but also John Modise of Botswana, who found himself no longer considered a national by birth when he set up a political party in order to run for President.

Perhaps of even more concern than the individual difficult cases is the tendency to manipulate nationality laws to create difficulties of access for whole groups of people when a country is faced with a (real or perceived) security threat – or simply an opposition political party with support from a particular ethnic group. Faced with the challenges of “nation-building” in states created by colonial fiat, where significant numbers of people may be descendants of pre-independence migrants, and documentation systems are very weak, the question of who belongs is not necessarily an obvious one to answer. Governments have taken advantage of this lack of clarity to denationalize or expel large numbers of people — in Côte d'Ivoire, Democratic Republic of Congo, Zimbabwe and elsewhere.

The continental human rights framework

The African Charter on Human and Peoples' Rights (ACHPR) does not contain a specific provision on nationality. Despite this, many of the complaints brought to the African Commission on Human and Peoples' Rights have concerned human rights violations that relate to the denial of a person's nationality, including those related to Kaunda, Ouattara and Modise. In 2013, the African Commission adopted a resolution that affirmed that the right to a nationality is implicit in Article 5 of the ACHPR on the right to dignity and legal status, called on states to prevent and reduce statelessness, and decided to conduct a study on the right to a nationality in Africa. The study was approved by the African Commission at its April 2014 session, and in August 2015, following several expert meetings, the African Commission adopted a proposed text of a draft protocol to the African Charter on the right to a nationality. In 2016, the Executive Council of Ministers of the African Union approved the concept of a protocol, which now awaits the convening of state experts and ministerial meetings to discuss the text.

The African Charter on the Rights and Welfare of the Child (ACRWC) provides for the right to a name, birth registration and a nationality in its Article 6; Article 6(4) incorporates the protection from the 1961 Convention on the Reduction of Statelessness that a child shall have the right to the nationality of the state of birth if they do not acquire the nationality of one of their parents.

The very first decision of the African Committee of Experts on the Rights and Welfare of the Child, the treaty body responsible for monitoring compliance with the ACRWC, related to the right to a nationality for children of Nubian descent born in Kenya; and in 2014, the Committee of Experts adopted a comprehensive General Comment in 2014 explaining the scope of obligations under Article 6. These texts are among the most inclusive statements on the right to nationality by an international human rights body.

4. THE LAW

INTERNATIONAL HUMAN RIGHTS AND ARBITRARY REVOCATION OF CITIZENSHIP²²

Joanne Cecil

There are several, sometimes interlinked, causes of statelessness:

- Revocation of citizenship as a result of xenophobic campaigns or security concerns about individuals;
- Denial of citizenship, for example under national laws that discriminate against certain groups;
- Inability to access citizenship because of issues such as high fees or lack of opportunity to register births; and
- Ill-defined or lack of domestic nationality laws as a result of developments such as wars or succession of states.

Relevant international standards:

- Universal Declaration of Human Rights, which states that “no one shall be arbitrarily deprived of his nationality” (Article 15).
- 1954 Convention relating to the Status of Stateless Persons, which defines a stateless person and establishes minimum standards of treatment. The Convention only applies to de jure stateless people (which occurs at birth because a child does not acquire an original nationality due to domestic law or because they lose their nationality without acquiring a new one). It does not apply to de facto stateless persons who are unable to prove their nationality.
- 1961 Convention on the Reduction of Statelessness, which deals with conferral and non-withdrawal of citizenship, and establishes a framework to ensure that everyone has a nationality. Articles 1-4 provide principles for granting nationality at birth. Articles 5-7 require that loss or renunciation of nationality be conditional on acquiring another nationality. Articles 8-9 state that deprivation of nationality should not happen if it leads to statelessness. Article 10 says that statelessness should be avoided in cases of transfer of territory. Although the 1961 Convention prohibits statelessness occurring at birth, it does not expressly prohibit states revoking nationality or provide that citizenship should be retroactively granted to all stateless people.
- 1979 Convention on the Elimination of All Forms of Discrimination against Women, which makes clear that all states parties must grant women equal rights with men to acquire, change or retain their nationality, and equal rights with respect to the nationality of their children (Article 9).
- 1966 International Covenant on Civil and Political Rights, which provides the right to be registered immediately after birth and the right to acquire nationality (Article 24(2-3)). It also provides protection against arbitrary expulsion and for equality before the law (Articles 13 and 26).

²² This is a summary of a PowerPoint presentation. See: <https://goo.gl/DMtLMY>

- 1989 Convention on the Rights of the Child, which states that every child has a right to acquire a name and nationality, and that states should register births to ensure this happens (Article 7(1)). States parties are required to respect the right of the child to preserve their identity, including nationality, without unlawful interference (Article 8(1)).
- 2004 Convention on the Protection of the Rights of All Migrant Workers, which provides the right to nationality for children of migrant workers (Article 29).

