



## **The Bedoon situation in Kuwait**

Bedoon, meaning "without nationality" in Arabic, is a stateless Arab minority in Kuwait who were not granted citizenship at the time of the country's independence or shortly thereafter. The government currently labels Bedoon as "illegal residents," despite many having no tangible connections to any country other than Kuwait, and notwithstanding decades of social discourse depicting Bedoon as intertwined with Kuwaiti territory.

Due to their stateless status, Bedoons encounter difficulties in obtaining civil documents, securing employment, and accessing healthcare, education, and other social services available to Kuwaiti citizens. Consequently, many live in relative poverty and are confined to working in the informal sector.

### **I. Kuwait's Stateless Group: The Bedoons**

#### **A. Kuwait's Independence**

On June 19, 1961, Kuwait achieved full independence through an exchange of notes with the United Kingdom, which terminated the Anglo-Kuwaiti Treaty of 1899 and thereby granted Kuwaiti independence. To grasp the origins of this treaty, it's essential to revisit January 1899 when Mubarak Al-Sabah, the sovereign of Kuwait, agreed with the British. This agreement pledged that Kuwait would never cede any territory nor accept agents or representatives of any foreign power without the consent of the British government. Essentially, this policy conferred control of Kuwait's foreign policy to Britain. Shortly after gaining independence, Kuwait was unexpectedly invaded by Iraq on August 2, 1990, amid disputes over oil resources. This event marked the onset of the Gulf War, with far-reaching repercussions for the entire Middle East. The conflict concluded with the Liberation of Kuwait Campaign, led by the United States between February 24 and 28, 1991, comprising a significant ground offensive into Iraqi-occupied Kuwait following a successful air campaign in the Gulf War. By the end of February, Kuwait was declared free from Iraqi occupation.



Following Kuwait's attainment of full independence, the country was empowered to sign and ratify conventions in its name. It ratified both international covenants, the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social, and Cultural Rights (CESCR), along with numerous core conventions such as the Convention on the Rights of the Child (CRC), the Convention Against Torture (CAT), the Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Rights of All Migrant Workers and Members of Their Families. Thus, Kuwait demonstrated its commitment to safeguarding human rights by ratifying many internationally and legally binding human rights instruments.

Normally, these ratified conventions theoretically apply to every individual regardless of nationality, culture, or ethnicity. However, in reality, Bedoons in Kuwait are denied all the rights provided by these human rights instruments. They are denied basic human rights and thus lack protection from the Kuwaiti government, which is tasked with ensuring such rights. There is a paradox in the country's willingness to demonstrate its determination to protect its individuals while simultaneously creating a significant distinction between those labeled as Bedoons, whom they do not recognize as Kuwaiti citizens. This contradicts the fundamental principle of universal human rights, which are meant to be applied to everyone without exception. Kuwait did not ratify the 1961 Convention on the Reduction of Statelessness, as many other Middle Eastern countries did. This convention aims to balance individual rights with the interests of states by establishing general rules for the prevention of statelessness.

According to the United Nations High Commissioner for Refugees, a stateless person is an individual who is not recognized as a citizen by any country. Denied the right to nationality, they are deprived of fundamental rights and are vulnerable to numerous threats. Kuwait has the largest number of stateless people in the entire region. Most stateless Bedoons in Kuwait belong to the northern tribes, particularly the Al-Muntafiq tribal confederation. Under Kuwait Nationality Law 15/1959, all Bedoons in Kuwait are eligible for Kuwaiti nationality through naturalization, but it is known that Bedoons of Iraqi tribal ancestry cannot attain it, leading them to conceal their background.

Bedoons in Kuwait were not always treated as they are today. From 1965 until 1985, they were treated as Kuwaiti citizens and were guaranteed citizenship, entitling them to free access



to education, healthcare, and all other citizenship privileges. It is also important to note that stateless Bedoons constituted 80-90% of the Kuwaiti Army in the 1970s and 1980s until the Gulf War. However, in 1985, amidst the Iran-Iraq War, Bedoons were reclassified as "illegal residents" and denied Kuwaiti citizenship and its associated privileges. This shift was prompted by the Iran-Iraq War, which posed a threat to Kuwait's internal stability, and authorities feared the sectarian backgrounds of stateless Bedoons, with many being believed to have origins in Iraq, though there is no evidence to support this claim. By 1986, Bedoons were completely excluded from the same social and economic rights as Kuwaiti citizens. The most distressing aspect of this situation is the Kuwaiti government's refusal since 1986 to grant any form of documentation to Bedoons, including birth, death, and marriage certificates, as well as identity cards and driver's licenses. Consequently, they are left without any recourse and are unable even to attempt to leave the country, as a passport is required for such endeavors. Bedoons are trapped in a country that violently rejects them, with no option but to remain and endure their suffering.

