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Written statement* submitted by International Council Supporting Fair Trial and Human Rights, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 August 2021]

* Issued as received, in the language(s) of submission only.



Stateless People in Kuwait: "Bidoon"

As part of the Universal Periodic Review mechanism before the Human Rights Council of the Kuwait for the year 2020, several recommendations have been made regarding the "Bidoon" issue. These recommendations included each of the following:

- The need to ratify the 1954 Convention relating to the Status of Stateless Persons,
- Ratification of the Convention on the Reduction of Statelessness of 1961,
- To enable the "Bidoon" to have full access to their rights,
- The need to develop a mechanism for processing applications for "Bidoon" citizenship following international standards,
- Ensure that the "Bidoon" legal documents are issued with legal status, including recognition of their civil and political rights.

On the other hand, the Central Agency for Illegal Residents Affairs representative indicated in his statement that there were no so-called stateless, Bidoon, or other names in the State of Kuwait. Also, according to the 1954 Convention, stateless people were deemed to mean "a person who, inter alia, has no nationality: Loss of original nationality and non-acquisition of another nationality, or of a person who is born or has not acquired a nationality because the requirements for the right to blood and territory are not met.

Therefore, the representative of the central machinery argued that such definitions do not apply to illegal residents. They are considered to have illegally entered Kuwait and concealed their original documents to settle there, enjoy all services and obtain Kuwaiti citizenship".¹

In fact, these statements reflect the lack of seriousness of the Kuwaiti authorities in finding radical solutions for the 120,000 people living in Kuwaiti state. According to this statement, the situation of the deprivation of all civil, economic, and social rights of the "Bidoon" group of stateless people is maintained and their fate is held in abeyance.

The greatest obstacle to finding solutions to the "Bidoon" case is the restrictive Kuwaiti nationality laws. These laws provide that nationality is usually transferred through parental descent. As a result, the children of "Bidoon" parents are not entitled to any claim for citizenship, despite their birth in Kuwait.

Furthermore, children born to a Kuwaiti mother and "Bidoon" father are also considered to be "Bidoon".

Similarly, Kuwaiti law does not provide non-citizens, including "Bidoon," with clear or specific grounds for obtaining citizenship. In this context, the lack of power of the judiciary to judge nationality is a factor that further complicates the process of obtaining citizenship. In addition, the "Bidoon" are denied access to the courts to give evidence and argue their case for citizenship...

At the same level, the Central Authority was created illegally by Sovereign Decree No. 467 of 2010. Once established by a princely decree, it is not subject to the National Assembly's control or legislative authority. The Council has thus become major leverage by imposing arbitrary and racist measures that force stateless people to sign false documents stating that they have other nationalities to renew their security cards. If they refuse to do so, they are deprived of the minimum human dignity rights, such as employment, education, and other rights.

It's all led to a high number of suicides cases and attempts among stateless people. In this context, a thirty-year-old man recently burned himself trying to end his life in front of his workplace in the "Sabbah hospital"! This young man tried to put an end to the years of unpaid work caused by the expiration of his security card, amid very difficult financial conditions.²

¹ <https://www.bbc.com/arabic/trending-51283169>.

² <https://taqadomi.com/%d8%b9%d8%b6%d9%88%d8%a7%d9%84%d9%85%d9%83%d8%a%d8%a8-%d8%a7%d9%84%d8%b3%d9%8a%d8%a7%d8%b3%d9%8a->

On the other hand, "Bidoon" faces discrimination in the recruitment process because of their "illegal" status regardless of their level of education. Although many government ministries employ "Bidoon," this is generally done based on temporary contracts that reflect the system of "Forced Labor and slavery" under the "remuneration for work" system. It should be noted that this system does not provide minimum job security and also blocks all benefits provided by law for citizens and migrant workers, such as paid sick leave, annual leave, and pensions.

Moreover, in both the public and private sectors, salaries for Bidoon are lower than those for their fellow citizens and migrant workers. This is a form of cruel, inhuman, and degrading treatment. Such treatment may also be considered discrimination based on nationality, which is also contrary to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The practices of the central machinery in all their forms are also classified as an explicit violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

These practices are also classified as a violation of article 29 of the Kuwaiti Constitution, which emphasizes that "people are equal in human dignity and equality before the law in respect of public rights and duties, without distinction as to sex, origin, language or religion."