Various international instruments also address the issue of statelessness. These include:

- UNHCR Conclusion No. 106 by the agency's Executive Committee – its oversight body, under the authority of the UN General Assembly – on Identification, Prevention and Reduction of Stateless Persons, 2006;
- Human Rights Council, “The Right to a Nationality: women’s equal national rights in law and practice”, June 2016; and
- Human Rights Council, “Human rights and arbitrary deprivation of nationality”, June 2016.

Regional standards

Several regional treaties and standards deal with statelessness and the right to a nationality. In Africa, these include:

- the 1999 African Charter on the Rights and Welfare of the Child;
- the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa; and
- the 2015 Abidjan Declaration of Ministers of Economic Community of West African States on Eradication of Statelessness.

In addition, in 2015 the African Commission on Human and Peoples’ Rights adopted a draft proposal on the right to nationality in Africa that aims to eradicate statelessness on the continent.

European Union bodies have also taken steps to eradicate statelessness, including:

- the 1997 European Convention on Nationality; and
- the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

Two other regional standards address the issue:

- the ASEAN Human Rights Declaration, which states that no one shall be arbitrarily deprived of their nationality or denied the right to change nationality (Article 18); and
- the Arab Charter on Human Rights, which states that no citizen shall be arbitrarily deprived of their original nationality, nor shall their right to acquire another nationality be denied without a legally valid reason.

Campaigning against statelessness

In 1961, UNHCR became the principal UN agency to address statelessness. Among subsequent developments was the issuing in 2011 of the Guidance Note of the Secretary General: The United Nations and Statelessness.

Crucially, in November 2014 the UNHCR launched the “iBelong” campaign to end statelessness by 2024. At that point, UNCHR said:

- at least 10 million people were stateless;
- a baby was being born stateless every 10 minutes; and
- most cases of statelessness were the direct result of discrimination based on ethnicity, religion or gender.

The Global Action Plan involves 10 action points:

Action 1: Resolve existing major situations of statelessness

- Action 2: Ensure that no child is born stateless
- Action 3: Remove gender discrimination from nationality laws
- Action 4: Prevent denial, loss or deprivation of nationality on discriminatory grounds
- Action 5: Prevent statelessness in cases of state secession
- Action 6: Grant protection status to stateless migrants and facilitate their naturalization
- Action 7: Ensure birth registration for the prevention of statelessness
- Action 8: Issue nationality documentation to those with entitlement to it
- Action 9: Accede to the UN Statelessness Conventions
- Action 10: Improve quantitative and qualitative data on stateless populations

INTERNATIONAL HUMAN RIGHTS LAW AND DEPRIVATION OF NATIONALITY²³

Keelin McCarthy

General principles

The classical view is that issues of nationality are part of domestic law and that it is for states to set rules for the acquisition, change and deprivation of nationality as part of their sovereign power, unfettered by international measures.

This position has been moderated over the past century, so that nationality is today accepted as reserved to state competence in principle, but subject to wider international law considerations in practice.

One of the earliest acknowledgements of this was the [1923] Advisory Opinion of the Permanent Court of International Justice in the case of the Nationality Decrees Issued in Tunis and Morocco. Called upon to consider the issue of whether nationality issues were “solely within the domestic jurisdiction”, and therefore outside the Court’s competence, the Court held that:

[39] The words “solely within the domestic jurisdiction” seem rather to contemplate certain matters which, though they may very closely concern the interests of more than one State, [p24] are not, in principle, regulated by international law. As regards such matters, each State is sole judge.

[40] The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends upon the development of international relations. Thus, in the present state of international law, questions of nationality are, in the opinion of the Court, in principle within this reserved domain.

[41] For the purpose of the present opinion, it is enough to observe that it may well happen that, in a matter which, like that of nationality, is not, in principle, regulated by international law, the right of a State to use its discretion is nevertheless restricted by obligations which it may have undertaken towards other States. In such a case, jurisdiction which, in principle, belongs solely to the State, is limited by rules of international law. Article 15, paragraph 8, then ceases to apply as regards those States which are entitled to invoke such rules, and the dispute as to the question whether a State has or has not the right to take certain measures becomes in these circumstances a dispute of an international character and falls outside the scope of the exception contained in this paragraph. To hold that a State has not exclusive jurisdiction does not in any way prejudice the final decision as to whether that State has a right to adopt such measures.

23 To read the full version of this contribution, see: <https://goo.gl/TpYAHp>

The conclusion that the attribution of nationality is, at least for the purposes of international law, subject to examination by reference to international legal standards, was reinforced by the wording of the League of Nations Convention on Certain Questions Relating to the Conflict of Nationality Law 1930:

Article 1

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

Article 2

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of the State.

Article 1 means that where a State asserts that an individual is or is not its national, the recognition of that nationality by other States depends additionally on compliance with standards established in international law. In this context the question of recognition is, in the language of the Tunis and Morocco opinion, “an essentially relative question” depending on the development of international law.

