



هوية وطن

Group29

A Nation's Identity

Observing and Documenting the Violations Of Stateless (Bidoun) Children's Rights



Researchers

Bashayer Abdelrazzaq
Zeinab Ma'refi
Falah Althwani
Lama Al-Othman

Masha'el Al-Shwehan
Hadeel Boqrais
Yousef Al-Basheq

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Introduction

Kuwait, 10th July, 2012

Group29 is a voluntary group whose name is derived from Article 29 of the Kuwaiti Constitution, using it as its guiding principle in seeking to advocate for human rights in society. The Article states that "All people are equal in human dignity and in public rights and duties before the law, without distinction to race, origin, language or religion." Considering the Group's commitment to human rights and equality, the case of the "stateless" (Bidoun) became an urgent priority in order to lift the obvious and gross violations of their basic human rights, guaranteed by the Kuwaiti constitution and international agreements.

Group29 believes in the responsibility of civil society organizations in the delivery of victims' voices and the promotion of the human culture and raising the legal awareness of humanitarian issues. Group29's objectives emanate from its conviction in the important role of civil society and its ability to influence and effect change towards a more potent and legitimate constitutional and democratic oversight of government practices to detect deficiencies in the implementation of international agreements and urge to implement them effectively and completely. It also contributes by documenting the progress or failure of government in the fulfillment of its obligations to the provisions of the agreements it ratified, and by research, monitoring, and making recommendations for the protection of human rights and the alleviation of human suffering.

Group29 provides this field report to the Committee on the Rights of the Child as an alternative report from Kuwait. The report aims to observe and document the cases of stateless children rights' violations in accordance with the Convention on the Rights of the Child which Kuwait ratified.

This report was prepared in the period between June 10 and July 10 2012, using the approach of field visits and personal interviews, photos, and official documents. Researchers investigated many cases and documented in this report twenty five of them,

noting that the names contained in the report are pseudonyms; the researchers chose not to disclose their identities in the interest of their safety and privacy.

The report is divided into three chapters. The first chapter summarizes the historical emergence of the issue of the stateless (Bidoun), while the second chapter is the main body of the report that delineates all cases observed of stateless children rights' violations of the Convention on the Rights of the Child. It is divided into five sections: the right to identity, the right of expression and peaceful assembly, the right to health care, the right of disabled children, the right to education, and the right to social security and protection from economic exploitation. The final chapter contains the results and recommendations.

Lama Al-Othman

Field Research and Documentation Team Coordinator

Group29

Chapter 1. The Historical Emergence and the Current Status of the Stateless (Bidoun) Issue

The issue of the stateless (Bidoun) arose in Kuwait with the beginning of the implementation of the Amiri Decree No. 15 of 1959 pertaining to the law of Kuwaiti nationality. The committees of naturalization at that time followed a mechanism for citizenship entitlement lacking in regulations and conditions that were clear and known to all. Among its conditions was proof of residency period in Kuwait through supporting documents and testimony of witnesses, and such policy did not observe the nature and circumstances of desert dwellers (they make up a large portion of the category of the stateless (Bidoun) who do not have documents or identification proofs, in addition to other reasons such as living in remote areas, lack of knowledge of the



Figure 1: an example of a work permit issued for the Bidoun which were called the bidouins of Kuwait, before the term was cancelled by the Amiri decree number 41 of 1987

existence of naturalization committees, neglect and lack of interest at the time to register in those committees, and lack of awareness about the importance of acquiring citizenship documents and its value and advantages.

Therefore, the State allowed stateless people (Bidoun), whom they called Badeyat Al-Kuwait "Bedouins of Kuwait" to legally reside in Kuwait by exempting them from the residency requirements and procedures contained in the Amiri Decree No. 17 of 1959 regarding foreign residents. Item (D) in Article (25) of the law stipulated "the exclusion of tribal members who enter Kuwait from directions they are accustomed to, to conduct their usual business." This item was later cancelled by the Amiri decree No. 41 of 1987.

The year 1987 was a turning point in dealing with the stateless (Bidoun). Prior to that date, the State recognized them by including them in the official census for Kuwaitis. Between 1959 and 1986, the State granted them rights similar to the rights of citizens

(excluding the right to vote). Moreover, the Bedouins and other categories of the stateless (Bidoun), who shared the same roots with citizens, were given special concessions because the State needed them in many fields, mainly in the military sector. They had full rights to education, health care and employment until 1987 when the State altered its approach and used constrictive policies against them to persuade them to "adjust their status". The government withdrew basic civil and human rights from them, deprived them from the right to education, healthcare, and employment, and prevented them from obtaining marriage, birth and death certificates. Workers in security sectors (military and police) were exempted from these constrictive policies. After the liberation of Kuwait from the Iraqi occupation in 1991, the policy changed to include all stateless (Bidoun) categories without exception. Their name changed several times since the beginning until this day from "Badeyat Al-Kuwait" (Bedouins of Kuwait), to the "Stateless" (Bidoun), to "Non-Kuwaitis", to "Unspecified Nationality" then finally to "illegal residents", although the term "illegal residents" is used to describe those who enter the country unofficially and without announcing their presence, which does not apply to the stateless (Bidoun) who were allowed by former laws to stay in Kuwait and excepted from completing residency procedures. They were employed in State ministries and institutions and registered in its official records. It is illogical to describe them as the illegal residents when they constitute four generations born and living in Kuwait for more than five decades.

The human and social implications of the stateless people's suffering became a strain on society, the parliament, and successive governments. "The Central Committee for Addressing the Situation of Illegal Residents" was established in 1993, and one of its functions was "the implementation and follow up of the decisions and directives adopted by the Council of Ministers regarding illegal residents". Because of the Committee's failure to resolve the issue in the time frame set for it, in 1996, "The Executive Committee for Illegal Residents' Affairs" was established and headed by the Minister of Interior. This time, the Committee was granted executive functions, except that it opted for pressure and harassment methods instead of finding just and humane solutions. The Deputy Secretary of the Executive Committee Brigadier General Faisal Nawaf Al-Sabah confirmed in a press statement in 2006 the responsibility of police officers in "having gone too far in insulting the dignities of people and caused the reputation of the Executive Committee for the Stateless to be severely tarnished."

In 2010, "The Central System for Remediating the Status of Illegal Residents" was established, and in March 2011, it offered 11 "benefits" such as free education and medical treatment, the right to employment, rights for the disabled, civil documentation, and other "facilities". However, these "facilities" are granted only to those with "valid security cards" (cards issued for the stateless) and they are not applied effectively. Some of these benefits were not put into effect, such as the right of work and the right of the disabled who do not receive any health, rehabilitation care, or education commensurate with their health status. As for those not registered with the Central System or holders of expired cards from the "stateless", they are deprived of all these fundamental human rights, and this is the category facing double burdens and harsh living conditions. This category of the stateless who do not carry "security cards" or have cards that the Central System declined to renew are the owners of counterfeit passports or those with the worst security restrictions.

The owners of counterfeit passports are the victims of the commercial offices that were advertised in the newspapers, and whose advertisements for selling passports were also posted on the walls of the Executive Committee. Owners of such passports paid large sums of money for the acquisition of passports of African and Latin American countries they hardly knew of in order to rid themselves of the harassment, and the psychological and social pressure used by the government as a policy to coerce them into "adjust their status". They were hoping that the government's promises to grant them residency and basic rights will come true, only to discover later that these passports were counterfeit. The owners of these passports today are without any protection because they are not citizens of those countries, and cannot return to their former status as stateless (Bidoun) due to the closure of their files. They have come to be known as the Bidoun of the Bidoun (the stateless within the stateless).

As for those whose security cards were not renewed under the pretext of "security restrictions", they are deprived of the limited protection the "security card" currently provides. The imposition of security restrictions is a harassment policy used to put pressure on the stateless (Bidoun). Those with "security restrictions" are treated as offenders without giving them the right to resort to the judiciary system to prove their innocence of these accusations, contrary to what is stipulated in the Kuwaiti Constitution that "the accused is innocent until proven guilty in a legal trial that affords

the necessary guarantees to exercise the right of defence, and it is forbidden to abuse the accused physically or mentally."

The stateless (Bidoun) are deprived from access to the judicial system to prove their right to nationality on the grounds that the Nationality Law categorizes it as one of the "sovereignty acts", and the judiciary system is prohibited from considering disputes over sovereignty acts, nationality related disputes being one of them. This prohibition is in contravention of a fundamental right guaranteed by the Kuwaiti Constitution in Article 166 that states "the right to litigation is guaranteed to the people."

This report aims to observe and document the violations of the "stateless" (Bidoun) children's rights as stated in the Convention on the Rights of the Child ratified by Kuwait. Stateless children are the victims of policies that deny some stateless categories fundamental human rights such as the right to identity, the right to expression and peaceful assembly, health care, rights of disabled children, and social security and protection from economic exploitation. These rights are guaranteed by provisions of the Convention that require signatory states to take all appropriate measures to protect children from all forms of discrimination or punishment, as stated in Article 2:

- 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*
- 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.*

Chapter I Sources:

1. "Past Prisoners Report: The Stateless (Bidoun) in Kuwait and the Burden of Living without Nationality," Human Rights Watch, June 2011.
2. Dr. Fares Matar Al-Wugayan, "The Stateless (Bidoun) in Kuwait, Crisis and Implications," International Politics Journal 175, January 2009.
3. Interview with a member of the Stateless (Bidoun) Kuwaitis Group.

