

# UPR Report to the Human Rights of state of Kuwait

General Assembly  
Human Rights Council Working Group on the Universal Periodic Review  
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## International Coalition for the Rights of the Stateless



هوية وطن



International Observatory on Statelessness



### Group 29

NGO named after article 29 of the Kuwaiti constitution which states that all people are equal, and takes the cause of statelessness in Kuwait as priority

### The International Observatory on Statelessness

IOS was created in March 2007 as a collaborative project between Oxford Brookes University and the Refugee Studies Centre, University of Oxford to collate data on statelessness, promote researches and act as clearinghouse for NGOs and academics.

### Bedoon Rights

*Bedoon Rights* is a network founded by Kuwaiti-stateless advocate Mona Kareem putting together contributions by a number of stateless volunteers mostly based in Kuwait. The network is the an online reference in English devoted for the case of statelessness in Kuwait

### Kuwait Center for Active Citizenship

The Center seeks common objectives in Human Rights, Democracy, liberty and equality before the law and advocates active citizenship that grants rights that ensure a decent living and committed to duties that bring security and a sense of togetherness to the community.

### Kuwaiti Bidoun Committee

Independent Committee formed by Kuwaiti Bidoun established in May 2008 demanding citizenship and civil rights for stateless in Kuwait.

### National Association of Familial Security “Rawasi”

Rawasi was established based on ministerial resolution 95/A-2011 advocating Family security in the community through protecting family rights socially and legally, and lobbying for laws that achieve this objective.

### National Committee for Monitoring Violations

National committee to monitoring the violations activists who demand political reform, under the belief in freedom of expression.

### Keywords

Kuwait – stateless – statelessness - Bedoon – Bidoun – Bidoon

## Introduction

Submitted: 14th June 2014

Group 29 called for a coalition with seven colleague NGOs under the name of “the International Coalition for the Rights of the Stateless” (ICRS), to prepare this report to be presented to the Human Rights Council, out of its belief in the role of civil society as a stakeholder in monitoring the implementation of the human rights included in the International conventions and covenants. This report aims at documenting the violations in human rights articles by the state party, highlighting the deficiencies in compliance, with an ultimate goal of full implementation of these human rights.

The coalition dedicates this report to highlight the issue of the stateless people in Kuwait (locally referred to as the Bidoun): a group of an estimated 111,000 people, most of whom lived in Kuwait even before it became an independent state. Until 1986<sup>i</sup> -when the famous ministerial document was written- Bidoun were treated as equals to Kuwaitis; however, now they live under extreme restrictions that deprive them from their basic human rights, accusing ALL of them to have hidden their documents, and assuming that they are illegal residents who belong to other neighboring countries. Group 29, has been actively demanding a humane and just solution to their issue, including the human right of a nationality. This report documents the human rights status of the Bidoun in Kuwait, a population that suffered for a prolonged period, and witnessed the extreme violations of their human rights.

The Central System for Remediating the Status of Illegal Residents (hereafter referred to as “The System”) was established under the Emiri Decree No. 764/2010 to be the only officially recognized body to deal with the Bidoun. The name of this body is the first indication that the state does not recognize the Bidoun as stateless, accusing them of an illegal status, further approved by the ministers council which issued its decree 914/2013 calling on all ministers to approve the title “illegal residents” for all stateless persons. This continues in spite of an official statement by the head of The System that 36 thousand of the Bidoun deserve the Kuwaiti nationality. Since its establishment, The System has promoted for a roadmap including a racist color-coded ranking of the Bidoun, with each color/rank granted different set of privileges and some ranks were promised the Kuwaiti nationality, which the government never granted<sup>ii</sup>. The System issues follow up cards, which state that “this is not an official identification card” (cards), with validity of 3 to 12 months. Lack of official identification cards is one of the many violations to the human rights of the Bidoun caused by the policies of The System, which stated in its latest report that the “[*presence of the Bidoun*] is a danger to the national identity”<sup>iii</sup>

## Report Methodology

This report is based on the human rights articles included in the Universal Declaration of Human Rights and the HRC conventions and covenants that were ratified by the state party, as well as the Kuwaiti constitution and local laws and legislations. Information in the report were based on personal interviews of victims, witness testimonies, observations, analysis and documentations of officially published documents and news reports.