Article 2 indicates that international law does not give the nationality of a state to anyone, so confirming that nationality cannot arise through attribution by another state without a basis in the law of the state of claimed nationality. It also emphasizes that nationality of one country cannot be imposed by the domestic law of another country, and reiterates the distinction between the two matters identified in Article 1: on the one hand, nationality as created by national laws; on the other hand, the recognition of such nationality on the international plane, which depends on the compliance of national law and practice with a body of standards established within international law.

The above is of course consistent with the general approach of international law to national law, by which a state is not permitted to rely on its own constitutional or other law in answer to the assertion against it of a breach of its obligations under international law.

What then are the areas of international law that may affect the recognition, at least under international law, of measures taken by a state as regards nationality? There are at least three discrete areas, listed here, which the full report examines in detail:

- International human rights law developed since the 1948 UDHR;
- International refugee law and its complementary regime addressing statelessness; and
- Customary international law.

Conclusion

It can be seen that over the past century there have been significant changes to the previously understood position of nationality as an area of reservation to domestic authorities. Any act of deprivation by a state, even if recognized as valid in terms of national law, stands to be recognized in international law only if complying with recognized norms of international law. The body of relevant norms is one extended by the development of international human rights law, of the hybrid international law regimes concerning refugees, stateless persons, and statelessness itself, and by customary international law.

FLAWS IN EU AND NATIONALITY LAW²⁴

Adrian Berry

International legal framework

The international legal framework on nationality and statelessness is provided by:

²⁴ This summary is based on a PowerPoint presentation. Emphases in quotes have been added.

- Article 15 of the UDHR, which states: “Everyone has the right to a nationality”;
- Article 8 of the UN Convention on the Reduction of Statelessness which states:
 1. *A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless.*
 2. *Notwithstanding the provisions of paragraph 1 of this Article, a person may be deprived of the nationality of a Contracting State: (a) in the circumstances in which, under paragraphs 4 and 5 of Article 7, it is permissible that a person should lose his nationality; (b) where the nationality has been obtained by misrepresentation or fraud.*
- Article 7 adds:
 - (4) *A naturalized person may lose his nationality on account of residence abroad for a period, not less than seven consecutive years... if he fails to declare to the appropriate authority his intention to retain his nationality;*
 - (5) *In the case of a national of a Contracting State, born outside its territory, the law of that State may make the retention of its nationality after the expiry of one year from his attaining his majority conditional upon residence at that time in the territory of the State or registration with the appropriate authority.*
- Article 8 further adds:
 3. *Notwithstanding paragraph 1... a Contracting State may retain the right to deprive a person of his nationality if at the time of signature, ratification or accession it specifies its retention of such right on one or more of the following grounds, being grounds existing in its national law at the time:*
 - (a) *that, inconsistently with his duty of loyalty to the Contracting State, the person (i) has, in disregard of an express prohibition by the Contracting State rendered or continued to render services to, or received or continued to receive emoluments from another State, or (ii) has conducted himself in a manner seriously prejudicial to the vital interests of the State; and (b) that the person has taken an oath, or made a formal declaration, of allegiance to another State, or given definite evidence of his determination to repudiate his allegiance to the Contracting State.*

The 1966 International Covenant on Civil and Political Rights states in Article 12:

- (2) *Everyone shall be free to leave any country, including his own.*
- (3) *The above mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedom of others, and are consistent with other rights recognized in the present Covenant.*
- (4) *No one shall be arbitrarily deprived of the right to enter his own country.*

European law

The 1997 European Convention on Nationality states in Article 7(1) that a state party may not provide in law for loss of its nationality except for the following reasons:

- a) *voluntary acquisition of another nationality;*
- b) *acquisition of the nationality of the State Party by means of fraudulent conduct, false information or concealment of any relevant fact... In such situations, the person can be left stateless;*
- c) *voluntary service in a foreign military force;*
- d) *conduct seriously prejudicial to the vital interests of the State Party;*
- e) *lack of a genuine link between the State Party and a national habitually residing abroad;*
- f) *where it is established during the minority of a child that the preconditions laid down by internal law which led to the ex lege acquisition of the nationality of the State Party are no longer fulfilled;*
- g) *adoption of a child if the child acquires or possesses the foreign nationality of one or both of the adopting parents.*

Article 7(2) states:

A State Party may provide for the loss of its nationality by children whose parents lose that nationality except in cases covered by sub-paragraphs c and d of paragraph 1.

However, children shall not lose that nationality if one of the parents retains it.

Article 7(3) states:

A State Party may not provide in its internal law for the loss of its nationality under paragraphs 1 and 2 of this article if the person concerned would thereby become stateless, with the exception of the cases mentioned in paragraph 1, sub-paragraph b, of this article.

This means it is more restrictive of State action than the UN Convention on the Reduction of Statelessness.

Arbitrary deprivation of nationality

Arbitrary deprivation is forbidden in the UDHR (Article 15), the European Convention on Nationality (Article 4), and the American Convention on Human Rights (Article 20).