The State of Kuwait formally has an official Nationality Law that provides non-nationals with a legal pathway to citizenship. However, the Al Sabah ruling family controls access to citizenship in Kuwait and is not subject to external regulatory supervision. Consequently, the naturalization provisions within the Nationality Law are arbitrarily implemented and lack transparency, hindering non-nationals from having a fair opportunity to obtain citizenship. The ruling family can thus manipulate naturalization according to their political interests. It is deeply concerning that, as a result of politically motivated naturalizations, the number of naturalized citizens exceeds the number of Bedoons in Kuwait, the majority of whom belong to northern tribes that are predominantly Shia Muslims. Furthermore, the lack of authority of the Kuwaiti judicial system to rule on citizenship complicates the Bedoon crisis, as they have no access to the judiciary to present evidence and plead their case for citizenship. The ruling family discriminates against Bedoons by denying them citizenship, despite most of them meeting the requirements for naturalization as stipulated in the state's official Nationality Law.

It is important to note that politically motivated naturalizations have been observed by international actors such as the United Nations, political activists, and even members of the Al Sabah family. Kuwait practices institutionalized discrimination against Bedoons, which must cease.



## **B. Constant Violation of Bedoon's Fundamental Rights**

Bedoons are denied all their human rights, although most were born in Kuwait and have lived there all their lives. Many Bedoon families have resided in Kuwait for generations or have close family ties in the country. For decades, they were treated as lawful residents and effective citizens in every aspect of their lives, repeatedly promised formal Kuwaiti citizenship. Approximately 30,000 of them are spouses of Kuwaiti women or children of Kuwaiti mothers, and many others have siblings or other close relatives who are Kuwaiti citizens. However, their presence in the country has been deemed illegal, rendering them vulnerable to harassment and exploitation. Fearing authorities, they refrain from filing complaints and limit their movement to their neighborhoods to avoid checkpoints and harassment. They are subjected to multiple forms of pressure to reveal their supposed "true identity" and are arbitrarily attributed nationalities based on their physical appearance.

### 1. Right to Work

Bedoons are denied their right to work, which is enshrined in the International Covenant on Economic, Social, and Cultural Rights in Article 6, recognizing "the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard this right." Kuwait signed and ratified the Covenant, making it mandatory to respect and implement. However, it is exceedingly difficult for Bedoons to find employment as they are considered illegal residents and treated as outcasts. Even if they manage to secure a job, they face direct discrimination, ranging from harassment by authorities forcing them to close their businesses or confiscating their merchandise to differential treatment compared to Kuwaiti citizens in similar job roles. They lack paid vacations, which is illegal and are paid significantly less, often experiencing a common downward reevaluation of salary.

### 2. Right to an Adequate Standard of Living

Furthermore, they lack access to decent housing, being forced to reside in designated areas such as the city of Taima, divided into "blocks." These dwellings were constructed to replace the Bedoon's traditional habitat of huts. Initially intended as temporary housing, families were



supposed to be relocated, yet more than 50 years later, they remain without the opportunity to move elsewhere. They are also prohibited from owning private property, unlike Kuwaiti citizens and foreign nationals. This illustrates the severe restrictions the Bedoons face, deprived of their freedom of residency. They cannot choose their place of residence within the country and are unable to even contemplate leaving, as they lack any identity documents. Once again, Kuwait fails to fulfill its obligations stemming from the ratification of the International Covenant on Economic, Social, and Cultural Rights. Article 11 of the Covenant acknowledges "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions." Bedoons are neglected by the Kuwaiti government and authorities, deliberately denied decent living conditions and improvement, a deeply concerning situation. They are trapped in poverty and consequently represent a vulnerable group for human rights violations.

### 3. Right to Education

Bedoons are also denied their right to education, as enshrined in Article 13 of the International Covenant on Economic, Social, and Cultural Rights, which recognizes "the right of everyone to education." It is evident that the Kuwaiti authorities, fully aware of the circumstances, are depriving Bedoon children of access to education, a prohibited act. These children are barred from learning, unable to acquire the knowledge necessary for their emancipation, and subjected to discrimination by Kuwaiti children. Without access to schooling, they are likely to become illiterate, perpetuating their cycle of poverty. Parents fear for their children's future as the government deliberately excludes them from free state schools. Paradoxically, Kuwait signed and ratified the Convention on the Rights of the Child yet disregards its obligations, choosing to ignore these children and violate their fundamental right to education, one of the most significant human rights.