### I. Background and general framework

#### A. Scope of international obligations

Kuwait has ratified<sup>iv</sup> most of the international conventions on human rights; however, it did not ratify any optional protocol for the right of individuals to petition or complain. Kuwait also did not ratify:

- Convention relating to the status of Stateless Persons 1954
- Convention on the Reduction of Statelessness 1961

## B. Constitutional and legislative framework

Kuwait is a constitutional monarchy, governed by the Al Sabah family. The population is just above 3 million, about 1.3 million of which are citizens according to the 2011 census.

**Legislation and oversight:** the national assembly of Kuwait has played a major role in the continuing human rights violation of Bidoun. Namely by: failing to approve any legislation on granting their basic civil, economic, and social rights, failing to observe the implementation of the 100/2013 law that approved the naturalization of no more than 4000 persons, and accepting that the Bidoun committee in the national assembly be called “the committee of illegal residents”. In its latest letter to the Emir, the assembly asked for a solution to the issue of the Bidoun, without having a clear explanation of the proposed solution.

The legislative committee of the national assembly voted by 3:1 against a proposal for a law that grants registering all Bidoun and issuing them official identification cards by which they can all equally obtain the basic civil, economic, social rights including work, and access to education and health and other rights. The report of the committee objected that the proposed legislation is not limited to those who have proof of the 1965 census, fearing that granting rights to **all** Bidoun will encourage them to continue hiding proof of their original nationalities. The report claimed that the proposed law would obstruct the efforts of The System in resolving the statelessness issue.

## C: Institutional framework and Human Rights’ infrastructure

- A. Until the time of writing this report, Kuwait did not establish an independent national human rights institute in conformance with the Paris principles. It has accepted this recommendation of UPR in its first round in 2010, and to date 11 legislation pills failed to gain approval by the National Assembly, and latest proposal is being studied by the legislative committee of the national assembly, with continuing demands of the civil society.
- B. Kuwait’s constitution grants in Article (43) the “freedom to form societies (CSOs) and unions on a national basis, and by peaceful means is guaranteed in accordance with the conditions and manner specified by law.” However, Kuwaiti government restricts the work of registered human rights CSOs, and refuses to register new ones because the law prohibits the creation of more than one CSO for the same objective. Kuwait has a negative attitude towards the reports and work of CSOs, often attempting to restrict the scope of their human rights activities (see below)<sup>v</sup>. The law prohibits it for those who are under 18 or who are non - Kuwaiti to establish or have full membership in a CSO, an obstacle for these groups if they attempt to express their opinions, or speak the violations of their rights.

### - **Obstructing the proceedings of the First Conference of the Stateless in Kuwait – organized by Group 29**

Kuwait government through its Ministry of Social Affairs attempted to stop the conference by sending two letters -requesting its cancellation- to the Kuwait Graduates Society, which provided the venue for the conference. However, the Graduates Society held the conference on the 15-16th April 2013, under its umbrella. Representatives from CSOs, political groups, international human rights organizations, the United Nations represented by the OHCHR-Beirut office, and foreign embassies in Kuwait attended. Group 29 sent a special invitation to The System, but they did not attend<sup>vi</sup>.

### - **Restricting and obstructing the efforts of civil society and international organizations**

Twenty two CSOs adopted the recommendations of the conference that led to the establishment of the National Commission for the Rights of the Stateless. On 28<sup>th</sup> May 2013, The System sent a letter to

the Ministry of Social Affairs demanding it to "take the necessary actions to face the recommendations of the conference" and to "close the door on any local or international attempts at changing and obstructing the governmental policy in resolving the issue of illegal residents", explaining that "most of them (Bidoun) own nationalities of other countries" and refusing to recognize the responsibility attached to admitting that they are stateless<sup>vii</sup>.

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

- Most of the recommendations and voluntary commitments accepted by Kuwait in UPR in its first session A/HRC/15/15, such as the establishment of a tribunal for the child and the establishment of an independent national human rights institution in conformity with the Paris Principles, are still not implemented at the time of writing this report<sup>viii</sup>.

- Committee on the Rights of the Child in its Final Recommendations CRC/C/KWT/CO/2 on 29<sup>th</sup> October 2013 in the first paragraph of the report criticized Kuwait for the delays in submitting the national report for more than a decade. This delayed the work of the Commission in assessing the status of children in Kuwait. The state did not comply with the guidelines for writing reports in writing its report, and there is a clear lack of implementation of the recommendations of the 1998 and 2008 sessions concerning the status of children as stated in the fifth paragraph of the same source<sup>ix</sup>.