Arbitrary deprivation arises out of one or more of the following:

- unlawful deprivation
- discriminatory deprivation
- deprivation that does not serve a legitimate aim or is not proportionate
- deprivation without regard to due process guarantees.

In terms of international law, if deprivation happens outside the state:

- If statelessness results, then a state depriving a person of its citizenship may also have violated the rights of other states.
- The receiving state has the right to terminate the non-citizen's stay by deporting them to the state which issued the passport, and the state of nationality is obliged to admit its citizens expelled from other states.

If deprivation happens inside the state:

- If statelessness results, a state may also have violated other international obligations and it has no right to deport the person to any state that has not agreed to admit them.
- A state has no right to refuse to readmit a former citizen who has been deprived of their citizenship while in another country.
- The person concerned does not cease to be within the jurisdiction of that state in terms of their human rights.

Implications of the laws

- Deprivation of nationality is possible except where bound by international treaty commitments, such as the requirement to avoid statelessness.
- There is an absence of protection against statelessness in customary international law.
- Deprivation of nationality is subject to human rights principles, for example the deprivation must not be arbitrary.
- Deprivation of citizenship is potentially inconsistent with obligations accepted by a state under treaties dealing with "terrorist acts", in particular the obligations of investigation and prosecution.

5. CONCLUSIONS AND NEXT STEPS

Drewery Dyke, Jawad Fairouz and Jan Fermon

CONCLUSIONS

Lack of knowledge of statelessness globally

Many participants commented on the general lack of awareness about the situation of the stateless, arguing that there were only a few international human rights organizations that have turned their attention to this issue, and that the national organizations who do work on the issue would gain from greater visibility and support. Some recommendations that were expressed in the concluding session included calls to human rights organizations, donors, foreign governments and the Human Rights Council to:

- Undertake a comprehensive study or a mapping exercise, compiling data disaggregated by gender, age, status and location, in co-operation with the UNHCR and national human rights organizations, on the prevalence of the practice of deprivation of citizenship;
- Determine the relationship between deprivation of nationality and statelessness in order to better understand the scale of the problem, in quantitative and qualitative terms, of those who have been deprived of their citizenship and, as a result, been made stateless. This would be a first step towards identifying and implementing comprehensive and effective measures for redress for the deprivation of citizenship and for the eradication of statelessness;
- Publicly acknowledge, if they have not already done so, the existence and problem of statelessness;
- Support grassroots or smaller, specialized human rights organizations, including through funding, to undertake advocacy with domestic, regional and international governments and relevant bodies to end arbitrary deprivation of citizenship and eradicate statelessness, as well as monitor implementation of any proposal to end these practices and any future mechanism that is put in place to address them.

Impunity

Mainly Bahraini participants, but others too, expressed exasperation at just how easily states “got away with” stripping citizens of their nationality. Some emphasized the severity of the consequences for victims. Many of the Bahrainis wanted increased and targeted advocacy and campaigning to combat this, as well as the international community’s apparent complacency. Specifically, they called for action during the period prior to deprivation of citizenship when the warning signs were clear, emphasizing that the root causes of modern statelessness had to be addressed. They voiced the need to target specific states that are carrying out the practice of deprivation of citizenship to ensure that:

- Those born in that state obtain birth certificates and/or other relevant state documentation;

- Adults and children and their parents or legal guardians can obtain or renew identity documents, such as birth, marriage or death certificates; or other documentation, such as those relating to health or education, on the basis of objectively verifiable ancestry or migration status;
- Transparent procedures are established to facilitate the registration of marriages and deaths irrespective of the status of the individuals concerned, and that there is only one body to register all births and other elements relating to civil status and issue documents;
- People who have been wrongfully refused state-issued documentation have access to effective legal recourse, and that those whose human rights have been violated as a result of the denial of such documents receive adequate reparation.

Additionally, a number of participants also called on human rights organizations and OHCHR to establish, on the basis of experience and history, a list of the measures typically carried out by states before and during periods when they deprived citizens of their nationality – a “statelessness advanced warning” model, typically comprising the acts that states carry out as they move to deprive citizens of their rights and, ultimately, their nationality.

Characterization of deprivation of citizenship

Participants noted the following points:

- Arbitrary deprivation of nationality is prohibited.
- Specific safeguards are required to avoid the creation of statelessness.
- States have a right – limited by law and practice – to revoke citizenship. However, current practices across the globe are politically motivated, sometimes driven by discriminatory policies, and are overwhelmingly arbitrary.
- The impact of arbitrary deprivation of citizenship includes the loss of rights guaranteed by citizenship, such as access to free, state-provided education; health and social services; the right to employment; the right to hold assets and/or residency; and a lack of protection, including before the law.
- Such comprehensive deprivation of rights can amount to a gross human rights violation, a violation that has caused suffering to millions of people.
- Deprivation of citizenship can and does result in the forced or compelled departure or expulsion of people from their homes and homeland, possibly the only country that they have ever known.