Chapter 2. Observing Violations of Stateless (Bidoun) Children's Rights According to the Convention on the Rights of the Child (CRC)

2.1. Study of Identity

2.1.1. Articles Relevant to Identity and Passport

2.1.1.1. Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

2.1.1.2. Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public),

public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

2.1.2. Observed Cases

2.1.2.1. First Case

“My son might be considered the oldest among "stateless" children who do not have birth certificates. He is 14 years old. We spent these years with him in doubled loss of identity. He is not only "stateless" (Bidoun) but he is also without a name and without any document to prove that he came to this world.” This is how the mother of S.B. started her talk about her son who has nothing but a carbon copy with ink that faded over the years representing a "temporary receipt". This receipt was supposed to have been a temporary paper until the birth certificate is issued within a day or a week maximum. However, the period extended and this child is still without a birth certificate.

The birth certificate means more than proof to a live birth. It is the first document that determines the course of a child's life in vaccinations, health care, education, social benefits, and in all his/her other rights.

The carbon copy called "notice of birth" had the required vaccinations written on it in a random and unorganized fashion, and his mother mentioned that she and the nurses were always confused whether the child has taken the right vaccinations in the right time.

His mother says that "the treatment is another story. Every time he falls sick we suffer in health care centers, because the registration systems depend on the civil identification number and there is a file for each patient. This is what he lacks because he does not have a birth certificate.

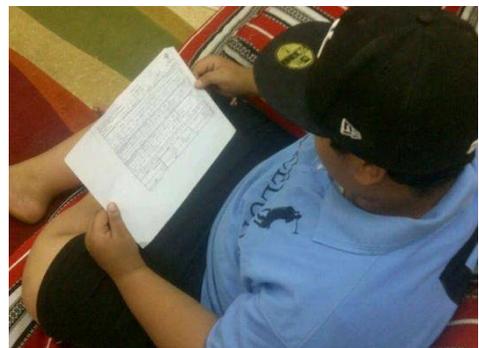


Figure 2: S.B. holding his birth notification

This is particularly important in his case since he suffers from asthma and needs constant attention." About education his mother describes "every academic year we live in worry of whether they will continue to register him using the temporary birth notice as

officially he does not really exist. Although his father is a military serviceman and military servicemen enjoy some advantages such as social allowance for children, travel assistance etc., not having a birth certificate has deprived him of all these rights which made the financial situation of the family worse. We also cancelled many of our travels to take into account his feelings even Al-hajj and Umrah, and our rights to practice our religion which we are now deprived of. What hurts us the most is our feeling that we inferior to our peers. We did not imagine that our country which our grandfather served in its oil company in the thirties and our father in its military service in the seventies, would until this day withhold from us a document that proves the existence of a living being."

2.1.2.2. Second Case

The father of Mohammad and Nouf says, "The State was negotiating with us to accept the codification of the nationality of country other than Kuwait, or they will not grant us birth certificates for our two children. That was our situation for 8 years without any proof, except only the health insurance card, which is not considered a personal identification in any official agency. Zakat House, a charitable organization, was paying the cost of the health insurance card for the stateless (Bidoun)."

And the father continues, "Every year they ask us for the birth certificate and the security card for our children, and in case we did not have them, as it is in our case, the school does not register the child until they get clearance from the government that they can accept the notice of birth."

And he continues, "Their mother and I are unemployed as the law does not allow the stateless to work. That makes it difficult for us to take care of our children and their studies. We get from Zakat House minimal financial aid every four months, and medication provided is not effective so I'm forced to buy medicine from the pharmacy. My children are in good health but if they ever needed treatment abroad, they will be unable to travel."

He adds, "In addition to not owning birth certificates, they also do not carry passports and thus they are deprived from travel. Their mother is Saudi and when she travels she can never take her children with her. And the reason they do not have birth certificates is the Executive Committee's claim that the brother of their grandfather has security restrictions, and it is the same reason that prevented the issuance of the security card and the marriage contract of the parents."

The father of the two children goes on, "We are now trying to issue the birth certificate after the Council of Ministers issued its directives in March of 2011 allowing that. However, the procedures are troubling, complex, and humiliating. Because our children exceeded six years of age, we have to prove they are our children by going through the Genealogy Cases Committee in the Investigation Bureau, gathering the testimony of witnesses, DNA testing and court proceedings to prove parenthood. We spent one year and three months to date and are still going from one administration to another to issue a birth certificate proving the existence of our children!"

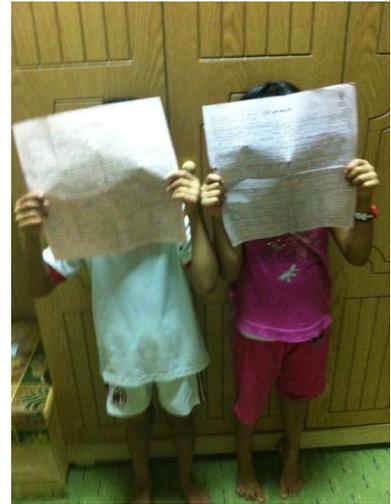


Figure 3: Mohammad and Nouf, two Bidoun children holding their birth notifications

2.1.2.3. Third Case

Abu Mohammad is a military serviceman who was discharged from his job. He holds a medal for his participation with the Kuwait Liberation Army in 1991 and other military service medals. His security card was confiscated in 2000 when he bought a Yemeni passport because of the pressure he suffered and the promise of the officials that he will be granted all his rights once he adjusts his status. He then discovered that the passport is a counterfeit. Abu Mohammad states, "instead of delivering on their promise of granting me my rights, they discharged me from the army, despite my participation in the Kuwait liberation war."

Abu Mohammad and his family are suffering a lot because of the lack of identity documents and security cards. As a result, several of their basic rights such as medical treatment, education, and work are no longer available. Abu Mohammad has 6 daughters and 3 sons aged 18 years and below, all of whom are deprived of the right to education because they are no longer considered stateless (Bidoun) to receive the benefit of the Education Charity Fund, and he cannot afford his children's education because he is unemployed. Because of their bad financial condition, the family lives in an area zoned for horse stables lacking in basic infrastructure and services. The water is available through refills from water transport tankers, and the streets are filled with garbage and trash. Abu Mohammad and his family pay for their daily living expenses and the stable's rent from people's charities. He also receives a monthly payment of KD50 from Zakat House.



Figure 4: a letter from the Kuwaiti military stating that Abu Mohammad was discharged from his job, and that he received the Kuwait liberation medal and other medals of honor

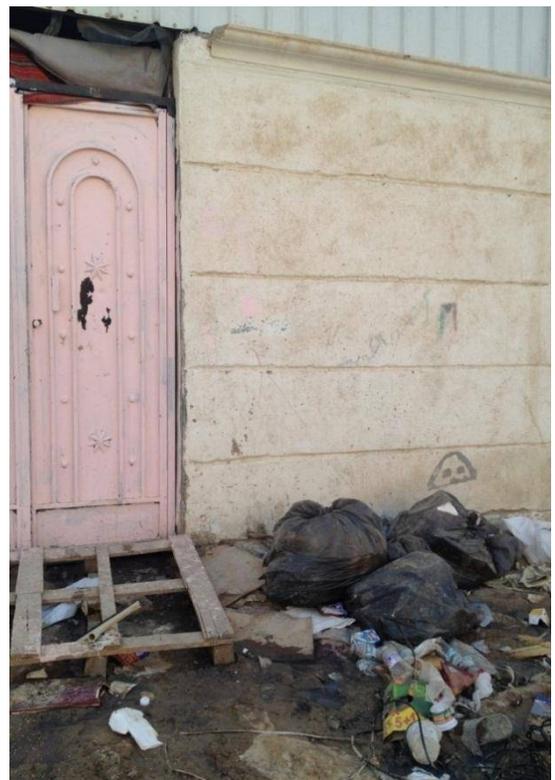


Figure 5: a picture from the front of one of the houses in the stables area

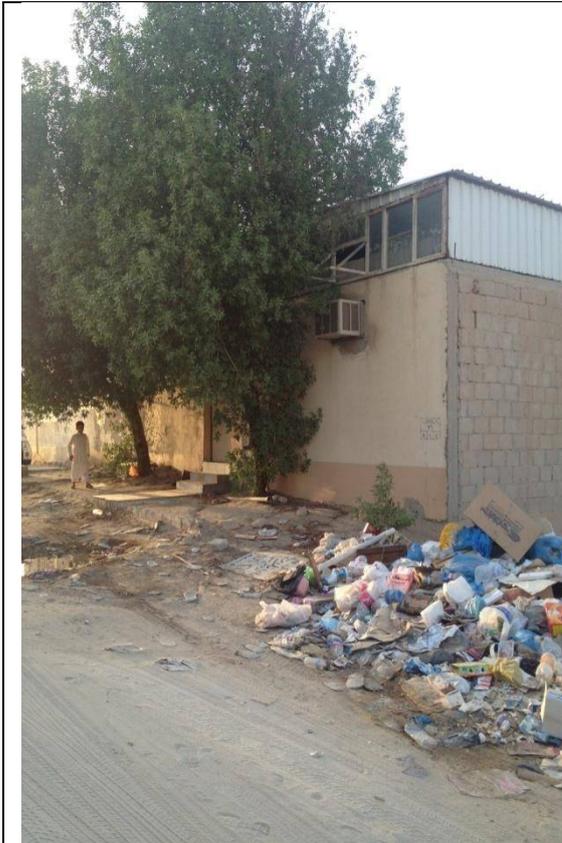


Figure 6: the status of one of the streets in the stables area



Figure 7: the trash collection space in the stables area

2.1.2.4. Fourth Case

Abu Salem says, "I was born in Kuwait and I'm included in the 1965 population census, but did not register in the prior Executive Committee for the Stateless because I was afraid of their harsh treatment as its reputation was not good. And because I was a military serviceman in the Ministry of Defence since 1984 and was enjoying the benefits, I did not need to register with the Committee. I was captured during the Iraqi invasion in 1990 for about seven months, and got a certificate from the Red Cross and the National Committee for Prisoners and Missing persons proving I was captive and received the liberation medal and other military service medals. In 2001, I was discharged from the army, prompting the suffering of our family. Because we did not carry the security cards issued by the Executive Committee, we were left deprived of several rights."