- Committee on Economic, Social and Cultural rights in its recommendations E/C.12/KWT/CO/2 criticized Kuwait for the lack of adhering to the guidelines for reporting. Moreover, the responses to the list of issues lacked Statistical data and accurate information. The oral replies to the questions raised during the dialogue were vague, which hindered the assessment of the effective implementation of economic, social, and cultural rights<sup>x</sup>.

- Overall, the state party's cooperation with human rights mechanisms continues to be tainted by delays and lack of adherence to the guidelines of the ratified covenants and international conventions.

### B. Implementation of international human rights obligations, taking into account applicable international humanitarian law.

#### 1. Equality and non-discrimination - Article 29 of the Kuwaiti constitution.

Kuwait is not committed to the implementation of equality at both the executive and legal enforcement levels of the relevant laws, which results in enforcing social isolation among Bidoun and citizens in several areas, Such as:

- A. **Education:** Bidoun are deprived from equal opportunity in free and obligatory primary education. Bidoun children are only accepted in government schools if both the mother is Kuwaiti and the father has a valid card<sup>xi</sup>. Other Bidoun children receive their school education in low quality private schools, with very crowded classes and underqualified teachers, under the supervision of the Special Education Department at the Ministry of Education. The Education Charity Fund pays for part of the education fees, and children who fail are not sponsored at all, making it difficult for them to rejoin school. The delay in issuing birth certificates (See paragraph B) has prevented some children from being officially registered in school, and sometimes parents are requested to sign a pledge to "adjust their situation" to register their children in schools. Kuwait has mentioned in its previous reports that the literacy rate among children is 100%. However, this excluded Bidoun children from these statistics; Kuwait also falsely claimed that the children of stateless government employees study in governmental schools

similar to Kuwaiti children<sup>xii</sup>. Group 29 documented cases of illiterate stateless children, and cases of distinguished students who were banned from obtaining higher education for not having birth certificates or valid cards.

**B. Birth Registration:** until 2011, newborn stateless children were not immediately registered and still do not have the right to obtain a nationality. Kuwait has claimed in UPR in its first session that it issues birth certificated for all children. Group 29 has documented that since 1998 the issuance of birth certificates requires adding an assumed country of origin (Saudi, Iraqi, etc.), which led parents to refuse receiving these certificates. This has resulted in depriving no less than 11,000 stateless children<sup>xiii</sup> from birth certificates. Kuwait started issuing birth certificate in retroactive manner in response to the prime minister's resolution 409/2011 through procedures that include establishment of descent, DNA testing, and resorting to court, and The System's approval, a procedure that takes more than two years. Still there are three segments that remain without birth certificates for the following reasons:

- Lack of valid card for the parents who are not registered in The System. The estimated number of the unregistered stateless is around 10,000 persons.
- The existence of an assumed security restriction that prevents parents from renewing their cards.
- Parents who purchased passports of other countries that turned out to be forged. This resulted in not renewing their cards since they were no longer considered "illegal residents" nor renewing their residency since they were not proven to be nationals of the countries of the forged passports. Their children are deprived of birth certificates and the right to education supported by the charity fund for education. In an effort to resolve this dilemma, the government issues temporary (one-year validity) birth certificates until a decision is made regarding the holders of forged passports, an issue with major psychological and educational consequences. Of note that lawyer Abeer Alhaddad just received a court ruling proving that a Bidoun family is not a national of the country of the forged passport, demanding that the family be registered back in the System, upholding the ruling by the System is awaited.

**C. Health Care:** Ministerial decree 68/2011 granted the Bidoun with valid cards the right of access to health care similar to Kuwaiti citizens. However, there are nearly 10,000 people who do not have a valid card and who face difficulty in issuing low-cost insurance card. Group 29 has documented more than 25 cases who had difficulties getting access to treatment or have been denied treatment in specialized healthcare centers. It is often that Bidoun who need treatment abroad hold bleating campaigns on social networks to urge the minister of interior to issue them passports.

**D. Persons with disabilities:** Bidoun with disabilities (totaling 1871)<sup>xiv</sup> are not included in the disability law 8/2010 as stated by the head of the Public Authority of the Disabled. The support from this Authority is limited to a disability card without privileges and a letter to charity funds by the authority. The disabled are accepted in very limited numbers in special education schools, and they are discriminated against in every other aspect compared to Kuwaitis, in clear violation of the Convention on the Rights of Persons with Disabilities. The disability law grants children of Kuwaiti mothers to be treated equally to Kuwaitis; however, this has never been implemented.

