



General Assembly

Distr.: General
15 June 2021

English only

Human Rights Council

Forty-seventh session

21 June–9 July 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, 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.

[31 May 2021]

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



The Human Rights Situation of Stateless Bidoons in Kuwait

Bidoons in Kuwait

The situation of statelessness is not a recent phenomenon, the issue of Bidoons (Bidoon is short for “bidoon jinsiyya” or “without nationality”) is largely sectarian and caused by a lack of transparency within the nationality procedures. For example, in order to become naturalised, Bidoon residents who are married and have a child with a Kuwaiti woman must send DNA samples proving paternity of their child. However, this procedure puts them at risk of citizenship rejection given that these DNA tests are known to be faulty.

Violations of the Rights of Bidoon Women

Regarding the particular case of women, Kuwait’s 1959 Nationality Law completely excludes women from being able to pass their nationality to their children. Because the Nationality Law does not specify a mechanism for becoming nationalized after birth, the process for gaining citizenship is not straightforward and easily becomes the product of arbitrary decisions. Currently, more Kuwaiti women are choosing to marry Bidoon men which has resulted in a trend of exclusion that explains the increasing number of stateless Bidoons who are unable to claim citizenship from their Kuwaiti mothers. Kuwaiti women can only transfer their nationality to their children if they get divorced or become widowed. As a result of these regulations, some families have been broken apart, and some have pursued divorces so that their children may have a nationality. Even in such cases, the process for obtaining nationality can take up to ten years.

Bidoon girls and women are especially vulnerable to sexism and violence. When applying for paperwork, they are regularly subjected to sexual abuse by government officials. The legal system also fails to protect Bidoon women; their marriages are often unregistered, and they are usually prevented from accessing any legal rights in the event of a divorce.

Violations of the Rights of Bidoon Children

Concerning the rights of Bidoon children, even after completing lengthy administrative processes, most Bidoon parents have been unable to secure birth certificates for their kids. As a result, Bidoon children are unable to access public facilities, such as school and health care, because they lack a birth certificate. Even if Bidoon children can attend public schools until they turn 18 years old, once they reach that age, these rights are lost and they are listed as Bidoons, with no right to higher education and the risk of expulsion if they do not receive a work permit or jobs. However, because children with Kuwaiti citizenship are given priority for school enrollment, in some cases Bidoon children are not accepted into public schools. This means that parents of Bidoon children are forced to enroll their children into private schools, and for this they are often required to contribute 30% of the school tuition, with the rest paid by public and private charitable foundations. In order to afford sending a male child to school every year, some Bidoon families send girls to school only every other year.

Violations of International Human Rights Obligations

The treatment of Bidoon women and children is in direct violation of Articles 7 and 8 of the Convention on the Rights of the Child (CRC). Article 7 reads “the child shall be registered immediately after birth and shall have the right from birth to acquire a nationality,” and Article 8 specifies that “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.” The Government of Kuwait’s actions continue to violate its international obligations and its domestic laws—in particular Article 29 of Kuwait’s Constitution, which claims to guarantee equal public rights to its residents.

Current Events

In 2017, the Committee on the Elimination of Racial Discrimination (CERD) addressed the statelessness of the Bidoon people in their periodic report of Kuwait. In particular, CERD raised concerns surrounding the Bidoons' right to nationality, as well as the rights of women married to non-Kuwaiti citizens to transfer their nationality to their children. Melhem Khalaf, Rapporteur for Kuwait in 2017, urged the government to give Kuwaiti women married to non-citizens the same right to pass their nationality to their children, as well as to recognise and end the ill-treatment of Bidoons.

In July 2019, 15 Bidoon activists were detained for protesting in the aftermath of the suicide of a young Bidoon who failed to receive official paperwork necessary for employment. The activists were accused of belonging to an unlicensed demonstration that sought to topple the government by disrupting the country's political, economic, and social institutions. Five of these prisoners were freed due to ill health in 2019. However, in January 2020, the 4th Circuit Federal Court issued its decision on the case of these 15 suspects, as well as one more protester in exile who was charged in absentia and sentenced to life in prison. Each individual was labeled as a "criminal resident" by the Court and two members were sentenced to ten years in jail and hard labor. The remaining suspects were acquitted, but almost all were expected to post bail.

Moreover, according to the Kuwaiti Government in 2016, almost 16,000 Bidoons were naturalised in recent years. However, according to available evidence, only 813 Bidoons were granted citizenship between 2018 and 2019. Although the legislation from 2019 (Code 77) stipulates that a maximum of 4,000 non-Kuwaiti people can be granted citizenship each year, there are currently between 88,000 and 106,000 Bidoons in Kuwait. As of November 2020, no Bidoon or foreigners had been naturalised during the year, according to government reports. During the pandemic, the legal system's lack of jurisdiction to decide on the status of stateless people confused the citizenship process even more, leaving Bidoon without access to the courts to offer facts and make their case for citizenship.

Access to Higher Education

Lastly, Bidoon continued to be unable to access the higher education system with the same ease of Kuwaiti citizens. Until the 2013-2014 academic year, Bidoons were not able to attend Kuwait University (the only state-supported university of the country). The university currently admits a maximum of 100 Bidoon students each year, but they must have a high school average of 90% and have received security clearance from the Central System to Resolve Illegal Residents' Status, which is not necessary for Kuwaitis.

Conclusion and Recommendations

Successive UN human rights treaty bodies have called on Kuwait to end the discrimination against Bidoons, however the situation of Bidoon women, children, and men has not improved and no significant reforms have been implemented. Despite the fact that Kuwait has been a State Party to CERD since 1966, and has claimed to end discrimination against the Bidoon population, it continues to disadvantage Bidoons on a systemic basis. Holding citizenship is the most basic principle to access government programs and benefits, such as education, health care, and employment. Bidoons cannot continue to be deprived of their fundamental social, political, and economic rights.

For these reasons, ADHRB calls on the Kuwaiti government to:

- Naturalise all Bidoon citizens;
- Allow all Kuwaiti women to pass their nationality to their children;
- Allow Bidoons access to university and public schools;
- Allow Bidoons access to free medical treatment;
- End its discriminatory and harmful practices against Bidoons.