



**INTERNATIONAL COUNCIL SUPPORTING
FAIR TRIAL & HUMAN RIGHTS**

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OFFICIAL LETTER HEAD OF THE ORGANIZATION
38th HRC Session, Geneva, Switzerland

Eleventh Session of the Forum on Minority Issues

Statelessness: A Minority Issue

Ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities

Thank you Mr. Chair,

I am making this intervention on behalf of International Council Supporting Fair Trial and Human Rights (ICSFT). I would like to thank Secretariat on Minority Issues for organizing this useful and informative forum. I would also like to extend my thanks to the panelists and participants for their insightful remarks under this agenda item. My intervention will focus on the situation of Bidoon and Shia minorities in Kuwait.

The right to nationality is a fundamental human right enshrined in the Universal Declaration of Human Rights. The 2030 Agenda for Sustainable Development, and in particular target 16.9 of the Agenda also reaffirms "legal identity for all, including birth registration".

The Kuwaiti government has yet to address the citizenship concerns of over 120,000 Bidoons, who are stateless in Kuwait. Since 1986, the government has stripped the stateless of the legal right to all public services, including free education, housing, and health care, and ultimately, Kuwaiti citizenship, claiming they lack the proper documents proving their rights. Any attempts to gain their basic rights have failed in the face of government indifference with a great chance of being deported lurking in their daily life. The systemic discrimination towards Bidoon have contributed to the community's relative poverty and social segregation, they live in slum-like settlements on the outskirts of its cities. Regardless of their level of education, Bidoon face discrimination in employment as a result of their illegal status.

Of note, Kuwait does not allow its female nationals to confer nationality to their children, and as a result a Kuwaiti woman married to a Bidoon man gives birth to stateless children—entirely in contravention of Kuwait's international obligations. Following repeated call by rights groups the Kuwaiti government introduced a law that permitted the naturalization of Bidoon and their descendants based on a yearly quota; however only a small number of Bidoon were able to acquire nationality through this process.

David Weissbrodt, UN special rapporteur on the rights of non-citizens said a person should be eligible for the citizenship of the country with which she or he has the closest link - Bidoons have been living in the country for decades. Committee on the Elimination of Racial

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Discrimination stated in its 2017 report that Bidoon do not enjoy equal access to social services, due process and legally valid civil documentation and urged the Kuwaiti government to find a durable solution to the problems faced by Bidoon including the fact that citizenship applications for Kuwait nationality be addressed in a transparent manner and as per international standards that demand due process of law. Affirming as per international law, Kuwait is in violation of the terms of naturalization for the Bidoons.

In addition, the Kuwaiti government continues to discriminate against its Shia minority community in education, employment, law, culture, and religion. Many members of the country's Shia minority now fear that the authorities are increasingly willing to use torture and harsh sentences to target its Shia minority.

Mr. Chair

In this context, ICSFT recommends the following steps to be taken:

- ❖ The UN Forum on Minority Issues should convene a session dedicated to addressing the systematic discrimination against the stateless population of Bidoons in Kuwait, and shed light on the violation of human rights of the Bidoons and demand the Kuwaiti government for long overdue reforms – specifically change of laws and practices in this regard.
- ❖ The Forum along with the office of the Special Rapporteur on minority issues should urge the Kuwaiti government to establish an independent tribunal to access naturalization claims by Bidoons and ensure its effective implementation.
- ❖ Kuwait must find a sustainable solution in accordance with international standards to remedy the situation of Bidoons and Shia minority to ensure that they are not victims of systemic discrimination.
- ❖ Finally, Kuwait should take steps to ensure that the basic rights of its stateless population are respected, including their inalienable right to nationality, education, employment, health care, housing and other basic social services as enshrined in the Universal Declaration for Human Rights.

Thank you Mr. Chair

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