- E. **The Right to Adequate Housing:** Majority of Bidoun live in the areas of Sulaibiya and Taimaa areas of Kuwait, in small sized rented houses, that are usually overpopulated and are of a very poor condition. Some Bidoun families resort to live in the desert in order to escape the high rental rates and expensive cost of living. Lately, some families of veteran workers of the national oil company have received notice to evacuate the company-subsidized houses in Ahmadi without adequate compensation<sup>xv</sup>.

## 2. Right to Life, Liberty and Personal Security

### A. Torture and other cruel, inhuman or degrading treatment or punishment

- **Detaining of Children:** 4<sup>th</sup> October 2012, men in civilian clothes arbitrarily arrested five children between the ages of 14 and 15 from their respective neighborhoods. The violence during the arrests caused a broken nose for one child and abrasions in the knees of another due to dragging him on the street. The children were tortured by means of beating, insulting and threatening in Taimaa police station, some families were not able to confirm the whereabouts of their children until 24-48 hours later. The children were detained for four days in the General Department of Criminal Evidence before being released on bail. During their detention, they were kept in a small room with other children accused of violence or misdemeanor, the supervising staff were not trained in dealing with children. Children were accused of participating in demonstrations. Group 29's documentary of their case available [here](#).

- **Child Ali Habib:** Ali Habib -14 years- was arrested for participating in demonstrations. Ghunaim Al Atal, the police officer who was in charge of the arrest, announced via his account in Twitter that he was under pressure to press charges against Ali, in order to set example for other children. Ali was arrested on 2<sup>nd</sup> March 2014 and was detained under investigation as per prosecutor's request until 4<sup>th</sup> March 2014. He will face court charges for "threatening the state security" See [here](#).

#### - Detaining of Adults:

- **Hussain Al Khaldi:** a Kuwaiti citizen who was beaten and arbitrarily arrested during the demonstrations on the International Day of Non-Violence. Al Khaldi, has been subjected to sexual harassment and tearing of his underwear as stated in his lawsuit against the Minister of Interior and the commander of Special Forces. See [here](#).

- **The arrest of Abdul Hakim Al Fadhli and Abdul Nasser Al Fadhli:** the brothers were tried in absentia, and sentenced to two year in prison on charges of demonstrating without license and assaulting security officers. Abdul Nasser was arrested and tortured to admit the whereabouts of his brother Abdul Hakim who was arrested and tortured later as well. While Abdul Nasser was acquitted of the charges against him in a first-degree verdict, Abdul Hakim remained in detention for more than four months before the court acquitted him of the charges.

In a related incident, Abdul Hakim and Abdul Nasser were arrested for participating in series of demonstrations occurring in over two weeks in February 2014. The arrests were violent with crashing of Abdul Hakim's car by the police during the arrest. See [here](#).

- **The Arrest of the activist Abdullah Atallah and the journalist Khaled Ramadan:** In the demonstrations commemorating the third anniversary of the beginning of the Bidoun demonstrations demanding for their rights (February 2014), Abdullah Atallah was arrested and charged of national



security crimes and insulting the Emir of Kuwait. Abdullah Atallah, who is on hunger strike, is still on detention at the time of writing of this report.

In 7<sup>th</sup> March 2014, the father of the journalist Khaled Ramadan was called and detained in a police station to pressure his son to surrender to police after participating in peaceful demonstrations. Khaled Ramadan was released on personal bail after three days.