### 4. Right to Health

Bedoons also face numerous health risks as they are denied their right to health, a fundamental aspect of human rights and dignity. The preamble of the 1946 Constitution of the World Health Organization asserts that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race,



religion, political belief, economic or social condition." The right to health was further affirmed as a human right in the 1966 International Covenant on Economic, Social, and Cultural Rights. The preamble emphasizes that this right should be guaranteed to every human being without distinction of social condition, highlighting Kuwait's failure to fulfill its obligations and deliberate violation of Bedoons' rights by denying them access to health services. The government refuses to provide them with medical care, making it impossible for them to manage their health, as they lack insurance coverage and must pay the full fees, often difficult due to their precarious financial situations resulting from harsh employment conditions. Bedoons often face higher fees for essential medical care unavailable at state facilities, exposing them to health risks due to a discriminatory system enforced by an unfair government. While they can purchase low-cost insurance plans allowing treatment in public hospitals, these plans exclude many tests, medications, and operations. Alternatively, undocumented Bedoons must seek treatment at private hospitals, which are prohibitively expensive for many, resulting in disparate treatment between Kuwaiti citizens and Bedoons.

#### 5. Lack of Civil Documents

Furthermore, Bedoons lack civil documents such as birth, marriage, and death certificates, as the government regards them as illegal residents, denying them property rights. Bedoon advocates report that many families struggle to obtain birth certificates for their children due to extensive administrative requirements, limiting access to government-issued identification cards, adequate medical care, schooling, and official statistics. The Ministry of Education has refused to pay salaries to Bedoon teachers with expired identification documents and suspended admission of Bedoon students to public schools, advising enrollment in private schools instead due to alleged space constraints. The Central Agency for Illegal Residents has instructed banks to close accounts of Bedoons without necessary documentation for ID card renewal. Many adult Bedoons lack identification cards due to administrative hurdles, hindering legal employment and travel document acquisition. Children unable to register for public school may resort to street vending to support their families, as private school fees are unaffordable, despite offering lower education standards than public schools. This government discrimination is evident, as Kuwait knowingly perpetuates these injustices. Therefore, the lack of identification cards has dire consequences, preventing Bedoons from traveling abroad, except for medical treatment, education, or Hajj pilgrimage to Saudi Arabia.



They are deprived of the fundamental human right of freedom of movement, which is essential for human dignity. Bedoons are confined to Kuwait yet treated as outcasts, labeled "illegal" within the territory.

Bedoons are marginalized and highly vulnerable to human rights violations, lacking protection from a government that deems them illegal residents. Bedoon girls and women face particular vulnerability to discrimination and abuse, enduring sexual harassment when seeking documentation. Additionally, the government fails to protect Bedoon women, whose unregistered marriages deprive them of legal rights upon divorce, leaving them unprotected from domestic violence and unable to seek separation. Bedoons suffer harassment, violence, and disrespect from Kuwaiti citizens, exacerbating their exclusion.

## **II. The Absence of Protection from Kuwait and its consequences**

### **A. Systematic Arbitrary Arrests**

It is crucial to remember that without Kuwaiti citizenship, Bedoons cannot expect protection from the State, leaving them vulnerable to various dangers. Bedoons detained in Kuwaiti jails have reportedly endured torture and beatings while in custody, a violation of fundamental rights outlined in the International Covenant on Civil and Political Rights. Article 7 of the Covenant states that "no one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

The Office of the High Commissioner for Human Rights has raised concerns regarding reports of torture inflicted on Bedoons in Kuwait, especially Bedoon activists. Despite national constitutional and legal provisions criminalizing torture and guaranteeing the right to a fair trial, including prompt access to legal representation, these provisions are often disregarded, contravening Articles One and Two of the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Bedoon human rights activists frequently face arrest, intimidation, and beatings without access to legal representation or fair



procedures. Kuwait has also targeted protests advocating for Bedoon's human rights. Even peaceful demonstrations result in arrests aimed at intimidating those exercising their rights to freedom of expression and peaceful assembly. Instead of addressing demonstrators' calls for Bedoon people's rights to nationality, education, and healthcare, authorities seek to silence and punish them. Abdulhakim Al-Fadhli, a Bedoon community member, has been repeatedly targeted. In 2012, he was arrested, tortured, and detained for over 100 days, enduring beatings, blindfolding, and stress positions. Two years later, in 2014, he and his brother were arrested again, this time on charges related to a demonstration supporting Bedoon rights. They were interrogated without legal representation, and when they reported torture during detention, their allegations were ignored by the court. While this is an older case, similar incidents continue to occur regularly in Kuwait, indicating an ongoing issue.

Bedoons are frequently subjected to arbitrary arrest and detention, lacking the means to defend themselves due to their absence of citizenship papers, which denies them access to justice. In July 2019, fifteen Bedoon activists were arrested following demonstrations protesting the death of a young Bedoon who had reportedly committed suicide after struggling to secure official documentation, resulting in the loss of his employment. While some detainees were released without bail due to poor health following a court appearance, others were sentenced to ten years imprisonment and forced labor, followed by deportation. Human rights groups in the region widely criticized the arrests and subsequent trial for violating basic rights to free assembly and free speech.