Abu Salem continues, "because of the pressure on me to amend my situation and the promises to give me and my family rights such as education and my job back, I purchased a Jordanian passport for KD4000 in 2003 through newspaper ads for selling passports. I then discovered in 2010 that the passport is counterfeit. They arrested me and put me in custody for further investigation. Then I filed a legal case to return to my previous status as stateless (Bidoun) but the ruling was a "no-verdict" and that the passport is counterfeit."



Figure 8: a letter from the Red Cross proving that Abu Salem was imprisoned by the Iraqi Army during the Iraqi invasion in 1990

Abu Salem continues, "our situation today is very difficult because we are neither Jordanian nor stateless. All our suffering is a result of us not carrying security cards. My son who is 18 years old is suffering from epilepsy and deficiencies in growth and concentration. I cannot financially provide for his rehabilitation treatment but I get the epilepsy medication for free from the Patients Aid Fund. He was in school until fifth grade. With his illness he needs to be in a special needs school which is only available to the stateless through extremely expensive private schools, and there is no aid or financial assistance to the stateless for this type of schooling."

And about the possibility of medical treatment for the family Abu Salem says, "It depends on the mood of the employees in the clinic. Sometimes we enter with exceptions and other times they ask for the health insurance card. Our cards are expired and can only be renewed through the Central System. As for the medicine prescribed to the stateless, it is not of the same quality as that given to citizens."

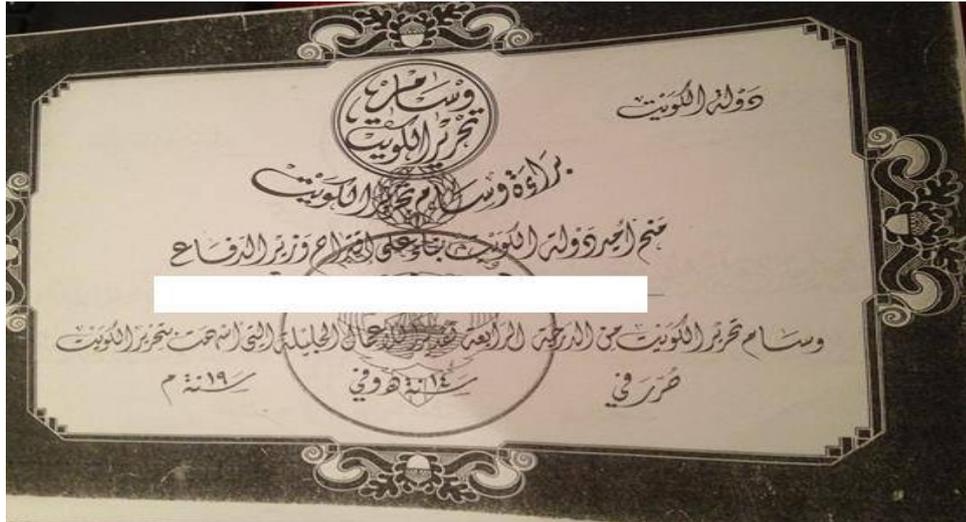


Figure 9: The Liberation Certificate of honor granted to Abu Salem for his military services after Kuwait liberation in 1991

And about the right of education he says, "Education is another tragedy. My son Ahmad who is 6 years old was not accepted in school because he does not have a birth certificate or security card. As for my daughter she was in school under the coverage of the Charity Fund while I pay for the additional fees required. The school also increased its fees this year because of the upgrade in its official classification to a "model school". I tried to put her in another less expensive private school but they did not accept her due to lack of vacancy. I recently discovered that my daughter will be prevented from going to school next year because of the recent directive requiring the security card or the birth certificate even for returning students."

2.1.2.5. Fifth Case

Khaled, who is 23 years old, tells us the story of his family suffering. The story of their suffering is summarized in prohibiting them from renewing their security cards that expired in 1998. The lack of a valid security card causes them many difficulties in their access to basic rights such as education, medical treatment, and work. Khaled says, "I cannot help my father because I cannot work without a valid security card. So our big family depends on what my elderly father earns as a taxi driver, that in spite of the fact that my father does not own a driver's license and this subjects him to the risk of being

caught breaking the law. The family receives financial assistance from Zakat House for the amount of KD250 every three months."

Khaled continues "I didn't go school at all, and I have 4 sisters aged 15, 13, and twins aged 11. They all failed except one who was able to complete her study. The Charity Fund in charge of educating stateless children (before the recent conditions to have a valid security card and birth certificate) stops providing assistance in case of failure, so the parents have to take care of their failed children's education. But today even my sister who succeeded will be deprived from going to school because of the harsh requirements set by the Central System."

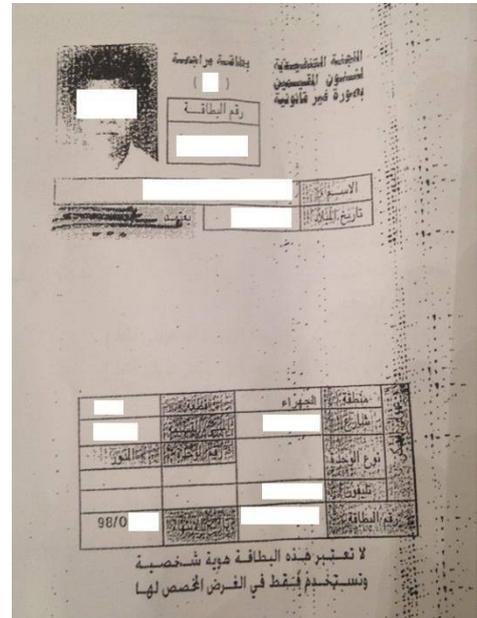


Figure 10: Khaled's expired security card, states that it's not a proof of identification and should only be used for the purposes it is intended for

2.1.2.6. Sixth Case

"The carbon print of the birth notice has faded and I managed to save what is left of it by photocopying it. My son holds no identification whatsoever and therefore lives like a ghost." That is how the father of the 10 year old child S.G. started off when we asked him about his son.

And about how to follow up the vaccinations of his child which are usually recorded in the birth certificate he answered, "Actually one of the vaccinations was forgotten when he was younger because he was not registered in the clinic and because of the lack of the official document on which vaccinations are recorded. As for medical treatment, we are issued health insurance cards funded by Zakat House."

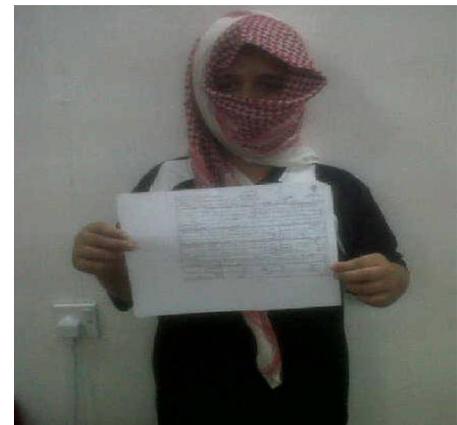


Figure 11: S.G., a Bidoun child holding his birth notification

The father of the child is working illegally as a messenger in the private sector and without any contract to safeguard his rights. He gets a subsidy of KD120 every 4 months, knowing that his house rent is KD230 and his family consists of 6 members.

The father elaborated saying, "there is difficulty in registering my child in the beginning of each school year. The closest school to our house was classified by the private schools administration in the category of excellence, and therefore the parents pay amounts depending on the student's grade year. As for my four children, I have to pay about KD340 on top of what the Education Fund pays for each child which for me is a big amount."

When asked if he carried a passport, he said, "he is the only one among his brothers who doesn't have a passport and we cannot travel and leave him alone. In consideration of his feelings, we don't travel at all. We thank God that his condition is normal and he doesn't need any treatment abroad. There are many cases of sick stateless children who needed to have passports issued for them in order to travel for treatment but never got them."

The mother of the child S.G. said, "He also doesn't have a security card because his grandfather has a "nationality mark" in his file (i.e. the state claims that his grandfather holds another nationality) meanwhile our grandfather is one of the oldest employees in the Oil Corporation with proof dating back to 1929."

And when the father was asked if he suffered from any humiliating treatment, he replied "Is there anything more insulting to an Eastern man than doubting the legitimacy of his children and that they are actually his? Is there anything more insulting than bringing two witnesses to testify that their mother is virtuous? Even Islamic Sharia (Islamic Law) states that the "child is to the bed", so by any law or religion does this administration operate? Is there anything more insulting than visiting different state ministries and administrations to issue a document called the birth certificate?"