- **Abdullatif Al Shammari and others:** During the International Day of Non Violence demonstrations (2<sup>nd</sup> October 2014), Abdullatif Al Shammari and a group of 12 persons were attacked after leaving the mosque next to freedom Square. They ran from Special Forces to a dead-end street where they were attacked from close range by rubber bullets and tear gas. This caused Abdullatif to lose his eye and suffer burns to his face and chest, see [here](#). The victims were bargained for release in return of not identifying their attackers, to which they submitted. However, they now face national security charges brought against them by the Special Forces and state security. The attack with rubber bullet and tear gas is documented in video.
- **Threatening and torturing the activist “7mqan” Hamqan:** who was arrested and tortured by the State Security on 11<sup>th</sup> February 2013. “7mqan” is the pseudonym of a young activist who produces documentaries on the violations of Bidoun rights. While blindfolded he was forced to sign a pledge not to produce or disseminate more documentaries, or if so, he will face state security charges. See [here](#).
- **Short validity cards and other restriction on human rights activists:** Cards are not being renewed for Bidoun who are accused of participating in demonstrations (a constitutionally granted right), or they are given short validity cards (three months validity, not accepted for opening a bank account or issuing legal documents)<sup>xvi</sup>. The contradicting demonstrations law, which generally states that non-Kuwaitis are not allowed demonstrations, is exploited to ban Bidoun demonstrations. Moreover, activists sometimes have their passports confiscated. Number of human rights activists such as the members of Human Rights Association Nawaf Al Bader and Abdullah Fairuz were arrested in 2<sup>nd</sup> October 2014, during their observation of the demonstrations. On 5<sup>th</sup> May 2014, Newspapers published a statement by the then General Director of Citizenship and Travelling Documents Mazen Al Jarah that he gave orders to withdraw more than 100 passports of Bidoun accused of shooting at security forces during unlicensed demonstrations. Similar news were published in the past including threats of deportation or the expelling of military officers whose sons participate in the demonstrations, these news are denied later on, but usually spread fear among Bidoun families.
- **Arbitrary Arrests:** on 22<sup>nd</sup> February 2014, Ministry of Interior set a temporary checkpoint in Taimaa that led to the arrest of six Bidoun at about 10:00 pm without having any charges against them. Among the arrested group, was a person suffering from heart disease who was beaten while in detention. The group was not allowed to drink water or to be sent to hospital. The detained were told that they would be on hold until videos of demonstrations are reviewed to make sure that none of them participated. If any of the group was identified on the videos, he will face charges from the state security. The group was released at around 1:30 am as none of them was identified in the videos.

## **B. Arrest and Detention Procedures:**

- **Detention Centers:** Children are detained until they are brought before a prosecutor in the special detention facility at The General Department of Criminal Evidence in Salmiya area. This same prison

is dedicated to the adults' prisoners. The children are held in crowded rooms assigned for minors, and they would be transported to the minors' prosecution office while shackled and tied.

- **Detention with felonies criminals:** Demonstrators and activists on social networks are being detained in The General Department of Criminal Evidence prison where all the accused of murder, drug dealing, rape and other crimes are detained. The state does not have separate detention facility for those arrested in peaceful demonstrations and political activists.
- **Solitary confinement and provisional detention:** 15 Bidoun demonstrators were arrested on 1<sup>st</sup> May 2012 from Freedom Square in Taimaa, and detained for nine days, spent mostly in solitary confinement. The periods of provisional detention are usually prolonged and frequently renewed for such demonstrators.
- **Privacy and clean environment:** The Prison of the General Investigations does not consider the privacy, environmental, and healthy conditions of the detainees. The prison lacks air conditioning against the extremely hot and dry weather of the country; bathrooms lack basic hygiene and privacy.
- **Torture of detainees:** on 10<sup>th</sup> April 2014, Sheikh Mazen Al Jarah, then the General Director of Citizenship and Travel Documents, acknowledged in a seminar organized by Kuwait International Law School the torture of detainees, saying: “*Beating is not used in all cases, but in certain ones when the accused do not admits.*” Further stating, “*Beating is especially used in serious cases*”. This is a clear acknowledgment of the use of torture while conducting investigations<sup>xvii</sup>.

**Respect for Civil Liberties, including:**

**Freedom of expression and of the press:** The state violates the rights to freedom of expression both directly and indirectly: The coverage of Stateless issue in Kuwait official TV only represents the governmental point of view. When discussed in private media channels, it is dealt with in either one of two approaches:

- **Restrictions and indirect blackout:** Witnesses in private media institutions speak about verbal instructions from The System, directing the policy of media institutions towards stateless issue through either avoiding the issue or publishing the news from The System in main pages. An example of this is what was published in Al Watan newspaper in 7<sup>th</sup> August 2011 by the then columnist Fouad Al Hashem (see [here](#)), and what the writer Eman Chamseddine posted on her twitter account, about banning the publishing on her article about stateless on Al Qabas newspaper, claiming that it might hinder The System's efforts to resolve the issue of the Bidoun.
- **Persecution:** As demonstrated by the case of “Messiaen” program in al Youm TV channel, when the crew was charged of threatening state security. The program crew including the two presenters Ali Dhasti and Mai Mahmoud and the director Hassan Rooq were accused of offending the Ministry of Interior after hosting Dr. Rana Al- AbdulRazzaq, member of Group 29 to talk about the issue of stateless and security forces violation in the international day of non-violence demonstrations.  
In 29<sup>th</sup> April 2011, a website that belonged to Bidoun youth was shut down after excessive pressure on its owners (Forsan Al Bedoon Forum).

