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## Human Rights Watch Statement

### Adoption of the outcome of the Universal Periodic Review of Kuwait

23 September 2010

Human Rights Watch welcomes the Kuwaiti government's support for recommendations to enact legislation protecting the labor rights of domestic workers, and to grant stateless persons permanent residence and improve their access to healthcare and educational services, which would help address two of the most pressing human rights concerns in the country.

We understand that the National Assembly will review draft domestic worker legislation that would limit working hours and require a weekly day off and timely payment of salaries; we note that domestic workers also must be able to terminate employment at will. We welcome the government's support for recommendations that this legislation be adopted as soon as possible (Paragraph 79.69). We also call upon the government to give high priority to the recommendation to investigate and prosecute abuses against domestic workers (Paragraph 79.71). Punishment for legal violations and criminal abuses remain vital to deterring future domestic worker abuse.

However, Human Rights Watch notes with great concern the government's contention that "the definition of stateless persons in Kuwait had no legal basis, as they were called 'illegal residents.'" (Paragraph 75) We contest Kuwait's claim that all persons living within its territory who describe themselves as stateless, also known as "Bidun," are in fact illegal residents who hide other nationalities.

Human Rights Watch reported in 1995 and 2000 that, upon the state's formation, many longtime residents of Kuwait did not apply for nationality, and that the state did not complete measures to regularize their status, leaving them stateless.

In January 2010, we returned to Kuwait and confirmed that the Bidun still could not register births, marriages, or deaths because of their lack of legal identity in the country; and that they faced discriminatory access to employment, health care, and education. In particular we note that Bidun children may not enroll in free government schools, but must attend inferior private institutions. In some cases, we found that children did not attend primary school in years where families could not afford tuition. Kuwait also claims that non-citizens pay only "nominal" health care fees. However, several Bidun stated that they could not

follow prescribed courses of treatment or undergo recommended operations because of prohibitive costs.

The government asserted during the UPR interactive dialogue that “illegal residents enjoyed the right to gain access to courts” (Paragraph 75). However Kuwait’s Law on the Organization of the Judiciary prohibits courts from reviewing matters related to “state sovereignty”, including individuals’ claims to nationality, effectively barring stateless residents from contesting their legal status in a Kuwaiti court of law.

Human Rights Watch urges Kuwait to grant the Bidun permanent residency status and equal access to civil rights as soon as possible, and to expedite review of pending claims to nationality. We regret the government’s preliminary decision to reject the recommendation to “recognize the right to Kuwaiti nationality of those persons who have been left stateless due to the nationality law in 1959, and to provide for the same enjoyment of their human rights as to other citizens,” (Paragraph 81.4), and prevails upon them to reconsider and fully implement it as a matter of high priority.

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