

KUWAIT: HONOR NATIONALITY RIGHTS OF THE BIDUN

The Government of Kuwait must move to resolve statelessness within its borders. Despite a new parliamentary initiative to grant some civil and social rights to the bidun, an estimated 80,000 to 140,000 people continue to reside in the country without an effective nationality. Every time the citizenship issue comes up for debate, other matters arise that preclude concrete action to rectify the situation. But human rights are not open to discussion. Unless Kuwait takes steps now to grant citizenship to bidun children at birth and undertakes the process to naturalize existing bidun cases, coming years will witness a dwindling of the Kuwaiti proportion of the population thereby potentially threatening the sustainability of the nation itself.

100,000 People with Nowhere to Go

Kuwait's 1959 Nationality Law defined nationals as persons who settled in the country before 1920 and maintained normal residence there until enactment of the law. At that time, about one third of the population was recognized as founding families, another third was naturalized, and the remainder was classified as *bidun jinsiya* (without nationality) which now numbers 80,000-140,000. The irony is that while the bidun self-identify as Kuwaiti, expressing love and loyalty for the land of Kuwait, a deep-rooted concern to protect the Kuwaiti identity has contributed to the intractability of the statelessness problem.

Lack of legal status impacts all areas of life for bidun: their identity, mental health, family life, residence, health, livelihood, and lack of a political voice. The problem starts at birth. Bidun children are not given a birth certificate but are instead issued a paper that specifies gender but not a name. Without birth certificates, children can not access government education. Parents must pay for private, poorer-quality schooling.

Adults who have managed to obtain identification describe ID card renewal as interrogation. "They try to prove your family roots are derived from any other country," one man stated. Then there are

Policy Recommendations

- ❑ Kuwait must begin immediate and transparent reviews of all bidun cases towards providing naturalization and at the same time consider undertaking a tolerance campaign to address discrimination in the society at large.
- ❑ Kuwait should provide civil registry and social services equitably, particularly ensuring that birth certificates, inclusive of name, are provided for all children.
- ❑ Kuwait should follow the example of progressive Islamic-majority nations in granting equal rights to women and men under the country's nationality law.
- ❑ The Office of the UN High Commissioner for Refugees should facilitate dissemination of its previously commissioned study of statelessness. UNICEF should develop an action plan in conjunction with the Kuwait government on birth registration and child education.

forms to be completed, supporting documentation, photographs, and a KWD 82 fee (\$306). “If after this you are willing to leave the country, they will treat you gently. Otherwise you are referred for DNA and blood tests and finger printing.” Some succumb to the lure of counterfeit passports. One family may hold documents identifying brothers as Dominican and Eritrean.

Employment in the formal sector is precarious and only possible through “favors”, so bidun seek livelihoods in the underground economy – selling produce on the street, hawking bootleg DVDs, or selling blood and organs. Their vulnerable status and lack of institutional protection renders them exploitable in what one source described as “a new form of slavery.” Many young bidun rule out marriage entirely: “I know 38 men who purposely stayed single,” one man recounted, adding in his case, “I see the painful example of my brothers and their kids trying to survive without citizenship.” A father noted, “Psychologically, I feel frustrated and angry, that I’m a failure. But I keep quiet and endure so as not to jeopardize my children’s future.”

The Kuwaiti Red Crescent provides food assistance on a bi-monthly basis to a limited number of families and distributes clothes at Ramadan. The International Committee of the Red Cross pursues missing person cases from the time of the Iraqi occupation as well as carrying out detention visits to Iraqis, stateless and Palestinian detainees, some of whom were detained in connection with the 2nd Gulf War. The UN, dependent on Kuwaiti funding, has not seen fit to act in a robust way but did commission a study, with the resulting report insisting that the issue is a priority. Still, there has been little action discernable by bidun themselves. “Our lives are wasted in limbo,” expressed one woman. “With no driver’s license, people lined up to take my job, and no hope of a pension, the anger builds up in me like a mighty volcano,” said another man.

A Year of Progress?

There is little agreement on the character of developments since Refugees International’s last assessment in July 2007. People attuned to the issue alternatively suggest “nothing has changed,” “the situation is worse,” or “there is some evidence of change, some small positive steps.” An article in the Kuwaiti newspaper *Al-Qabas*, entitled “The Thorny Issue of the Bidun,” described the situation succinctly: “Citizenship has been the most important issue on the table of the executive and legislative authorities for long years... like a snow ball that has now grown too large to handle easily. There is... hesitation among members of parliament when it comes to resolving this issue...There are plenty of suggestions but there is no serious will to...close this file.”

Those who try to see the glass half full cite more press attention, supportive leaning of some members of Parliament, scheduling of sessions and workshops on the issue, government eagerness to exchange counterfeit passports for reinstatement of stateless status, and the fact that bidun are speaking out. Conversely, the annually published list of would-be new citizens was altered to exclude children of Kuwaiti mothers and bidun fathers (citizenship in Kuwait is conveyed only by males and advancement toward equal rights for women is slow), some bidun lost government jobs, and at least one person remains detained outside Kuwait on a false passport. There was alarming talk of mass “transfer” of bidun to the Comoros Islands, but this has since been denounced as rumor.

There is a new proposal in parliament to honor some civil and social rights of the bidun, but there is little hope that this will move forward as previous proposals have not even been discussed on the floor. Last year saw some action on plans to admit 100 bidun at Kuwait University for children of foreigners or children of Kuwaiti mothers but not children of bidun fathers and mothers. A proposal that some police, nursing, and teaching jobs be open to bidun was never realized. The release of tens of stateless individuals from detention constituted a welcome gesture, but remained only that, as no procedure was activated, or legal precedent created, to avoid future detentions without cause. Several sources indicate that one stateless man has been detained for several years without a hearing.

Conclusion

Kuwait is a responsible member of the international community, helping people through multilateral and bilateral aid programs. The same generosity applied to the case of the bidun would have a tremendous impact at home. One possible solution would be to grant citizenship to newborns and then begin the process of reviewing all open cases.

While some regard the bidun issue as a migration problem, it is more accurate to consider it one involving human rights. “When Iraq occupied Kuwait,” recalled one man, “the main argument for assistance for liberation was Iraq’s violation of international law and the global community’s obligation to respond. The same obligations ought to apply to regularizing the status of bidun. You can’t cherry-pick statutes of international law.” Ultimately, the bidun are simply looking for the dignity of being recognized as human beings with a legitimate sense of belonging.

Senior Advocate for Stateless Initiatives Maureen Lynch and Consultant Michael Scott assessed the situation for the bidun in August 2008.