And he continues, "My brother has a son who the Central System claims holds another nationality and they refused to complete the procedures for issuing him a birth certificate until he accepts these claims. They did not even confront him with the other nationality they claimed he holds. And I'm afraid that the same thing will happen with me and I'll be prohibited from receiving the birth certificate after all this suffering."

Procedures for Obtaining a Birth Certificate for over Six-Year Olds, According to Testimonies from Some of the Observed Cases:

1. Visit the Births and Mortalities Department to issue a birth certificate for the child.
2. If the child is over 6 years old, proceed to the Proof of Genealogy Department.
3. At the Proof of Genealogy Department, a file is opened upon taking copies of the father and mother's security cards (and they have to be valid), the marriage contract, and the child's birth notice.
4. In the absence of a marriage contract, the couple has to first obtain a marriage contract before they can proceed.
5. The child is called in for questioning on whether the applicants are actually his parents, and everyone is forced to testify under oath first that they are telling the truth and that the child is actually theirs.
6. Two witnesses are called in to testify under oath that they know the couple and they are married and that this child is their own. The witnesses should remember the wedding, its date, the dowry paid, and the full names of the husband, wife and child (or children if they were more than one).
7. The parents and the child are then referred to Forensic Evidence Department to obtain their genetic fingerprint, which costs KD85 for the father, the mother, and the child (a total of KD255) then wait for two months until the Department responds with the outcome of whether the child is theirs.
8. The investigator will address the Ministry of Health, the Central System, the Public Authority for Civil Information, State Security, and the Ministry of Interior to respond on the status of the father, the mother, and the child, and the responses usually take two to three months.
9. After the responses arrive from the different parties, the investigator sends the file to the officer who types it out, but because of the workload on the typist, this step takes up to two months.
10. After typing the investigation report, it is submitted to the manager of the Proof of Genealogy Department who reviews it before sending it to the Genealogy Cases Court and the review can take 6 months or more.
11. If there are any remarks on the investigation report by the manager, it is returned to the investigator for correction, and if there are no remarks, it is submitted to the Court.

12. The applicants are then contacted in order to receive their Court visit slip. This takes place after the period of investigation and the referral of their file to the Court, a period that ranges between one to 6 months.
13. The applicants then visit the Court to submit all evidence and official documents.
14. A lawyer must be appointed and certain required forms need to be typed up.
15. A trial date is set on which all parties need to be present: the father, the mother, and the child.
16. On the trial day several parents and their children arrive at the court, the same court where felonies and misdemeanors are tried.
17. The judge holds three sessions with a month between each session to review the documents and question the parents and the child.
18. In the final session, the judge rules that according to witnesses, the admission of the father and the mother, results of DNA testing, and the investigation of the Proof of Genealogy Department, the child belongs to his/her parents. The parents are given an appointment one month later to allow time for the government to contest or appeal the court decision.
19. A month later, the parents visit the Court to obtain a no-appeal certificate and notices of the court ruling, and submit it to the Ministry of Justice, the Ministry of Interior, the Ministry of Health, the Proof of Genealogy Department, and the Civil Identification Card Commission.
20. After that, the parents go to the Ministry of Justice to receive the executive ruling after paying the fees, and then submit it to all concerned authorities to enforce the ruling.
21. Then the parents head to the Department of Births and Mortalities in the Ministry of Health, which, in turn, receives the documents and the executive ruling and assigns a date two months later to give the Central System time to respond.
22. Two months later, the parents return to the afore-mentioned Department and if the Central System responded with an approval, the father can choose a name for the child and return a month later to receive the birth certificate.
23. A month later, the birth certificate is issued with the child's chosen name.

The process takes on average a year and three months, noting that there are cases that did not receive the birth certificate until this date.

2.2. Study of Freedom of Expression and Peaceful Assembly

2.2.1. Articles Relevant to Freedom of Expression and Peaceful Assembly

2.2.1.1. Article 12

1. *States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
2. *For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

2.2.1.2. Article 15

1. *States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.*
2. *No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

2.2.2. Observed Cases

2.2.2.1. First Case

"My children have a great dream to have a future that is better than their present. All they want is an opportunity in education to specialize in medicine, engineering, management and other majors in order to serve this country." This is how the father of the girl Suad began, when we asked him about his children's dreams. And when we asked the child to express what she wanted she said, "I went twice to Freedom Square in

Taima, and I gave a speech about my dreams, but I am afraid now to go out because they fired smoke at us." Suad added, "All my friends travel except me. Every time we ask our father to travel, he takes us to the sea. We only travel to the sea."

And then we asked the father about the mechanisms by which they can deliver their voices and the voices of their children, and why they do not establish a club or an organization to speak on their behalf and on the behalf of their children. The father of Suad said, "They don't allow the stateless to establish any organization or club because the Ministry of Social Affairs and Labor enforces conditions for the establishment of non-profit organizations, one of them being the prohibition of non-Kuwaitis from establishing such organizations, or for those who are under the age of twenty one." These conditions are in violation of Article 15 of the Convention on the Rights of the Child ratified by Kuwait.



Figure 12: the children of the Bidoun Campaign "I Have A Dream", dreaming of a better life

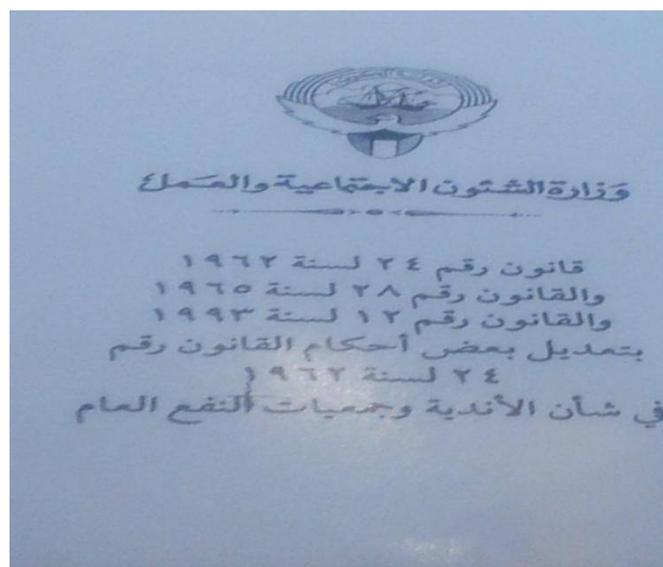


Figure 13: Ministry of Social Affairs and Labor's booklet on establishing clubs and organizations