Most participants recommended that:

- The UN and member states take concrete action to further discourage states from rendering people stateless, although no specific measures were set out.

Characterization of citizenship / nationality

Participants noted the following points:

- Article 15 of the UDHR provides that “everyone has the right to a nationality”; and “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”, acknowledging that these provisions did not enter the International Bill of Human Rights.
- Article 7 of the 1961 Convention on the Reduction of Statelessness also prohibits, with very few specific exceptions, any loss of nationality that results in statelessness.
- The obligation to avoid statelessness has been recognized as a norm of customary international law.

Participants asserted that citizenship – nationality – is a *right of rights*; a right which, when possessed, could unlock other rights, and whose absence erodes enjoyment of all rights and protection.

Some participants noted that forms of discrimination, such as those on religious, ethnic or social grounds, were behind steps that culminated in statelessness, and that this discrimination may blind those involved to the very serious human rights consequences wrapped up in the deprivation of citizenship. Those concerns mount considerably if the process governing revocation is unfair or if the provisions may encourage or foster further discrimination on the basis of national origin, race, religion or other factors.

Participants considered citizenship as the legal underpinning on which other rights depend. They felt that the UN and member states needed to recognize this for all individuals, not just for children as set out in the Convention on the Rights of the Child.

Participants made the following recommendations:

- The international community should give renewed consideration and attention to reconsider and re-evaluate the importance of citizenship in international human rights law.
- The OHCHR should conduct research and report to states and civil society on how the concept of citizenship can be better explained and placed in human rights law.
- All states should ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- States should create or amend domestic legislation to ensure full incorporation into national law of the provisions of these conventions, as although these provisions are often in treaty body recommendations, they are routinely ignored.
- A modern interpretation of the 1954 and 1961 Conventions would reinforce the objectives of these standards, and limit the current prevalence of statelessness and the incidence of deprivation of nationality.

Procedural processes for revocation of nationality

Participants recalled that authoritative interpretations of international human rights law have specifically affirmed that decisions concerning the loss of citizenship must adhere to stringent and transparent due process standards, but that overwhelmingly they do not do so.

Some noted that a government's decision – often an administrative one – to revoke citizenship could be life changing and therefore must only take place in accordance with principles of fundamental justice, providing for due process in the fullest sense, notably by way of a fair court hearing in line with fair trial standards, on account of the enormity of the decision and its implications.

Some of the participants recalled that the Human Rights Council has called upon states to ensure that procedural standards “are observed in all decisions concerning the acquisition, deprivation, loss or change of nationality, including availability of effective and timely judicial review”.

Participants called on states to:

- Conform to evolving human rights jurisprudence as applied to criminal law that provide the most protection to the “accused” – in this case, the people who face removal of their citizenship;
- Simplify and clarify rules and strengthen safeguards where measures are invoked to deprive nationality on grounds of misrepresentation.

Some participants recommended that governments voluntarily submit to the Human Rights Council the domestic legislation relating to nationality and the deprivation of citizenship to ascertain whether the provisions are compliant with evolving international human rights standards.

POSSIBLE NEXT STEPS

Campaign ideas

Many participants – notably those from the Bahraini community – expressed enthusiasm for joint and innovative lobbying and advocacy action, for instance at sessions of the Human Rights Council, at the EU and at one-off, public actions in specific countries.

The main debate was about whether it would be more effective for participants, INGOs, national NGOs and interested parties to campaign for the inclusion of statelessness as part of the mandate of a specific thematic mechanism, such as a Special Rapporteur, or for the establishment of soft law UN guidelines. It was thought that the latter, probably a longer-term initiative, might facilitate the inclusion of stronger language in a future convention.

Many participants called on grassroots campaigners, INGOs and NGOs to hold a side-event at one or more Human Rights Council sessions in order to gauge support for these approaches.

Many – notably Bahrainis – wanted to explore whether campaigners could call on members of all parliaments, including the European Parliament, to express their concern over the arbitrary deprivation of nationality in the GCC countries of Bahrain, Kuwait and the UAE; Canada; the Dominican Republic; and Myanmar.

Participants wanted to call for a review of EU member states' legislation that does not provide for the highest level of due process in national law, where deprivation of citizenship is based on misrepresentation, allegations of terrorism or vaguely worded expressions such as “public interest”.

More generally, participants explored conventional campaigning options, such as by calling on governments to ensure that any measure to deprive individuals or a community of citizenship must never:

- be in relation to the ethnicity, religion, race, gender, sexual orientation or any identifiable social characteristic of the individual or community, in line with international human rights standards relating to discrimination;
- result in statelessness;
- be applicable to children;
- be used to restrict the exercise of human rights, in particular in relation to freedom of expression, association or assembly and rights which are recognized as customary norms of international law, or to punish individuals or communities for the exercise of such rights; this is irrespective of whether the state concerned is a state party to the relevant international instrument setting out such rights and even where domestic law provides for such restriction on the enjoyment of such rights.