### 3. Administration of justice, including impunity, and the rule of law

#### **Administrative Court and Citizenship issues**

The current Administrative Court law does not mandate the consideration of cases relating to nationality issues since it is a sovereign act (a proposal to adjust this law was rejected from the national assembly in 2012). This



resulted in violation of the right of Bidoun in their claims to citizenship based on the documents they hold. This restriction further led to the creation of a group of “new stateless” of those who have their nationality withdrawn by the state; they are neither citizens, nor stateless. It is of great importance to highlight that we did not document any court ruling (in a case for Bidoun) that refers to the ratified treaties although article 70 of the constitution deems them equal to the power of local laws.

### **Obstructing and ignoring Court Ruling**

Many Bidoun suffer from the non-implementation of final judicial verdicts for unknown reasons; The System and the Ministry of Interior blame each other for this obstruction. A recent example is a ruling for a family that bought forged passports to be registered in The System after proving by court that they are not nationals of the country of those forged passports. They remain unregistered until the time of writing the report.

### **Unjust Security Restrictions**

The Minister of Interior acknowledged in a meeting with the Interior and Defense Committee in the National Assembly that some of Bidoun who have security restrictions were less than 10 years old at the time of the Iraqi invasion, since most of these restrictions accuse them of collaborating with the Iraqi forces. Moreover, it is also not logical to accuse an Arab tribesman of holding Eritrean or Somalia or Canadian passport according to the aforementioned minister (which is another usual cause for security restrictions). See [here](#). In response to a parliamentary question on 31<sup>st</sup> May 2013, the then Interior Minister Sheikh Ahmad Al-Hamoud stated that some restrictions imposed on Bidoun were “precautionary measures” to prevent them from committing crime that may affect national security. Most security restrictions are not subjected to review or grievance by the courts.

## **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

**Freedom of peaceful assembly:** Article 44 of Kuwaiti constitution recognizes the right of individuals to assembly. However, security forces used violence to end peaceful sit-ins with water hoses, smoke grenades, rubber bullets and punching machines, as well as arbitrary arrests.

It is worth mentioning that most of the defendants accused of participating in demonstrations, were acquitted by the Kuwaiti Judiciary. The case of the constitutional validity of the demonstration’s law with regards to the Bidoun demonstrations was brought to the Constitutional Court, which in turn has rejected the appeal by the lawyer Fawzia Al Sabah due to the lack of relevance of the appeal because the law does not state punishment for Bidoun demonstrators. See [here](#).

## **6. Right to work and to just and favorable conditions of work**

**The Right to Work:** Law 6/2010, which regulates working in the private sector, does not include the Bidoun in its articles, leading to cases of sudden termination and lack of ability to claim unpaid salaries. Bidoun face difficulties in finding jobs, due to the requirements set by The System which require the applicant to have: proof of 1965 census, Kuwaiti mother or a father working in Kuwaiti military, and not having security restrictions.

According to the brochure issued by The System “Applications of Decision 409/2011 Facilities and privileges granted to illegal residents,” Bidoun employment is limited to teaching, nursing, muezzin, and low pay administrative jobs, which emphasizes the process of social isolation.

**Recruitment and dismissal from public sector:** in October 2011, The Ministry of Awqaf and Islamic Affairs terminated the services of more than 500 imams and muezzins (persons who lead and call for prayers

respectively). The Ministry, also, reduced the working periods for those who had been working in two shifts. The decision led to reduce the number of foreign and stateless workers by half.

**Hiring and working conditions:** Bidoun who work in government are hired based on temporary contracts. Wages are much less than their migrant worker counterparts are. They do not receive any social benefits and annual bonuses nor end of service payments.

**Stateless working in Military:** Bidoun do not have equal opportunities in working for the interior and defense ministries. The efficiency in maintaining internal and border security does not qualify a Bidoun to achieve the rank of officer.

**Discrimination against stateless working women:** in 2012 The Ministry of Education issued a decision depriving the Bidoun teachers from taking maternity leaves and their salaries during summer vacation (male teachers too) in clear violation of their rights<sup>xviii</sup>.