الكويت اليوم - ص 11	د ٥٣٤ - السنة الحادية عشرة
<p style="text-align: center;">مذكرة ايضاحية</p> <p style="text-align: center;">مشروع القانون الخاص بتعديل بعض احكام قانون الاندية وجمعيات النفع العام</p> <p>تتوي الحكومة التقدم الى مجلس الامة بشروع قانون جديد شامل للاندية وجمعيات النفع العام يكون اكثر تشميا مع متطلبات الوقت الحاضر في هذا الصدد من القانون الحالي رقم ٢٤ لسنة ١٩٦٢ مستفيدة في ذلك مما اسفر عنه هذا التشريع الاخير موضع التنفيذ قرابة ثلاث سنوات .</p> <p>والى ان يتم استصدار التشريع الجديد في الوقت المناسب تتسرع الحاجة الى ادخال تعديلات ضرورية على بعض احكام القانون القائم . ومن اجل هذا اعد مشروع القانون المرافق . وتختصر التعديلات المقترحة فيه على الآتي :</p> <p>١ - منع الجمعيات والاندية الخاضعة لاحكام القانون المذكور من مباشرة أي نوع من أنواع النشاط قبل شهر نظامها الاساسي وقفا لاحكام القانون، علما بأنه لا تثبت لها الشخصية الاعتبارية الا بموجب هذا الشهر ذاته واعتبارا من تاريخه (مادة ٢ من القانون) .</p> <p>٢ - استلزام الا يقل عدد المؤسسين للجمعية أو النادي عن عشرة أشخاص على ان يكونوا جميعهم كويتي الجنسية وهو شرط مستحدث أخفله القانون القائم ، والا يقل سن أي مؤسس عن ٢١ سنة ميلادية بينما هي الآن ١٨ سنة (مادة ٤ من القانون) .</p> <p>٣ - تحريم على الجمعيات والاندية السعي الى اغراض غير مشروعة أو منافية للاداب ، مع الزامها في الوقت ذاته بعدم الخروج عن الاغراض والاهداف المنصوص عليها في النظام الاساسي لكل منها (مادة ٦ فقرة أولى من القانون) .</p> <p>٤ - تحريم التدخل في السياسة أو التعرض لها على هذه الاندية والجمعيات ، وكذا التعرض للمنازعات الدينية أو اثاره العصبية الطائفية أو العنصرية (مادة ٦ فقرة ثانية من القانون) . وللجديد في النص المقترح هو اضافة عبارة (أو التعرض لها) الى المادة بعد لفظة « التدخل » وذلك لتوكيد هذا المنع في شتى صورته .</p> <p>وأخيرا ينص مشروع القانون في مادته الثانية على الزام الاندية والجمعيات الخاضعة لاحكامه والقائمة حاليا ، باعادة طلب تسجيلها لدى وزارة الشؤون الاجتماعية والعمل ، وذلك خلال شهرين من تاريخ العمل بمشروع القانون المرافق، بعد اقراره ونشره والا اعتبرت منحلة بحكم القانون .</p> <p style="text-align: center;">وزير الشؤون الاجتماعية والعمل</p>	<p style="text-align: center;">قانون رقم ٢٨ لسنة ١٩٦٥</p> <p style="text-align: center;">تعديل بعض احكام القانون رقم ٢٤ لسنة ١٩٦٢ في شأن الاندية وجمعيات النفع العام</p> <p style="text-align: center;">بموجب امير الكويت بعد الاطلاع على المادتين ٤٣ و ٦٥ من الدستور وعلى القانون رقم ٢٤ لسنة ١٩٦٢ بشأن الاندية وجمعيات النفع العام ووافق مجلس الامة على القانون الآتي نصه ، وقد صدقنا عليه صدوره</p> <p style="text-align: center;">مادة أولى</p> <p>تستبدل بأحكام المواد ١١ و ١٢ و ١٣ و ١٤ من القانون رقم ٢٤ لسنة ١٩٦٢ في شأن الاندية وجمعيات النفع العام ، الاحكام التالية :</p> <p>مادة - ٢ .</p> <p>« لا يجوز للجمعية أو النادي مباشرة أي نوع من أنواع النشاط ، تثبت لأيهما الشخصية الاعتبارية ، ما لم يكن قد اشهر نظامه وفقا احكام هذا القانون » .</p> <p>مادة - ٤ .</p> <p>« يشترط لقيام أي جمعية أو ناد توفر الشروط التالية :</p> <p>أ - الا يقل عدد المؤسسين عن عشرة أشخاص ، بشرط أن يكونوا جميعا كويتي الجنسية .</p> <p>ب - الا يقل سن أي مؤسس عن احدى وعشرين سنة ميلادية، لا يكون قد سبق الحكم عليه بعقوبة جنائية أو في جريمة مخبلة شرفا أو الاثالة ما لم يكن قد رد اليه اعتباره .</p> <p>مادة - ٦ .</p> <p>« لا يجوز للجمعية أو النادي السعي الى تحقيق أي غرض غير روج ، أو مناف للاداب ، أو لا يدخل في الاغراض المنصوص عليها النظام الاساسي لكل منها .</p> <p>ويحظر على الجمعية أو النادي التدخل في السياسة أو المنازعات دينية ، أو اثاره العصبية والطائفية والعنصرية » .</p> <p>مادة - ١١ .</p> <p>« يشترط في عضو مجلس الادارة ان يكون كويتي الجنسية ن أعضاء الجمعية أو النادي الذين يحق لهم حضور الجمعية جموية . ولا يجوز الجمع بين عضوية مجلس الادارة والعمل في وظيفة في الجمعية أو النادي بأجر أو مكافأة » .</p> <p style="text-align: center;">مادة ثالثة</p> <p>على جمعيات النفع العام والاندية القائمة وقت العمل بهذا انون أن تقدم لوزارة الشؤون الاجتماعية والعمل ما يثبت مراعاتها مكانه وذلك خلال شهرين من تاريخ العمل به والا اعتبرت منحلة نهاية هذه المدة ويصدر بذلك قرار من وزير الشؤون الاجتماعية عمل .</p> <p style="text-align: center;">مادة ثالثة</p> <p>على وزير الشؤون الاجتماعية والعمل تنفيذ هذا القانون ، سبل به من تاريخ نشره في الجريدة الرسمية .</p> <p style="text-align: center;">بموجب امير الكويت عبد الله السالم الصباح</p> <p style="text-align: right;">د ٣ ربيع الاول ١٣٨٥ هـ القي ١ يوليو ١٩٦٥ م</p>

Figure 14: Law No. 28 of 1962 adjusting the previous law No. 24 of 1962 with regards to establishing clubs and non profit organizations

Article 4.a all establishing members are required to have Kuwaiti nationality

Article 4.b all members are required to be 21 years or older

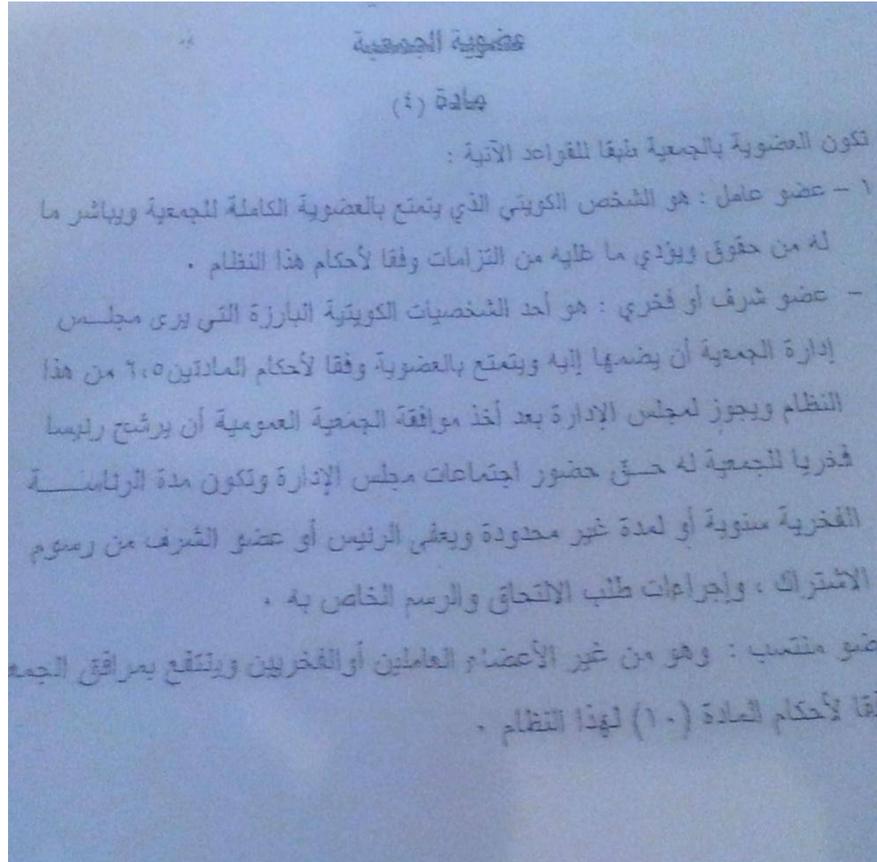


Figure 15: Ministry decree No. 62 of 2005 regarding the establishment of clubs and organizations Article 4.1 states that a member must have a Kuwaiti nationality

2.2.2.2. Second Case

Ibrahim who is 12 years old was in a peaceful protest in Taima's Freedom Square, and when we asked him about his reasons for protest he replied, "I don't have a birth certificate, I don't study in public schools, and the education in our schools is very bad. I went out with my older brother to the peaceful protest in Taima. The police attacked us for no reason. We didn't do anything. They beat me and my brother then they arrested him. I stayed crying alone in Taima."



Figure 16: two pictures of Ibrahim being beaten by the police special forces during the peaceful demonstrations in Taima

2.2.2.3. Third Case

Sarah is a 14 year old girl. She never travelled outside of Kuwait's borders because she does not carry a passport. Sarah feels the discrimination when compared with her peers but cannot express it because protests are forbidden by the Ministry of Interior even for those of her age. When her mother was asked whether she had considered establishing an organization for children to express their feelings and emotions in different ways, she confirmed that the stateless are forbidden from the right of peaceful protest and from establishing organizations. Sarah's problem is not limited to owning a passport. She does not have any card or birth certificate because her mother's card has been withdrawn and the Central System refuses to renew it because of alleged security restrictions. Sarah is also deprived from receiving the same medical treatment the Kuwaitis receive.

2.2.2.4. Fourth Case

The father of Ahmad says, "My son is living in a state of anxiety since the Special Police Forces beat him and his brother in the peaceful protest in Taima's Freedom Square.

Ahmad was arrested in one of the protests after being beaten, he was barely fourteen. He spent that night in Taima's police station. He was released on account of his young age but only after one of his relatives paid his bail and signed a written pledge on his behalf."



Figure 17: A picture taken by one of the researchers of this report, in a peaceful protest for the stateless (Bidoun). A child is holding a sign that reads "Our demand is our right to citizenship"

2.3. Study of Health Care and Rights of Children with Special Needs

2.3.1. Articles Relevant to Health Care and Children with Special Needs

2.3.1.1. Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

2.3.1.2. Article 24

1. *States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*
2. *States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:*
 - (a) *To diminish infant and child mortality;*
 - (b) *To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;*
 - (c) *To combat disease and malnutrition, including within the framework of primary health care, through the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;*
 - (d) *To ensure appropriate pre-natal and post-natal health care for mothers;*
 - (e) *To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;*
 - (f) *To develop preventive health care, guidance for parents and family planning education and services.*
3. *States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.*
4. *States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.*

Introduction to Health Care for the Stateless (Bidoun)

One of the activists in "Stateless (Bidoun) Kuwaitis Group" summarizes in his commentary on the provision of health care to the categories of the stateless saying, "some of the stateless categories who carry the security card, on the condition that it is valid, are treated as Kuwaitis in accordance with the Ministry of Health decision No. 68 of 2011 issued on the 28th of March 2011 by virtue of which full health services are granted to this category. They benefit from the same treatment and they receive the

same medication as that of Kuwaitis. However, disabled children from all stateless categories are not included in law No. 8 of 2010 regarding the rights of persons with disabilities.