Short-term aims

A range of participants said that a recognizable “win” on statelessness could be an important symbolic measure to help future campaigns.

Some called for joint, collective and strategic action, for example to call on a specific state to:

- restore citizenship to people and their descendants when it can be shown that the stripping of citizenship constituted a human rights violation according to human rights standards;
- take renewed steps to ensure all those born in any country receive birth certificates and other state documentation with a view to those people eventually getting citizenship;
- take renewed steps so that adults and children and their parents or legal guardians can obtain or renew identity documents, such as birth, marriage or death certificates, and other documentation, including other papers relating to health or education, on the basis of objectively verifiable ancestry or migration status;
- adopt new or updated legislation providing a transparent pathway to nationality of all those born in the country, from an agreed baseline date, regardless of the migration status of the parents; and
- publicly commit to establishing a review or appeal procedure in processes used to deprive people of their citizenship.

Another “win” could be, apart from the awareness generated by the “iBelong” initiative, a high-profile, global event aimed at highlighting statelessness, initiated by UNHCR and/or OHCHR.

APPENDIX 1: SEMINAR PROGRAMME

09:30 – 10:00

Registration / Coffee and tea

1 Opening

Jawad Fairouz, Salam for Democracy and Human Rights

Drewery Dyke, Amnesty International

2 Overview

Chair: Drewery Dyke

10:15 – 10:25 - Zahra Albarazi, Institute of Statelessness and Inclusion: Arbitrary deprivation of nationality of groups and individuals – a global issue

10:25 – 10:35 – Lorin Sulaiman: The Kurds of Syria

10:35 – 10:45 – Maung Tun Khin: Systematic Persecution of Rohingya People in Myanmar

10:45 – 10:55 – Ahmed Mansoor: Deprivation of citizenship and human rights in the UAE (via video link)

10:55 – 11:10 – Nawaf al-Hendal: Deprivation of nationality in Kuwait

11:10 – 11:20 – Hernan Vales, United Nations Office of the High Commissioner for Human Rights, Geneva: Arbitrary deprivation of nationality at the Human Rights Council

11:20 – 11:30 – Bill Law: Citizenship stripping: democracy debased, dissent silenced

3. Bahrain and UK parliamentary engagement on human rights in the GCC

Chair: Zahra Albarazi

Message from Abdulhadi Khalaf, read by Melanie Gingell

11:50 – 12:00 – Mohammad al-Tajer: Bahrain (via video link)

12:00 – 12:15 – Margaret Ferrier, MP (UK): The case for a UK parliamentary group on human rights in the Gulf

12:15 – 12:25 - Masaud Jahromi: Bahrain (film)

12:25 – 12:35 - Natasha Bowler / Filippo Brachetti: Reflections on Bahrain

4. The Gulf and Beyond: What do other country cases tell us about the revocation of citizenship?

Chair: Drewery Dyke

14:00 – 14:10 – Nawaf al-Hendal: Kuwait

14:10 – 14:20 – Misfer al-Marri: Update on Nationality Striping issue in Qatar – Al-Ghufran Tribe

14:20 – 14:30 – Robin Guittard: Dominican Republic

14:30 – 14:40 – Abdulrahman al-Jabri: The experience of the deprivation of citizenship in the UAE

14:40 – 14:50 – Josh Paterson: End second-class citizenship in Canada (via video link)

14:50 – 15:20 – Respondents: Jo Cecil, Ed Grieves and Bronwen Manby

5. The legal dimension and discussion on next steps

Chair: Drewery Dyke

15:45 – 16:15 – Keelin McCarthy: International human rights law and deprivation of nationality

16:15 – 16:45 – Adrian Berry: Flaws in EU and nationality law

16:45 – 17:10 – Drewery Dyke / Jan Fermon: Open discussion; participants' calls for action; recommendations; summing up and next steps (if needed) and follow-up; close of seminar

APPENDIX 2: CONTRIBUTORS TO THE SEMINAR

Zahra Albarazi, Institute of Statelessness and Inclusion, is a co-founder and senior researcher at the Institute. Her work has mostly focused on the understanding of statelessness and nationality in the Middle East and North Africa region. She has conducted substantive research on the interlink between discrimination, forced displacement and statelessness. Zahra has worked as a consultant for UNHCR, the Open Society Justice Initiative and Amel House of Human Rights on related human rights issues, and is a Board member of the Syrian Legal Development Programme. She holds an LLM in International Law from the University of Leeds, UK, and is currently enrolled as a PhD student at Tilburg university.

Adrian Berry, Barrister, Garden Court Chambers, has been described by the Legal 500 guide as “the best of any barrister at EU and nationality law”. He also specializes in acting for opponents of governments from post-Soviet states who seek asylum in the UK. Adrian is on the UNHCR panel of counsel and consultant to it on statelessness. He is Chair of the Immigration Law Practitioners’ Association (ILPA). He frequently comments on immigration and nationality law on TV and radio.