**Protecting children from social and economic exploitation:** Children work as street vendors for themselves or for others, which puts them at health and safety risk. The state responds to this activity by prosecuting children and confiscating their goods without providing an alternative source of income. Bidoun families suffer from exclusion from social welfare programs except for the 500-800 Dollars Zakat House provide every 3-4 months and sometimes once a year.

### III. Achievements, best practices, challenges and constraints

With regard to the achievement of the Kuwaiti government on human rights, the law of custody and detention duration and rules, that is stated in law 17 for the year 1960 regarding criminal procedure, was amended on 10<sup>th</sup> June 2012. Article No. (62) to reduce the detention period to no more than 10 days from the arrest instead of three weeks.

### IV. Key national priorities, initiatives and commitments

- The first conference of the stateless in Kuwait – see earlier
- National Committee for the rights of the stateless: see earlier
- Social, Economic, and civil rights laws, a proposed bill to the National assembly that was presented by the National Commission for the Rights of the Stateless, awaits approval by the legislative committee of the National assembly after being rejected by the legislative committee (see earlier).

### V. Capacity-building and technical assistance:

On 13<sup>th</sup> February 2014, the ministry of youth affairs organized a special workshop about human Rights in the Media, to strengthen awareness on human Rights among activists in the media. The Ministry of Foreign Affairs trains its staff on skills of writing human rights reports. This is not considered as important as applying these human rights in daily dealings with the Bidoun by the government staff (civilian and military), teaching them the importance of avoiding human rights violations.

## Vii. Recommendations

- 1- To Ratify the:
  - a. Convention relating to the Status of Stateless Persons 1954
  - b. Convention on the Reduction of. Statelessness 1961
- 2- To lift the reservation on Article 7 of the Convention on the Right of the Child
- 3- To lift the reservation on paragraph 2 of article 9 of the convention on the elimination of all discrimination against women

- 4- To enable the role and partnership of CSOs in participating in finding solutions and monitoring implementations of human rights related legislations without restriction
- 5- To make the accurate demographic data on Bidoun including their level of education, status of employment, etc available for public access.
- 6- To grant the media the freedom of expression mandated by the ratified treaty on civil and political rights
- 7- To uphold the right to freedom of speech and the right to freedom of assembly by amending the laws of the following
  - a. The demonstrations law that bans non-Kuwaitis from the right of peaceful assembly should be cancelled
  - b. The law banning non-Kuwaiti and children from forming and being members of civil societies should be cancelled
- 8- To extend the laws on child protection (currently lacking) to Bidoun children, with adequate social and financial support to children of poor families, and banning child labor.
- 9- To lift the ban on Bidoun children from joining government school, and enable them to access an equal level of education, and to extend the law of the obligation to primary education to all children including Bidoun children.
- 10- To amend the ministerial decrees on access to health services to allow all persons equal access to health services, through one of these mechanisms:
  - a. By registration in the Central System for Remediating the Status of Illegal Residents
  - b. By lifting the ban from The System on them to obtain health insurance
- 11- To extend the economic rights stated in the respective treaty to Bidoun, allowing them fair and equal opportunity in the work field.
- 12- To uphold and make active immediately the ratified treaty on the Right of Disabled Persons to make support equally available for all Bidoun and non-Kuwaiti persons with disability.
- 13- To enable all of those who are claimed to be illegal residents to be either officially registered in the Central System for Remediating the Status of Illegal Residents or be referred to the Ministry of Interior to end any further claims of such status.
- 14- To allow for all those with security restrictions to resort to court to appeal these restrictions, court rulings should be upheld by a mandatory act by both the ministry of Interior and the Central System for Remediating the Status of Illegal Residents if security restrictions are proven false.
- 15- To call on the ministry of interior to hold an investigation on the arbitrary detentions, arrest in improper facility, and torture of children accused of participating in demonstrations.
- 16- To call on an investigation by the UN special rapporteur on torture to investigate
  - a. Arbitrary arrests of persons accused of participating in demonstrations
  - b. the abuse of detainees admitted by the ministry of interior official
  - c. the improper detention facilities and prolonged solitary confinements