Certainly, all children under the age of five of the stateless do not have security cards because no cards are issued for these ages. Thus, the parents of these children are forced to issue health insurance for their children to receive necessary treatment even though the parents carry valid security cards. As for the segments of the stateless without valid cards they are prescribed medication different from what Kuwaitis receive. Health insurance cards are only issued upon an official letter from the Central System (such cards being funded by Zakat House). Those without security cards and health insurance cards or with expired health insurance rely on merciful exceptions that come from some of the employees of hospitals and medical centers. In addition to that they are forced to pay additional charges. They pay KD5 in clinics and health centers and KD10 in hospitals to see the doctor and receive medication. This payment is repeated at each visit. Some medical tests and X-rays require different amounts of payment, placing a heavy financial burden on this category that suffers from severely low incomes or lack of income altogether.



Figure 18: A letter from the Ministry of Health requiring that the sons and daughters of the stateless who are still minors be treated in the same manner as the father who holds a valid security card

MINISTRY OF HEALTH
HOSPITAL
PHARMACY DEPARTMENT

ادوية مستشفى

LIST OF DRUGS AVAILABLE IN JAHRA HOSPITAL WHICH ARE DISPENSED TO KUWAITIS & G.C.C CITIZENS ONLY ACCORDING TO THE MINISTERIAL ORDER NO. 421/2002

NO	GROUP	GENERIC NAME	TRADE NAME & DOSAGE FORM(S)
GASTROENTEROLOGY.			
1		Budesonide	Entobort
1A	Ulcerative colitis	Mesalazine	Asacol - Perlasa
		Osalazine	Dipentum
1B	Proton pump inhibitors	Omeperazole XX	Losec & Gasic & Riesk 20 mg Cap.
DIETARY			
CARDIOVASCULAR SYSTEM.			
2		Gemfibrozil XX	Lepid 600 mg
2A	Anti-Hyperlipidemia	Statins	Lipitor-Zocor 10&20 mg Tab.
2B	Anti-Hypertensives		
A	Diuretics	Indapamide	Natrilix SR Tab
		Carvedilol	Dilatrend 6.25mg&25mg Tab.
B	Betablockers	Metoprolol XX	Lopresor 50& 100mg Tab.
		Perindopril	Coversyl 4 mg Tab
		Quinapril	Acutell 5 mg Tab
C	ACE Inhibitors	Lisinopril XX	Zestril 5, 10, 20 mg & Zestoretic Tab
		Cilazapril	Inhibice 2.5 mg Tab
		Valsartan	Diovan 80 mg Cap.
D	Angiotensin II Receptor Antagonists	Amlodipine	Norvasc 5&10mg
		Felodipine	Plendil 5mg
E	Calcium channel blockers	Verapamil Retard	Isoplin SR 240 MG TAB
2C	Anti-arrhythmic drugs	Propafenone	Arythmol
		Nitroglycerin Patches	Nitroderm T T S 5mg & 10 mg
2D	Anti-Anginal drugs	Isosorbide Mono	Imdur
		Heparin L.M.W.	Fragmin & Fraxiparin & Innohep Amp.
2E	Anti-thrombotic drugs	Clopidogrel	Plavax
		Ticlopidine	Ticlid
ANTI-VIRALS			
3		Interferona	Zalfix
		Lamivudine	Peginteron
		Peginterferon	Virazole
		Ribavirin	Valtrex

Figure 21: A list of medicines not allowed to be prescribed to expatriates and to those stateless without valid security cards

2.3.2. Observed Cases

2.3.2.1. First Case

Um Abdullah has disabled twins aged 12 years. The first is suffering from "severe and permanent motor impairment since birth" while the other is suffering from "medium motor impairment since birth" according to a certificate for a proof of case issued by the Public Authority for the Affairs of the Disabled. The letter acknowledges that the mentioned are not covered in the law No. 8/2010 regarding the rights of persons with disabilities.

Um Abdullah says that her husband, who was discharged from his job in the police force after the liberation of Kuwait, is suffering from difficulty in finding a job. He works intermittently in selling cars for a commission. She does not work because she is fully dedicated to taking care of her disabled children especially that the required assistance is difficult to find and expensive. The suffering began since the birth of the

two children in Al-Jahra Hospital, when the parents were forced to pay for care services for pre-term infants (KD2 per day). The parents discovered that their children needed surgeries. The children underwent several surgical procedures which were for free, but the biggest problem according to the mother was their urgent and daily need for post-surgery rehabilitation treatment. Al-Sulaibeekhat Hospital for Rehabilitation provided the required treatment for two months only and then it was terminated. This and the lack of finances led to the relapse of the two children's condition and a deterioration in their status as the appearance of a warp in the back and leg. The cost of 3 physiotherapy sessions per week reached up to KD60.

The family receives a small subsidy of KD250 every four months from Zakat House. It is insufficient to provide for the necessary needs and the rehabilitation treatment. The parents are also suffering from back problems as a result of carrying their children to the bathroom and when they go up and down the stairs in the apartment building where they used to live. In addition to the difficulties they faced with their children's mobility, they also suffered from lack of entertainment and social integration. The two disabled children are deprived of a birth certificate, an ID card, and a passport.



Figure 22: Proof of disability certificate from the Public Authority for the Affairs of the Disabled stating that the mentioned child is not Kuwaiti and law No.8/2010 does not apply to him regarding the rights of persons with disabilities

2.3.2.2. Second Case

Abu Mubarak has been unemployed for 4 years. He tells the story of his 21 year old daughter whose suffering began at the age of six. "The suffering of my daughter began since childhood when she was born with a congenital heart condition but was a normal child without any disability. The doctors decided that she should undergo heart surgery, and because the child was without a nationality she was refused the right to treatment abroad and was operated on locally. A medical error was committed during surgery which led to a massive stroke in the brain and the result was complete paralysis and loss of memory and speech. After spending 6 months in the hospital, she was released without the provision of the needed rehabilitative care."



Figure 23: Ulcers in the body of the girl as a result of prolonged bed stay after surgery

Abu Mubarak explains the case of his daughter further, "When I visited the Ministry they told me that the law for the disabled does not apply to her because she is stateless, and when we visited the Supreme Council for the Disabled she was given a card and certificate of disability. However, when I asked about the benefits of this card they told me there are no benefits or care; it is a just a disability card. No training, rehabilitation or care is offered, and they never gave us any equipment or special devices for the disabled, not even adult diapers. All of these are essential needs we cannot afford. My daughter is still without any health care or opportunity for treatment abroad or monthly aid. She does not leave home except to go to the hospital because there are no special centers for the disabled that receive the disabled stateless. Her disability is not a strong enough reason it seems. We were paying the public hospital for treating her prior to the issuance of the exemption of the stateless with valid cards from the fees. The whole family is still suffering from my daughter's disability because of our difficult financial condition. We lack the income or the monthly subsidy that helps us provide her with better care. There is no follow up from the Ministry of Health for my daughter after she

left the hospital, and no one asked about her or about developments in her condition. There is no effective physical therapy for her condition in the hospital, and she was not admitted to specialized hospitals for routine and prejudicial reasons."



Figure 24: a foot ulcer, resulting from poor movement and prolonged bed stay



Figure 25: A medical report on the case of the disabled girl

2.3.2.3. Third Case

Saleh is 11 years old. The medical report which was issued by Ibn Sina Hospital in January 2003 diagnosed him when he was a year old with the following: paralysis in the lower part of the body, swelling and birth defect in the brain, curvature in the back and hernia in the spinal cord and lower stomach. Saleh underwent brain surgery in 2001. He was admitted to hospital in December 2002 for the treatment of meningitis due to the spinal cord hernia. He stayed in hospital for a year until he was discharged in January of 2003.

Abu Saleh says that his son's condition worsened. His back curved and that led to development of ulcers and other complications. The doctor said to Abu Saleh that his child's life will be in danger if he did not undergo surgery. But Al-Razi Hospital did not give him a solution, because those cases are treated by visiting doctors (those who visit Kuwait for a certain period to offer treatment and conduct surgery), and the stateless are not entitled to this service.

Abu Saleh says, "I was able to see the Canadian visiting doctor and had him examine my son's condition through an exemption from one of the doctors. The doctor told me that he had conducted surgery for about 10 similar conditions in Canada, and when it was time for my son's surgery, the doctor discovered that he could not conduct it for administrative reasons beyond his control. And Saleh was deprived of this opportunity which represented the beacon of hope that we all hung on to."



Figure 26: Saleh, an 11 year old, disabled Bidoun child

Abu Saleh continues, "The doctor in Al-Razi Hospital advised us to go back home for it is better for him to die at home than in the hospital. After a while, a charitable lady visited us, saw my son's condition, and decided to cover the surgery's expenses which were KD11,000. The surgery was conducted in Dar Al-Shifa Private Hospital. We were discharged from the hospital and could not return for post-surgical rehabilitation because it is very expensive in private hospitals. Meanwhile public hospitals do not provide the rehabilitation care for the disabled stateless."

