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REFUGEES INTERNATIONAL

Statement for the UN UPR Session 9 Pertaining to

The State of Kuwait

September 23, 2010

Refugees International is a 30-year-old independent NGO based in Washington, DC that advocates on behalf of refugees, internally displaced people, and stateless individuals.

More than 12 million people around the world are stateless or at risk of de facto statelessness. Either having never acquired citizenship in the countries where they were born, or having lost it, they have no legal bond of nationality with any state.

In Kuwait, the Arabic word *bidoon* is used to denote longtime residents who are stateless. The present estimated number of *bidoon* in Kuwait ranges from 80,000 to 140,000, less than half the number who resided in the country prior to Iraq's invasion in 1990. Their lack of legal status negatively impacts all areas of life: identity, family life, residence, health, jobs, and political voice and has been repeatedly documented.

RI visited Kuwait in July 2007, August 2008, June 2009, and most recently in April 2010. Like others, Refugees International has highlighted that *bidoon* children generally cannot obtain a birth certificate because their parents are not given marriage certificates. They can not access government education so their parents must pay for private, poorer-quality schooling. Since work in the formal sector is precarious and only possible through favors, *bidoon* seek jobs in the underground economy – selling produce on the street, hawking bootleg DVDs, or selling blood and organs. Healthcare offered free of charge to citizens is withheld from *bidoon*. Some *bidoon* are reluctant to marry because they can not support a family and fear that their children would face the same hardships. In Kuwait, citizenship is passed on through fathers but not mothers, children of a Kuwaiti woman and a *bidoon* husband are also *bidoon*. But because a child of a divorced Kuwaiti woman or widow can acquire some rights, so there is incentive for couples to divorce for their children's future.

There is a notable lack of transparency in the process of trying to adjust one's legal status. Stateless people are forced into compromises, exchanging money or other favors, using

another person's name to buy a home, register a marriage, or maintain a business, for example, or purchasing a passport with the most unlikely national affiliation.

Kuwaiti courts are barred from hearing cases relating to citizenship. As a consequence, bidoon can not have citizenship claims adjudicated. Nor has the Kuwaiti Parliament's committee to address the issue of the bidoon resulted in concrete action. The annual law granting citizenship to some 2,000 bidoon remains unfulfilled.

In 2008, the Committee of the Convention on the Rights of the Child recommended Kuwait establish a data collection system to ensure that disaggregated data, including on migrant children and stateless children, is systematically collected and analyzed for measuring policy implementation. The Committee encouraged Kuwait to seek the assistance of UN agencies and programs, including UNICEF. The Committee also recommended Kuwait strengthen measures to disseminate the provisions of the Optional Protocol, with priority given to migrant children and stateless children.

In 1999, the Committee on the Elimination of Racial Discrimination (CERD) highlighted its concern that, in spite of efforts, Kuwait had not found a solution to the problems of bidoon. The Committee recommended that the State party find a solution to the problems faced by the bidoon and ensure the enjoyment of their rights without any discrimination, in accordance with articles 2 and 5 of the Convention.

But human rights mechanisms have not made even a tiny dent in the case of the bidoon. In fact, the international human rights framework continues to fail stateless people.

- Kuwait must be pressed to formulate and implement a plan to secure civil and political rights, including transparent evaluation of all unresolved bidoon cases.
- The Minister of Health should be immediately directed to register every child at birth, regardless of parents' nationality or status.
- Kuwait should revise its nationality law, particularly regarding the equal right of women to pass on their nationality to their children. Kuwait should amend the law barring nationality matters from court jurisdiction.
- Kuwait should establish a national human rights institution; and the UN Human Rights Bodies should establish a presence in the country.