- <sup>i</sup> Document the mini-ministerial Committee on Bidouns for the year 1986 has been reviewed on 05/20/2014 at the address: [http://www.kuwbedmov.org/index.php?option=com\\_content&view=article&id=320%3A-1986-&catid=55%3A2010-04-11-11-18-28&Itemid=81&lang=ar](http://www.kuwbedmov.org/index.php?option=com_content&view=article&id=320%3A-1986-&catid=55%3A2010-04-11-11-18-28&Itemid=81&lang=ar)
- <sup>ii</sup> Lack of seriousness ... in the naturalization of eligible according to a study prepared by the Department of Studies and Research, despite the succession of laws passed by the Council of the nation's naturalization of 2,000 people per year since 2000, and the law of naturalization of 4000 people in 2013. "Bidoun in Kuwait - the issue has not been resolved yet," April 2014, Department of Studies and Research in information sector, development and training, The National Assembly, page 19
- <sup>iii</sup> The report of The System in May 2014 at the address: <http://alwatan.kuwait.tt/ArticleDetails.aspx?Id=350230&YearQuarter=20142>
- <sup>iv</sup> Kuwait status of ratification of international conventions, OHCHR, has been reviewed on 05/10/2014 at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=92&Lang=AR](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=92&Lang=AR)
- <sup>v</sup> Kuwaiti constitution, the site of the National Assembly, was revised on 10.05.2014 at the address <http://www.kna.kw/clt/run.asp?id=4#sthash.UWErFUFC.4CpizzOO.dpbs>
- <sup>vi</sup> The first conference of the stateless in Kuwait, the site of a group 29, was revised on 10.05.2014 at the address <http://www.group29q8.org/المؤتمر-الأول-لعديمي-الجنسية-في-الكويت/>
- <sup>vii</sup> Letter from "The System" to the Ministry of Social Affairs on blocking any local or international efforts and not to adopt the term of "stateless", the site of the National Commission for the Rights stateless, was revised on 05.10.2014 at the address <http://statelessinq8.org/هيئة-عديمي-الجنسية-تستنكر-كتاب-الجهاز/>
- <sup>viii</sup> Report of the Working Group on the Universal Periodic Review Reference number: A/HRC/15/15 on 16/6/2010.
- <sup>ix</sup> The final recommendations of the Committee on the Rights of the Child Reference Number: CRC/C/KWT/CO/2, dated 10/29/2013.
- <sup>x</sup> The final recommendations of the Committee on Economic, Social and Cultural Reference Number: E/C.12/KWT/CO/2, dated 12/19/2013.
- <sup>xi</sup> Claim that the children of workers in the state of Bidouns studying in schools of general education and have the same rights and duties at the expense of the state, the national report of the State of Kuwait to the universal periodic review at its first session, paragraph 2 under the heading of illegal residents on page 13, reference number A / HRC/WG.6/8/KWT/1 address <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/118/24/PDF/G1011824.pdf>
- <sup>xii</sup> Claim that the percentage of children's education is 100%, the national report of the State of Kuwait to the universal periodic review at its first session, second paragraph on page 2, reference number A / HRC/WG.6/8/KWT/1 address <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/118/24/PDF/G1011824.pdf>
- As well as in Kuwait's second report of the Committee on Economic, Social and Cultural Reference No. E/C.12/KWT/2 paragraph 9 on page 5.
- <sup>xiii</sup> Implementation of Ministerial Resolution (409/2011) "Granted Privileges for illegal residents April 2011 – Dec 2013", The System – Public Relation department page number 11&12.
- <sup>xiv</sup> Response of the Ministry of Social Affairs and Labor on the question of MP Rakan Alnisf about the number of Bidouns and the services provided to them.
- <sup>xv</sup> A picture of a shanty dwellings in Taima photographer Greg Constantine at the address: <http://www.opensocietyfoundations.org/sites/default/files/styles/slideshow/public/photos/20121205-constantine-bidoon-statelessness-675-002.jpg?itok=fa7VcXmz>
- <sup>xvi</sup> Government warning Bidouns demonstrators from organizing peaceful gatherings, Al-Qabas newspaper was revised in 20/05/2014 at the address: <http://www.alqabas.com.kw/node/51527>
- <sup>xvii</sup> Sh. Mazen AlJarrah in Al-Rai newspaper at the address: <http://www.alraimedia.com/Articles.aspx?id=496830>
- <sup>xviii</sup> Depriving stateless women teachers of maternity leave, Al-Qabas was revised on 05.20.2014 at the address: <http://www.alqabas.com.kw/node/73080>