Natasha Bowler is a journalist and documentary filmmaker specializing in the Gulf, Iran, Syria and the refugee crisis. She has written for publications including *The Guardian* and *Foreign Policy*, and Reuters. Earlier this year, she spent several months volunteering with refugees in Lesbos, Greece, and reporting on the crisis. She recently moved to Brussels where she works as a reporter and founded a media start-up called SyriaWire.

Joanne Cecil, Barrister, Garden Court Chambers, has extensive experience in public law, civil liberties, serious crime and international law and human rights. Joanne is recognized in particular for international law expertise in domestic public law proceedings and has a particular interest in juvenile justice. Aside from her important case work, she consults on human rights issues to governments, international organizations and NGOs and has been appointed by the UK Foreign Office to the UK Government Consular Panel for expert assistance in criminal cases in overseas jurisdictions.

Drewery Dyke is a researcher on the Middle East and North Africa at Amnesty International. Working at the organization since 1999, he has worked on Afghanistan and Iran as well as Kuwait, Oman, Qatar and the United Arab Emirates. A speaker of Persian and Turkish, he has also published articles on Turkey.

Jawad Fairooz is the Chairman of SALAM for Democracy and Human Rights. Between 2006 and 2011 he was a Member of Parliament in Bahrain. He holds a Bachelor in Science degree from the University of Texas, USA. An electrical engineer since 1986, the Bahraini authorities detained and tortured him in the course of unrest in Bahrain in February 2011. He currently lives in exile in London since November 2012, and was one of the first batch of Bahrainis forcibly stripped of his nationality.

Jan Fermon is a human rights lawyer in Belgium, with Progress Law. He has been practising since 1989. He has represented clients from Bahrain and Kuwait as well as a range of rights-related cases in Belgium.

Margaret Ferrier represented the UK parliamentary constituency of Rutherglen and Hamilton West, in Scotland, between 2015 and 2017, as a member of the Scottish National Party. Prior to becoming a member of parliament, Margaret Ferrier worked in the private sector, as a sales supervisor for a manufacturing construction firm near Glasgow. She is a long-time member of Amnesty International and the Scottish Campaign for Nuclear Disarmament.

Edward Grieves, Barrister, Garden Court Chambers, specializes in cases where the state makes serious allegations (including terrorism, national security risk and war crimes) against individuals and, in particular, in cases where the state seeks to use secret material, particularly in the Special Immigration Appeals Commission.

Robin Guittard is a campaigner at Amnesty International and has covered the Caribbean region for the last seven years. He has managed various campaigns in the region and worked on different human rights issues in Haiti, Cuba, Jamaica, the Dominican Republic and the Bahamas. Since 2013 he has led Amnesty International's response to the statelessness crisis in the Dominican Republic with extensive experience in the right to nationality and arbitrary deprivation of nationality.

Nawaf al-Hendal, a technician in Kuwait's oil industry, is a human rights activist, using his Facebook and Twitter accounts to promote international human rights standards. He has faced arrest and prosecution in connection with his activism. He is the founder of Kuwait Rights Watch.

Abdulrahman al-Jabri is an activist from the United Arab Emirates.

Masaud Jahromi holds a PhD degree in Network Engineering (UK), Master's degree in Control & Information Technology (UK), and Bachelor's degree in Mechanical Engineering, University of Bahrain. A former lecturer and academic, he has been engaged in cultural and social activities too. The Bahrain government revoked his citizenship in 2015 and he was forced to remit his state documents at the same time. As a result he lost his post at the University of Bahrain. He appealed the decision but it was not accepted. The government deported him in March 2016.

Bill Law is a Sony award-winning journalist who has reported extensively from the Middle East for the BBC, including during his many trips to Saudi Arabia. In addition to numerous radio documentaries, his films have focused on the "Arab Spring" and its aftermath. He has also reported from Africa, Afghanistan and Pakistan. Before leaving the BBC in April 2014, Mr Law was the corporation's Gulf analyst. He now runs his own business, TheGulfMatters.com, providing analysis and journalism focusing on the Gulf states.

Bronwen Manby is an independent consultant and visiting senior fellow at the London School of Economics Centre for the Study of Human Rights. She previously worked for the Open Society Foundations and Human Rights Watch. She has written extensively on statelessness and the right to a nationality in Africa, including several studies for UNHCR, and completed her PhD, "Citizenship and Statelessness in Africa: The Law and Politics of Belonging", at Maastricht University, The Netherlands, in 2015.

