



## INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

### **BIDOONS – STATELESS IN KUWAIT!**

Kuwait aggressively cracks down on free speech, using provisions in the constitution, the national security law, and other legislation to stifle political dissent. The government has yet to address the citizenship concerns of over 120,000 Bidoon, who are stateless in Kuwait – Bidoon refers to a diverse group of people who at the time of independence were not given Kuwaiti nationality. Since 1986, the government has stripped the stateless of the right to all public services, including free education, housing, and health care, restricting it to Kuwaiti citizens. Any attempts to gain their basic rights have failed in the face of government indifference with a great chance of being deported lurking in their daily life.

While Kuwaiti citizens enjoy a huge range of financial luxuries by virtue of being citizens, stateless people in the small country live in slum-like settlements on the outskirts of its cities. The systemic discrimination towards Bidoon have contributed to the community's relative poverty and social segregation in due course of time. Kuwaiti authorities have failed to grant Kuwait's stateless, numbering over 120,000, their legitimate rights, including rights to a free education, health care, housing, and, ultimately, Kuwaiti citizenship.

The Bidoon saga is shameful for a country like Kuwait, which has all the resources it needs to resolve this issue but has instead chosen to pretend like this is someone else's problem. And not only is Kuwait not doing anything about the statelessness issue, but the vast majority of the Bidoon lack even the most basic civil rights. The Bidoon are long-time residents of Kuwait who do not have Kuwaiti citizenship and lack most of the allowances and services enjoyed by Kuwaitis. The government does not recognize the right of these residents to Kuwaiti nationality, claiming they lack the proper documents proving their rights.

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Kuwait's stateless, having no right of residence in Kuwait, live under poor conditions in neglected neighborhoods on the outskirts of Kuwait City. Without the right to legal employment, the Bidoon depend on informal employment which is undervalued and under paid, or on income from relatives who are Kuwaiti citizens. Regardless of their level of education, Bidoon face discrimination in employment as a result of their illegal status. The same form of discrimination is faced by Bidoon's when it comes to having access to proper health care as they are unable to purchase insurance plans that can afford them the necessary diagnosis.

In addition Kuwait does not allow its female nationals to confer nationality to their children, and as a result a Kuwaiti woman married to a Bidoon man gives birth to stateless children—entirely in contravention of Kuwait's international obligations.

In 2011, the first antigovernment protests among the Bidoon took place. Afraid of the protest spiraling out of control the way they have in other parts of the region, the government quickly promised some inadequate reforms. But later on, after no changes had materialized, the Bidoon decided to raise their issue again which was met by excessive force, employing tear gas and flares to break up crowds, then arbitrarily running after and beating people at random. Although Bidoons have been protesting on a small scale, Kuwaiti authorities continue to crack down on demonstrations, citing Kuwaiti law, which bars non-Kuwaitis from participating in public gatherings. Although the Kuwaiti government has asserted that Bidoon enjoy human rights on an equal basis with nationals of Kuwait, there has been little progress on naturalization.

Following repeated call by human rights defenders and organizations the Kuwaiti government introduced a law that permitted the naturalization of Bidoon and their descendants based on a yearly quota; however only a small number of Bidoon were able to acquire nationality through this process. As is the case in

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many marginalized communities, Bidoon women and are disproportionately affected by this institutionalized marginalization.

The issue of naturalization remains to be the priority concern for hundreds of thousands of Bidoons’.

David Weissbrodt, UN special rapporteur on the rights of non-citizens remarked that ‘a person should be eligible for the citizenship of the country with which she or he has the closest link’- Bidoons have been living in the country for decades. As well according to international law everyone has the right to nationality. Hence as per international law, Kuwait is in violation of the terms of naturalization for the Bidoons’.

Different UN human rights treaty bodies have called on Kuwait to end the institutional discrimination against Bidoon. Calling for the government to ensure that they have access to social and education services, are granted state documents such as birth certificates, and are able to enjoy their fundamental rights in relation to freedom of expression and association. As such the Committee on the Elimination of Racial Discrimination stated in its 2017 report that Bidoon do not enjoy equal access to social services, due process and legally valid civil documentation and urged the Kuwaiti government to find a durable solution to the problems faced by Bidoon including the fact that citizenship applications for Kuwait nationality be addressed in a transparent manner and as per international standards that demand due process of law.

The international community has so far been silent on the matter and Kuwait’s reputation grows more tarnished every day that it continues to let its people down.

ICSFT urges the UN Human Rights Council to convene a special session dedicated to addressing the systematic discrimination against its stateless population of Bidoon, and shed light on the violation of human rights of the Bidoons and

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demand the Kuwaiti government for long overdue reforms – specifically change of laws and practices in this regard.

ICSFT urges the Kuwaiti government to establish an independent tribunal to access naturalization claims by Bidoons and ensure its effective implementation. Kuwait must find a sustainable solution, in accordance with international standards, to the situation of Bidoons to ensure that they are not victims of systemic discrimination

In the meantime while claims for citizenship are undergoing thorough assessment, Kuwait should take steps to ensure that the basic rights of its stateless population are respected, including their inalienable right to access education, employment, health care, housing and other basic social services as enshrined in the Universal Declaration for Human Rights.