As for his son's education he says, "I was checking private schools for special needs but to no avail, then I got an exemption from the Minister of Education, and when I went to the school's administration with the letter, the officer told me that "the exemption" I have is conditioned on it being in adherence with the rules. This negatively impacted my son's psychological condition as he was seeing his brothers go to school while he stayed home. I could not register him in any special needs school. He is now in second grade when he should be in fifth." Abu Saleh continues, "The doctor prescribed for my

son a wheelchair with special features, but it is not available to us and its cost is prohibitive. The wheelchair given to us by a donor does not suit his health condition and exhausts him while moving or writing in class as his teacher says." Abu Saleh concludes, "My son's condition can improve if he receives rehabilitation therapy or prosthetic devices or he has artificial limbs installed, but the cost is very high in addition to the fact that we are deprived of the right to have passports issued for us in the event that I am able to gather donations for treatment abroad."



Figure 27: A medical report on Saleh's condition

2.3.2.4. Fourth Case

This is the case of a child whose father carries a counterfeit passport, a passport he had acquired in order to remain employed. The youngest child, the infant Hassan, is a different case than his brothers. He only has the birth notice because he was born after the expiry of his father's residency and thus could not register the infant with the false nationality. In the birth notice, no nationality was registered; hence he was considered stateless (Bidoun).

Hassan has a special and sensitive health condition. He has a severe birth deformity in his genitals. The mother says she was forced to leave him in the hospital immediately after birth and for more than one week until the doctors could determine his gender. He was taken to frequent doctor visits until they decided to conduct corrective and cosmetic

operations for him scheduled for next October. The mother says that the infant is admitted into the hospital using the birth notice and the visitation card pertinent to his condition, but she faces a lot of difficulties when she takes him to the care center or the clinic in her residential area or the district hospital Mubarak Hospital. As the situation with all his brothers, she has to use a personal card to a child of the family even if it was an older one or a female close to his age, but sometimes they face problems when they discover the matter. Sometimes they refuse to offer treatment, and other times they find someone who understands the situation and offers help.

The family expresses its fears of possible refusal to conduct the surgery scheduled in October due to his legal situation. He lacks an official identity and the matter is more serious than check-ups.

STATE OF KUWAIT MINISTRY OF HEALTH DATE: 16/05/2011	 MINISTRY OF HEALTH	MATERNITY HOSPITAL DEPARTMENT OF NEONATOLOGY SCBU1
DISCHARGE SUMMARY		
Name B/O: Najwa Abdul	Baby Hospital No: 10979	
Date of Birth: 29/04/11 12:15	DOA: 29/04/11 13:50	
Sex: Male	DOD:	
Blood Group: Mother: O+	Baby: O+	DCT: negative
Birth Parameters		Discharge Parameters
Gestational Age: 41 Weeks	Corrected Age: 41 Weeks	
Weight: 3735 gms AGA	Weight: 3580 gms	
H.C: 35 cms	H.C: 35 cms	
Length: 53 Cms		
Discharge Diagnosis:		
Term AGA Ambiguous genitalia investigated and proved to be male MALE		
Maternal History and Delivery		
Baby was born at Maternity Hospital on 29/04/11 12:15 at 41 Weeks to a 29 year old para 3+0+0+3 mother. The infant was admitted to SCBU 1		
Antenatal Complications:		
Mode of Delivery: SVD	Duration of Rupture Membrane:<18 Hrs	
Apgar Score at 1Min:8 At 5Min:9		
Course in the Hospital		
Condition at Admission:		
Baby born at term to a 29 yr old mother was noticed ambiguous genitalia thus admitted to scu for further investigation.		
Respiratory System / ENT:		
No distress		
CVS:		
Haemodynamically stable		
Abdomen / Hepatobiliary:		
Baby was kept on full feeds.		
Sepsis & Haematology:		
No proof of sepsis		
Genito / Urinary System:		
Baby was investigated for ambiguous genitalia and was seen by urologist. He noted that the baby has epispadiasis and good sized phalus and B/L palpable testes in scrotum. USG abdomen done no presence of any female internal organs and both testes in scrotum.		
Page 1		

Figure 28: Hassan's medical report, stating his condition and disability

STATE OF KUWAIT
 MINISTRY OF HEALTH
 DATE: 16/05/2011



 MATERNITY HOSPITAL
 DEPARTMENT OF NEONATOLOGY
 SCBU1

DISCHARGE SUMMARY

Endocrine / Metabolic:
 Hormonal studies were sent So testosterone level was 6.43. I& OHP report is awaited.
 تستوسترون -> 6.4

Genetic Dysmorphology / Musculoskeletal System:
 FISH study was done which proved the baby to be 46 XY SRY gene positive Male.

Baby Condition at Discharge:
 Baby is stable on full feeds

Advice / Plans on Discharge:
 FU in our OPD after 4 weeks
 FU in Ibtisina hospital with Paediatric urologist
 → To take written report of 17 OHP and FISH study when ready.

Completed by
 Dr. Aditya Raina
 Registrar

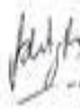


Figure 29: A medical report of Hassan's condition

2.4. Study of Education

2.4.1. Articles Relevant to Education

2.4.1.1. Article 28

1. *States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*
 - (a) *Make primary education compulsory and available free to all;*
 - (b) *Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*
 - (c) *Make higher education accessible to all on the basis of capacity by every appropriate means;*
 - (d) *Make educational and vocational information and guidance available and accessible to all children;*
 - (e) *Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*
2. *States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.*
3. *States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.*

2.4.1.2. Article 29

1. *States Parties agree that the education of the child shall be directed to:*
 - (a) *The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
 - (b) *The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
 - (c) *The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*

- (d) *The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
- (e) *The development of respect for the natural environment.*

2. *No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

A Brief about the Education of the Stateless between the Past, Present and Uncertain Future

In his narrative of the education of the stateless (Bidoun), its past, present, and uncertain future, a member of the Kuwaiti Stateless (Bidoun) Group says, "Since the beginning of education in Kuwait and the spread of public schools in all areas, education was free in Kuwait and inclusive of all population segments without exception. They enjoyed the same degree of care provided for Kuwaiti students from early stages of education in elementary through secondary school. It even included university education. Stateless students attended Kuwait University without restrictions or obstacles, and even scholarships provided by the Kuwaiti government were available to Kuwaitis and the stateless without distinction. Both received the same care and attention. But towards the end of 1986, the government decided to do away with the services of many from the different stateless categories and issued numerous decisions most notable of which were: stopping educational scholarships abroad and admission to Kuwait University, except in accordance with strict conditions, and expelling stateless students from public schools whose fathers did not work for either the Ministry of Interior or the Ministry of Defence. This led them to resort to private schools.

After the liberation of Kuwait in 1991, the children of military personnel were banned from continuing their studies in public schools, so they too moved to private schools but the Ministries of Interior and Defense covered their study expenses. Many of the stateless with civilian jobs were forced to put only their sons and not their daughters

through schooling due to lack of financial resources. Some were forced to teach some of their children in one year and others the next year in order to afford their study expenses.



Figure 30: neglected school walls are full of graffiti



Figure 31: a broken wall in a "Bidoun" school

This situation continued from 1991 until the summer of 2003 when the government, as a result of the pressure exercised on it, proposed the "Charity Fund" and after Parliament's approval, the project was put into effect and implemented with the beginning of the academic year 2003/2004. The Fund is mandated with covering the tuition fees of stateless students in private schools, without any further expenses such as those for books, or tuition for students resuming their education after interruption. The student also loses eligibility for aid for the rest of his/her schooling if he/she failed in a school year. Parents are also responsible for additional fees imposed by private schools, and such additional costs cannot be afforded by families with low or almost non-existent incomes.

These schools lack in basic components for child development. They suffer from low faculty standards, deteriorated buildings and facilities, and lack of advanced and sophisticated teaching aids and tools. They lack in basic requirements such as the health

clinic, libraries, science laboratories and sports areas. Classrooms are characterized by a very high student density, with the number of students in the classroom varying between 45 and 50. Schools with a predominantly stateless population were established to cater to the stateless in a manner that reinforces their isolation and social seclusion.

At the beginning of every school year, new irresponsible decisions are issued to exert further pressure on the stateless. Registration requirements for first year students or for returning students keep changing to prevent them from having the right to education, in an attempt to use those restrictive measures as tools for forcing their parents to "adjust their status". Many of them purchased passports to protect the future of their children only to discover later that the passports are counterfeit and their situation has become worse than before. Today, they are living without protection or basic rights.

Some of the groups that suffer each year from policy restrictions are: those not permitted to renew their security cards, those not registered with the Central System, owners of counterfeit passports, and children without birth certificates."

75 / 30 EA 0065945 / 08 / 20000

Ministry Of Education
The Public Administration For Private Education

وزارة التربية والتعليم
الإدارة العامة للتعليم الخاص

Date : _____
Ref : _____

التاريخ : ٢٠١٣ / ٥ / ٢٤
الرقم : ٥٧٤ / ٣٤٤

شهر عامه

لجميع المدارس الخاصة [العربية الأصلية و التوحيه وذات المهيم الأجنبي وثانية اللغة والإحتياجات الخاصة]
الساده المحترمين / مديرو ومديرات المدارس الخاصة بكافة أنظمتها

تعبه طيبه وبعد ...