Maung Tun Khin was born and brought up in Arakan State, Burma (now Myanmar). His grandfather was an early Parliamentary Secretary in Burma. Alongside a million other ethnic Rohingya, he was rendered stateless by a 1982 nationality law that excluded the Rohingya from the list of groups considered indigenous by the Burmese government. Currently President of Burmese Rohingya Organisation UK, a leading voice for Rohingya people around the world, he has briefed government and intergovernmental officials on the continuing human rights violations committed against Rohingya. He has written for a variety of news outlets in Europe and Myanmar, including opinion pieces in the Huffington Post, Democratic Voice of Burma and Mizzima Burmese Medias. He received a leadership award from Refugees International Washington DC in April 2015 for his work on the Rohingya issue.

Keelin McCarthy is a barrister at Lamb Building specializing in refugee and asylum law. She has a strong interest in statelessness and persecutory deprivation of nationality and has worked with Eric Fripp, author of *Nationality and Statelessness in the International Law of Refugee Status*, 2016, on a range of such cases. She has a background in international development and particular experience of human rights issues in the North East Asia region.

Ahmed Mansoor is a human rights activist from the United Arab Emirates. Trained in electrical engineering, he has been active in human rights in the UAE since at least 2010. See:

<http://www.martinennalsaward.org/hrd/ahmed-mansoor-2/>

Misfer al-Marri is a PhD candidate in Petroleum Engineering at Heriot Watt University in Edinburgh, UK. He holds a bachelor degree in Mechanical Engineering from the USA and two master degrees in Biomechanical Engineering and Petroleum Engineering from the USA and UK respectively. His family, along with hundreds of other families from the al-Ghufran tribe in Qatar, were deprived of their Qatari nationality by the Qatar government in 2005. He has been active regarding the issue of nationality revocation in Qatar since then. He has been involved in following up with the affected people through activities such as information collection and awareness raising.

Josh Paterson is the Executive Director of the British Columbia Civil Liberties Association. He is a lawyer whose career has focused on protecting some of the most marginalized people from human rights violations, civil liberties restrictions, discrimination and environmental injustice. His work has included law reform advocacy, public education, community organizing and litigation. Josh has led the BCCLA through its litigation victory winning the right to medical assistance in dying for Canadians, and its ongoing legal challenges to mass state online surveillance, indefinite solitary confinement, and citizenship revocation.

Lorin Sulaiman is a Kurd from Syria who came to the UK in 2002 as an asylum-seeker with her mother and siblings. Lorin currently works as a paralegal for an immigration law firm having obtained an LLB Law from the University of Westminster. She is a Kurdish *maktoum*, someone whom the Syrian government denied citizenship, depriving them of many basic rights such as attending school. Lorin has worked to help refugees and migrants in the UK as well as the Kurdish community.

Mohammad al-Tajer is the founder of the Altajer Law Firm in Bahrain. He has practised extensively in commercial, insurance, property, civil and personnel law; labour and criminal law. He is the lawyer for the General Federation of Bahrain Workers, General Women's Union and contributor to defend the cases of abused and abandoned women. For over 10 years he has defended political prisoners in Bahrain by writing reports about human rights violations, and engaging with international media and human rights organizations who have called on him to provide his expertise. He is the lawyer of many Bahrainis whose nationality has been stripped. He was the General Coordinator for the Bahrain Human Rights Observatory (BHRO). In 1990 he won the Hisham & Ali Hafidh Award for best journalist in Bahrain. He has been asked to take part in international meetings, including those held regionally and at the UN Human Rights Council.

Hernan Vales, a Human Rights Officer in the Rule of Law and Democracy Section of the United Nations Office of the High Commissioner for Human Rights (OHCHR), where he is responsible for the democracy portfolio. In this role, he provides legal and policy advice on elections and human rights, freedom of opinion and expression, freedom of peaceful assembly, nationality and statelessness, etc. Prior to joining OHCHR Geneva in 2007, Vales worked in the UN Department of Peacekeeping Operations and in the UN Office of Legal Affairs. Before joining the UN, Vales practised law in Argentina. His human rights experience includes volunteer work, monitoring places of detention, and working on complaints submitted to treaty bodies. He holds a Law degree from the University of Buenos Aires and a Master of Laws from the University of London.

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ARBITRARY DEPRIVATION OF CITIZENSHIP

SEMINAR HELD 31 OCTOBER 2016

The Universal Declaration of Human Rights states that every person has the right to a nationality and that no one can be arbitrarily deprived of their nationality. Being a national or a citizen of a country means being able to access certain rights in ways which may not be accorded to non-nationals.

Deprivation of nationality can result in increased vulnerability of those subjected to it. Every year, states arbitrarily deprive thousands of people of their nationality, in many cases leaving them stateless. Thousands of people have been deprived of their nationality on account of their identity, including their ethnicity or religion, for exercising their right to freedom of expression or assembly, or on national security-related grounds. In doing so, states often resort to administrative measures that do not allow affected individuals to challenge the decision.

In October 2016, grassroots activists, members of human rights organizations, lawyers and other experts gathered at a seminar to share experiences and information on the problem of arbitrary deprivation of nationality. This report reflects the individual contributions by participants on state practices in a wide range of countries along with relevant international law and practice, as well as proposed recommendations.