This is just one example of the ongoing violation of Bedoons' rights, leaving them living in constant fear. The harassment and suffering they endure daily since 1986 have never ceased. Despite promises of changes from Kuwait's government, particularly regarding the Nationality Law, no improvements have been made to Bedoon status, leaving them in a state of "illegal resident." The authorities are complicit in this system, fully aware of the government's actions yet failing to take action against it, exacerbating Bedoons' catastrophic situation.

Most recently, on January 30, 2024, Bedoon activist Mohammad al-Bargash was prosecuted for advocating for the human rights of Kuwait's stateless Bedoon population. Al-Bargash has been a prominent advocate for Bedoon rights in Kuwait. It is disgraceful that Kuwaiti





authorities are punishing al-Bargash merely for seeking to raise awareness among the Kuwaiti government and people and secure respect for Bedoon rights in their own country. This situation highlights the extreme risk of exercising freedom of expression as a Bedoon. Moreover, this is not the first time Kuwaiti authorities have attempted to imprison al-Bargash. On September 3, 2023, officers from the State Security Agency, without an arrest warrant and in plain clothes, detained al-Bargash at his workplace, an electronics shop in the al-Sulabiya neighborhood of al-Jahra governorate. He was accused of "spreading false news and rumors abroad" that would "undermine the country's prestige and standing" after an interview with a Saudi opposition channel broadcasting from Lebanon, discussing the Bedoon situation. Al-Bargash was held in prison for over a month and released when a trial court acquitted him on October 25, 2023. However, the prosecution appealed, and on January 31, 2024, he was sentenced to three years in prison, making him a prisoner of conscience. This systematic discrimination against Bedoons by Kuwait violates its legal obligations under international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, and the International Covenant on Economic, Social, and Cultural Rights.

### **B. The Role of the International Community Alongside Kuwaiti Authorities**

There is a significant silence from the international community regarding the Bedoon situation in Kuwait. Despite attempts by the United Nations and its various mechanisms to find solutions with Kuwait to address Bedoon's statelessness and remove them from their illegal status, little has changed in nearly 40 years. The Office of the High Commissioner for Human Rights has repeatedly raised concerns, denounced the abusive treatment of Bedoons, and advocated for equality between them and Kuwaiti citizens. They have also sounded the alarm on torture inflicted on Bedoons. However, progress has been minimal, as Kuwait is a closed state with limited information available, complicating the situation. Many prominent human rights non-governmental organizations, such as Amnesty International, have reported on the situation in the country, condemning Kuwait's practices and highlighting repeated human rights violations without facing consequences.



In 2023, Member of Parliament Mohammad Hayef suggested resolving the Bedoon problem by granting citizenship to all those entitled and then addressing the legal status of others. He emphasized, "We are only seeking to naturalize those who deserve it, and Bedoons should not continue to suffer oppression. It is unacceptable for individuals without identity to remain on our streets."

Another Kuwaiti MP, Abdullah Fahhad, described the Bedoon's plight as a "bleeding wound" in the nation, noting that a new segment of Bedoons is now resorting to using fake passports, facing yet another challenge. He criticized the central agency for Bedoons for treating them in a racist manner despite their decades of suffering. Another Kuwaiti MP, Hamad Al-Matar, stated that the Kuwaiti people are frustrated due to past political disputes and are seeking achievements, which can only occur through cooperation between the government and the Assembly. Despite calls by some MPs for the government to reassess subsidy policies by abolishing all forms of subsidies and replacing them with fixed financial assistance to Kuwaiti families, the government and a majority of lawmakers rejected these proposals. These statements indicate the determination of Kuwaiti MPs to finally address and resolve the Bedoon situation in the country, which has become intolerable. However, this also underscores the complex relationship between the government and the parliament. It is evident that the Kuwaiti government is not inclined to resolve the situation and continues to exacerbate it.

Therefore, it would be beneficial if the international community took action in support of the Bedoons, but it remains largely silent. This issue concerns the international community as it cannot be disregarded simply because it is occurring in a foreign country. Moreover, some Bedoons who fled Kuwait crossed borders illegally due to a lack of identification papers. While this is not their fault, these individuals enter countries without asylum applications and lack protection from any government, unable to be repatriated as they are not citizens of their home country. Consequently, European countries such as France and Great Britain are faced with Bedoons arriving in their territories without viable solutions to the problem. Hence, countries worldwide must denounce the situation and take action to protect Bedoons from Kuwait's atrocities. The silence on this matter may be attributed to the economic relations Kuwait maintains with the rest of the world, particularly European countries heavily



dependent on oil production. It seems countries are hesitant to denounce human rights abuses and align with protecting their relations with Kuwait.

Kuwait should take immediate action to resolve this situation by granting Bedoons Kuwaiti citizenship, protecting them from human rights abuses, and ceasing violations of their rights without delay.

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