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## **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.

[19 August 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

## **Statelessness in Kuwait and the Ongoing Targeting of the Bidoon**

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 51st session of the United Nations (UN) Human Rights Council (HRC) to raise serious concerns over Kuwait's human rights violations, particularly those against stateless persons, also known as Bidoon. The Government of Kuwait continues to deny stateless persons and non-citizens equal rights, and to erect barriers to full inclusion. The government has made only limited efforts to extricate the country's stateless people from the legal limbo that defines their existence, while simultaneously resorting to coercion and repression to target peaceful community activism.

### **The Issue of Statelessness**

Kuwait has a large stateless population that has faced widespread, systematic repression since the establishment of the State of Kuwait. This population, known in Arabic as bidoon jansiya, or "without nationality" is estimated to represent 10 percent of the population of Kuwait - approximately 100,000 individuals. Prior to Kuwait's independence in 1961, Bidoon were treated equally as Kuwaiti citizens, and they enjoyed the same freedoms and rights. After independence, they were not included as citizens and various laws stripped them of most of their rights, as they were, and still are, deemed "illegal residents." As a result, they are denied civil documents and face restrictions accessing healthcare, education, and social services provided to Kuwaiti citizens.

### **Violations of the Rights of the Bidoon**

While the law ostensibly provides avenues for Bidoon to gain nationality, the naturalization process is opaque and decisions on applications appear arbitrary, to the extent that many Bidoon are unable to provide the required documentation to qualify for citizenship. Since the Kuwaiti government considers Bidoon illegal immigrants, they do not have property rights, nor do they have the same access to services that citizens have. Rather, they are denied access to quality education and healthcare, as well as civil documents, such as birth or marriage certificates. Since citizenship and residency questions are not subject to judicial review, members of the Bidoon community face additional challenges to rectifying discrimination against stateless persons. Under existing legal and cultural norms, non-citizens cannot transfer citizenship to their children, nor can a woman pass her citizenship to her child, meaning a child born to a Kuwaiti mother and a Bidoon father cannot receive its mother's citizenship. As a result, children born to Bidoon parents cannot attend public school or receive the same level of healthcare as a child born to Kuwaiti citizens. The Government of Kuwait grants different types of documentation to Bidoon people than it does to citizens, thereby creating a stigmatizing environment that excludes individuals from accessing basic rights. Due to the difficulties encountered when attempting to obtain proper identification and documentation, Bidoon find their right to freedom of movement impeded and are at a heightened risk of arbitrary arrest and detention.

### **The Targeting of Bidoon**

Since 2019, Kuwaiti authorities have intensified their persecution of stateless persons and human rights defenders, subjecting many to arbitrary arrest, including prominent human rights defender Abdulhakim al-Fadhli. Al-Fadhli was arrested in a crackdown on peaceful protestors demanding equal rights for Bidoon. In July 2019, 12 protestors were arrested following a demonstration after the suicide of the young Bidoon boy, Ayed Hamad Moudath, who killed himself after he lost his job due to his inability to obtain official documents. In late July 2019, individuals dressed in civilian clothes kidnapped activist Hamoud Al-Rabah. Al-Rabah had published statements on his Twitter accounts in support of civil and human rights of the Bidoon community. One day later, officials arrested Bidoon activists Bader Al-Tamimi and Khalifa Al-Anzi.<sup>12</sup> The men are among at least 17 members of the Bidoon community known to be arrested since 11 July 2019.

## International Advocacy and the Implications of International Law

Despite the Bidoon's ongoing suffering, the international community remains relatively silent on their mistreatment in Kuwait. In the third Universal Periodic Review of Kuwait, under the auspices of the Human Rights Council, only seven of the participant organizations broached the matter of the statelessness of Bidoon. Even as international law allows states to decide to whom citizenship is granted, there are numerous legal instruments which deliberately preclude governments from adopting policies which either aggravate statelessness or facilitate the arbitrary deprivation of citizenship. Kuwaiti authorities' systematic discrimination against the Bidoon violates Article 15 of the Universal Declaration of Human Rights, as well as Article 24 of the International Covenant on Civil and Political Rights, which Kuwait acceded to in 1994. Further, given the exceptionally high rates of statelessness among children that are a direct result of Kuwait's laws on nationality, particularly as it concerns the Bidoon, Kuwait has consistently neglected to fulfill its obligations under the Convention on the Rights of the Child, which it ratified in 1991.

## Conclusion and Recommendations

Kuwait continues to prohibit certain forms of expression and to regularly arrest activists who advocate for reform of the state's citizenship laws, thereby contravening its international obligations and commitments to protect human rights. Kuwait must take steps to ensure that the basic rights of its stateless population are respected. Bidoon should be given legal residence permits that would allow them to compete for employment, as well as grant them equal access to education, healthcare, and other services that require identification documents.

Accordingly, ADHRB urges the Government of Kuwait to:

- Respect its international human rights obligations and accede to the 1954 Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
- Guarantee the right to the freedoms of peaceful assembly and opinion and expression in both law and practice and in line with the ICCPR, which Kuwait has ratified.
- Fully respect the provisions of Article 44 of the Kuwaiti Constitution which grants the right to demonstrate and peacefully assemble to individuals without the need of prior permission
- Implement interim measures to guarantee Bidoon's access to employment, housing, social services, and other rights.
- Stop the ongoing campaign of arbitrary arrests and to release all members of the Bidoon community who have been arbitrarily detained for their peaceful activism and their defense of the civil and human rights of the Bidoon community.

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