

Kuwait  
UPR- Stakeholder Submission  
Second cycle, 21st. session (January-February 2015)  
Interest Group Report

June 10, 2014

### Keywords:

Bedoons, Kuwaiti bedoun, Bedouns citizens, stateless persons, Kuwait, without Kuwait, the Central Agency for Illegal Residents, Abdul Hakim al-Fadhli, Nasser Al-Fadhli, Ali Habib, Abdullah Atallah

### Initiation:

In light of Kuwaiti Bedoun demands over the past four years, and trying to develop these demands in feasible solutions with clear formulas, systematic and legal insight, The National Project to Solve the Issue of Kuwaiti Bedoun (Citizens Initiative) was launched at the beginning of January 2013, to communicate with members of the Kuwaiti Bedoun community, enabling them to formulate their visions and have a primary role in the management of their cause. The reason behind the vote for this name stems from our belief that the Bedoun are Kuwaiti citizens with a citizenship that has been disabled intentionally, in possession of an outstanding right to Kuwaiti nationality and they have stayed in Kuwait adequate periods of their lives, which, if taken into account, would have obtained citizenship long time ago based on the national laws that ensure community integration. We believe that original Kuwaiti citizenship law, before the amendments, deletion and addition, could be described as “the closest perfection”. We aspire that the solidarity of both the Kuwaiti and Bedoun communities enable them collectively to deliver their voices to the world and impasse segregation, mortification and harassment course of action which Bedoun community suffer in their motherland.

Citizens Initiative supports all efforts related to the promotion of human rights in Kuwait, reserving not a single local or international endeavour in formulating a vision to salvage Bedouns. Hence participate in the submission of this report for the 21st. cycle of the Universal Periodic Review of the human rights situation in the State of Kuwait in respect to the case of the Bedoun.

Citizens Initiative is confident that legal, fair and comprehensive settlement and of the issue of Kuwaiti Bedoun (whom often referred to as the stateless in Kuwait) is the portal to the remedy of many ailments that afflict the human rights situation in the State of Kuwait. Justice, dignity, equality



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and the promotion of fundamental rights, which are the demands of the Kuwaiti Bedoun today are the pillars of the Universal Declaration of Human rights, and failure of being bestowed to all human beings living on the State of Kuwait equally without any discrimination is consider partial and incomplete treatments.

## Recommendations:

The Initiative highlights below its observations and recommendations to the Government of the State of Kuwait on the extent of implementation of it's voluntary pledges and recommendations and observations that have accepted them in front of the UPR mechanism at its eighth session in order to reach optimum compliancy:

1. Reverse the changes in original Kuwaiti laws prior to amendments, which recognizes the legal status of Bedoun prior to cancellation in 1987. Paragraph (d) of the Foreign Residency number (17) of 1959, which exempted the mobile tribes across the border from the requirement to obtain a passport. It is the only paragraph that explicitly states bidoon in Kuwait are not foreigners thus not covered by the law of the residence of foreigners<sup>1</sup>.
2. Abolition of the Central System to Resolve Illegal Residents' Status since it is merely and exclusively handling the matters of Bedoun which is out of his jurisdiction. The Bedoun are outside the framework of the residency law - according to legal status, explained previously. Replacing it with the judiciary and a new independent, national, human rights body that is compatible with Paris Principles of 1990.
3. The issuance of a comprehensive law for the rights of the child that complies with the provisions of the Convention on the Rights of the Child, ratified by the State of Kuwait, including the right of unconditional citizenship to stateless or of unidentified nationality children born on its soil, especially if refrain renders the child stateless.

<sup>1</sup> Excluded from Residence Act No. 17 of 1959 in Article 25 (paragraph d) , the Bedoun fall in the category described by the law: communities of people, including members of the tribes who enter Kuwait overland from their conventional routes for their trade". Amended by Decree-Law No. 1987/41, however, that amendment can not affect the legal status of eligible parties because the law does not apply retroactively based on the Kuwaiti Constitution, which states in Article 32 that: (no crime or punishment except on the basis of law, no punishment except for acts committed subsequent to the date of the law stipulated.) So all Bedoun population present in Kuwait until the year in question are legal residents.



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4. Granting Kuwaiti citizenship through “the right of blood” to Kuwaiti mothers children despite of the father’s nationality, maintaining equality between men and women in the right of passing their citizenship to their children<sup>2</sup>.
5. Adjust articles on withdrawal of citizenship, narrowed to the strictest border to have a personal not an incidental impact.
6. Lifting the ban on judiciary to proceed issues of citizenship, administrative deportation and the establishment of houses of worship in compliance to the Kuwaiti constitution, which states in Article 27 that: Kuwaiti citizenship is prescribed by law. Shall not be invalidated or withdrawn except in the limits of the law. Article 35: Freedom of belief is absolute, and the state protects the freedom of religious expression in accordance with established customs, without prejudice to public order or morals.
7. Bedoun inclusion in development programs and plans for social welfare of the state.
8. Prepare a national strategy plan to protect promote human rights and to elevate awareness in education and among the Kuwaiti society, based on clear studies measuring impact.
9. Amend the law on combating trafficking in persons and smuggling of migrants in accordance with the provisions of the Protocols United Nations Convention to Combat Transnational Organized Crime on combating trafficking in persons and smuggling of migrants.
10. The inclusion of a clear definition of the crime of torture under the provisions of the Kuwaiti Penal Code, including match perfectly with Articles 1 and 4 of the Convention against Torture, and Article 7 of the International Covenant on Civil and Political Rights.
11. Kuwait's accession to the agreements that have not ratified yet, including: the first Optional Protocol to the International Covenant on Civil and Political Rights on the submission of complaints by individuals, and the Convention on the Reduction of Statelessness, the Convention on the Status of Stateless Persons.

<sup>2</sup> “Any child born in Kuwait to a Kuwaiti mother, and his father was of unknown nationality or has no nationality, according to the provisions of Section 1 of Article III of the Amiri Decree No. 15 of 1959, granted the Kuwaiti”. Citizenship Act, amended by Law No. 100 of 1980 discarding the paragraph.



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12. The need to declassify the latest official statistics for the number of Kuwaiti Bedoun and scientific and social levels based on the latest national consensus, enabling the country's authorities and civil society bodies and personells to participate in shaping perceptions of their case.
13. The need to restrict the administrative decisions related to human rights in the time of peace.



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