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

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.

[30 January 2021]

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



The Bidoon in Kuwait: an unresolved human tragedy

In Kuwait, for 60 years, there are more than 120,000 people suffering from the denial of their right to exist and enjoy a nationality. Although it was the government at the time that made statistical errors that caused a social and human tragedy in a rich country that was and still is able to absorb and solve this issue. However, the government and for the purposes of the malicious political investment that was made for decades and is still changing the country demographically from one decade to the next.

The government has asserted, many times, that Bidoon enjoy human rights on an equal basis with nationals of Kuwait but it continues to refer to Bidoon as illegal residents, and paints them as opportunistic foreign nationals who have destroyed their original documents in order to stay in Kuwait and take advantage of the provisions of the welfare state. While the authorities have naturalized people from certain specific countries, their number exceeds the number of stateless persons.

The situation of the stateless Bidoon population is exacerbated by Kuwait's restrictive nationality laws, through which citizenship is usually transmitted through patrilineal descent. As a result, children of Bidoon parents do not have any claim to citizenship, despite being born in Kuwait. Moreover, children born to Kuwaiti mothers and Bidoon fathers are also considered Bidoon, except in cases of divorce or death of the father.

Regardless of their level of education, Bidoon face discrimination in employment by virtue of their 'illegal' status. Although many government ministries hire Bidoon, this is generally on the basis of 'remuneration for work' contracts which offer little job security and none of the benefits provided by law to citizens and expatriate workers, such as paid sick leave, annual leave, and pensions. Moreover, in both the public and private sectors, salaries offered to Bidoon are generally lower than those offered to citizens and expatriate workers. In reality, many Bidoon are forced to earn a living in the informal sector, such as by selling fruits and vegetables on the street. However, since they cannot obtain commercial licenses or own property, they are at constant risk of being arrested or having their goods confiscated for operating businesses illegally, this situation forced a number of Bidoon to commit suicide.

Discriminatory policies towards Bidoon have contributed to the community's relative poverty and social segregation over the long term. Most Bidoon live in slum-like settlements on the outskirts of Kuwait City, Tayma, Sulaibiyya and Ahmadi where they lack adequate housing and protection from Kuwait's extreme weather conditions.

The treatment of the Bidoon community in Kuwait routinely violates the United Nations Convention Against Torture (CAT) which Kuwait has ratified, especially in respect to their lack of nationality. In fact, the status of statelessness is tantamount to being a second-class citizen in the country. Many everyday actions are degrading and more arduous for a stateless person to commit in comparison to a full citizen. In this way, by Kuwait refusing to grant citizenship to the Bidoon, they are forcing them to be treated as subhuman in society. This amounts to a form of cruel, inhuman and degrading treatment. This treatment can also be regarded as discrimination on the basis of nationality status, which is also in contravention of CAT.

Under article 12 of the 1979 Public Gatherings Law, the Kuwaiti government led a campaign targeting Bidoon activists and banned any gathering in public places. This law was used systematically against Bidoon activists and their lineage. Some of them are still under arrest and imprisonment due to their legitimate protests.

The law does not provide non-nationals, including bidoon, a clear or defined opportunity to gain nationality. The judicial system's lack of authority to rule on citizenship further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship. At a time when the authorities tolerated the forgery of hundreds of thousands of those who were naturalized in recent years from outside Kuwait. Kuwait's demographic change for the worse.

The most basic priority for Bidoon remains naturalization. However, there do not seem to have been any significant advances made in this regard despite promises made in light of the earlier protests. On the other hand, the authorities reduced the number of Bidoon through trafficking in them and forcing them to admit their belonging to other nationalities or by forcing them to suicide.

In response to several recommendations to grant stateless persons their full rights, Kuwait insisted that there were “no stateless persons” in the country but only “illegal residents.” The authorities have long denied the right of 120,000 Bidoons to nationality among other public services provided to Kuwaiti citizens.

The International Council Supporting Fair Trial and Human Rights (ICSFT) calls on the Kuwaiti authorities to completely cancel the laws that are based on racial discrimination against the Bidoon and give them their full civil rights, including the right to access to the judiciary to challenge the unfair decisions of the Central Agency for Remediating Illegal Residents' Status' against them. And start the naturalization process without putting obstacles or giving flimsy justifications to prolong that process.

ICSFT calls on the relevant bodies in the United Nations to put an end to the suffering of the Bidoon in Kuwait through radical solutions and to investigate the violations committed by the Central Agency against that group, which led Kuwait to violate its international obligations and the treaties it has ratified. This can only be done by holding an urgent session at the Human Rights Council to discuss this humanitarian situation and appoint a special rapporteur for it. ICSFT would like to draw attention to the increase in suicides among the Bidoon, due to poor living conditions and the increase in strict restrictions on them.

ICSFT also affirms the need for Kuwait to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to recognize the right of the Bidoon to nationality and access to social services.