الموضوع : بشأن إعادة القيد وتسجيل الطلاب للعام الدراسي الجديد 2012/2013

بالإشارة إلى الموضوع عاليه ، وبالخافاً لما ورد بنشرة تسجيل الطلاب للمدارس الخاصة للعام الدراسي الجديد 2012,2013 ، وحرصاً من الوزارة ، الإدارة العامة للتعليم الخاص على استكمال عمليات التسجيل وفق الضوابط والشروط المقرره يرجى التقيد بالتالي :-

أولاً : المستندات المطلوبة للتسجيل أو إعادة القيد للطلاب أبناء المقيمين بصوره تغير قانونيه أو الذين قاموا بتعدديا أو ضاعهم الاتي :-

1. بطاقة المراجعة الصادرة من الجهاز المركزي (سارية الصلاحية) ، أو بطاقة الضمان الصحي مدون بها الرقم المدني للطلاب (سارية الصلاحية) .
2. شهادة الميلاد للطلاب أو بلاغ الولاده مع ككتاب من لجنة د عاوي النسب يفيد بأن طلبه قيد البحث بالجنسية .

ثانياً : التأكيد على عدم إعادة قيد أو تسجيل أي طالب / طالبة من القيمين من بقتيرة الجنسية بالدرسه إلا بموجب القامه سارية المفعول واستكمال بقتيرة الإجراءات اللازمه في هذا الشأن وفقاً للنسب المقرره .

والإدارة العامه للتعليم الخاص تأمل من جميع المدارس التقيد بما ورد في هذه النشرة وصدوره احتفااراً وأيضاً الامور بذلك قبل انتهاء العام الدراسي الخاص .

من فائض النسخه ...

مدير عام
الإدارة العامه للتعليم الخاص

وزارة التربية والتعليم
الإدارة العامه للتعليم الخاص

بمقتضى القرار الصادر :-
- التوقيع : مدير عام التعليم الخاص
- مدير عام الإدارة العامه للتعليم الخاص
- مدير عام المراقبين بوزارة التعليم الخاص
- مدير المدارس الخاصة بخلافه
- مدير الشؤون القانونية
- مدير

ص.ب. (٧) الصفاة - الرمز البريدي 13001 الكويت - تلفون : ٢٤٦٤٢٢١٠ يرقياً ، التربية - الكويت - فاكس : ٢٤٦٤١٨١
P.O.Box : 7 Safat - Code No. : 13001 Kuwait - Tel.: 25659270 - Telegraph : Education - Kuwait - Fax : 25659181

Figure 32: The Ministry of Education letter stipulating the regulations and conditions for registration and re-enrolment and compliance with the required documents: 1. The card issued by the Central System or the health insurance card with the Civil number written on it, both have to be valid cards. 2. Birth certificate for the student or the birth notice with a letter from the Proof of Genealogy Department stating that his application for a birth certificate is under review

2.4.2. Observed Cases

2.4.2.1. First Case

Saleh has a family of six members. He is in a very difficult financial situation. Both he and his wife do not work and the family lives in a building annex with one bedroom and a living room for which they pay KD170 in monthly rent. The twins Ali and Hadi are facing problems going to school in the upcoming academic year 2012-2013 because of their father's legal situation and because they do not have a valid security card, a condition recently added by the Ministry of Education.



Figure 33: Saleh's children, who might not be able to attend school next year

In an interview with the mother, she said that the father suffered from a difficult legal and living situation and repeated harassment from the Central System and several governmental bodies to coerce him into "adjusting his status". The latter is a term initiated and used by the government to refer to the stateless coming up with or seeking other nationalities in return for issuing them valid residency in Kuwait in addition to promises of legal, logistical and living benefits.

So in 2004, the father purchased and obtained a Danish passport from a local office he came across in an advertisement in one of the local newspapers, only to later discover that it is a forged passport. But he managed with this passport to obtain legal residency with a local sponsor, an identity card (Civil ID), a legally authenticated marriage contract, legal residency for his wife, birth certificates for three of his children and not the fourth, stating in the nationality field that they are Danish. But he could not obtain civil cards for his children because he needed to complete the legal paperwork with the Danish embassy, which of course refused to deal with him. The children were able to visit the doctor by presenting their birth certificates and the father's Civil ID card.

Things got considerably worse when his legal residency expired and the father was deemed an illegal resident. He could not renew his residency because that required visiting the Embassy. His invalid Civil ID card was no longer acceptable anywhere

including doctor visits for him and his children. He was also refused any official employment for the same reason.

The family received a yearly financial subsidy (once a year) 3 or 4 times from Zakat House between KD150 and KD220 (depending on family size). They stopped receiving it after the sponsor cancelled the residency.

The father tried to put his older twin sons in school last year after they had passed acceptance tests but the school refused to register them because of the invalid residency of the father and thus the family. According to the Ministry's rules, the children were still considered Danish.

2.4.2.2. Second Case

The distinguished student Rima is 18 years old. She just graduated from high school with a 91.4% score and is looking to join university. She most likely will not be able to do so because the universities require a valid identity card when applying and registering. Ever since her birth, Rima's parents were trying to get her a birth certificate and a security card but to no avail.

Rima says that she has the pink copy or what is known as the "birth notice" which is worn out from frequent use over the years. The paper does not contain her name in spite of the presence of a name field. She wrote it in herself to distinguish between her and her younger sisters who carry the same "birth notice" and "the same suffering and sorrow" in her own words.

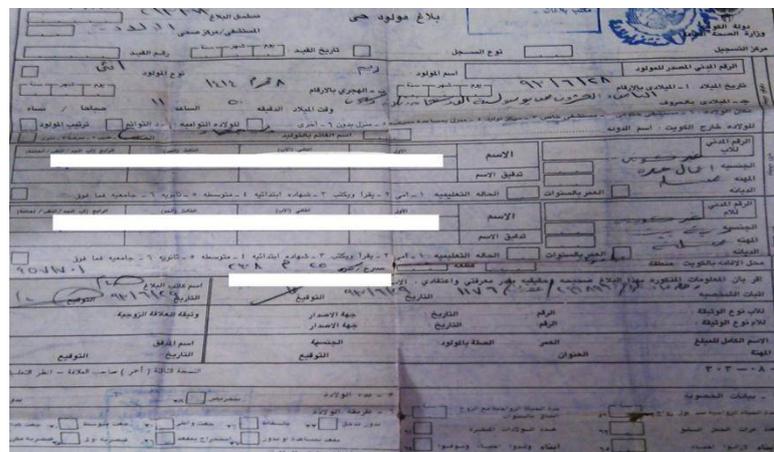


Figure 34: Birth notice of the distinguished student Rima

It is known that the issuance of birth certificates requires from many of the stateless children to approve a certain nationality (except Kuwaiti) to insert in the nationality field on the birth certificate. If the parents approve the insertion of another nationality, this declaration is used against the entire family in their claim to Kuwaiti citizenship.

Her father tried several times to get her and her sisters birth certificates because everything depends on this certificate, starting from personal identity to the passport, even the driving license for someone in her age. All what they could obtain is a health insurance card renewable yearly for a reasonable fee. Although the older brothers hold the security card and it is being renewed for them by the Central System, the latter refuses to take any procedure regarding the three sisters.

As for her sisters Maha (1999) and Mody (2006) they will be deprived from going to school because of the directive issued by the Private Education Department of the Ministry of Education requiring security cards and birth certificates for new registrations and re-enrolments. Rima's family enjoys good financial standing despite their modest residence in the area of Taima. The father was bearing all private education expenses of his children until 2003 when the Charity Fund initiative for helping needy children was launched to finance tuition fees, and not any additional fees or the purchase of books.

المادة	الدرجة	المتوسط								
اللغة العربية	95	95	95	95	95	95	95	95	95	95
اللغة الإنجليزية	90	90	90	90	90	90	90	90	90	90
الرياضيات	85	85	85	85	85	85	85	85	85	85
التاريخ والجغرافيا	80	80	80	80	80	80	80	80	80	80
العلوم	75	75	75	75	75	75	75	75	75	75
التربية البدنية	70	70	70	70	70	70	70	70	70	70
التربية الفنية	65	65	65	65	65	65	65	65	65	65
التربية الموسيقية	60	60	60	60	60	60	60	60	60	60
التربية الحرفية	55	55	55	55	55	55	55	55	55	55
التربية المهنية	50	50	50	50	50	50	50	50	50	50
التربية الاجتماعية	45	45	45	45	45	45	45	45	45	45
التربية الصحية	40	40	40	40	40	40	40	40	40	40
التربية الإعلامية	35	35	35	35	35	35	35	35	35	35
التربية التكنولوجية	30	30	30	30	30	30	30	30	30	30
التربية البيئية	25	25	25	25	25	25	25	25	25	25
التربية الاقتصادية	20	20	20	20	20	20	20	20	20	20
التربية القانونية	15	15	15	15	15	15	15	15	15	15
التربية الأخلاقية	10	10	10	10	10	10	10	10	10	10
التربية الفكرية	5	5	5	5	5	5	5	5	5	5
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0	0	0	0	0	0	0	0	0
التربية الإعلامية	0	0	0	0	0	0	0	0	0	0
التربية التكنولوجية	0	0	0	0	0	0	0	0	0	0
التربية البيئية	0	0	0	0	0	0	0	0	0	0
التربية الاقتصادية	0	0	0	0	0	0	0	0	0	0
التربية القانونية	0	0	0	0	0	0	0	0	0	0
التربية الأخلاقية	0	0	0	0	0	0	0	0	0	0
التربية الفكرية	0	0	0	0	0	0	0	0	0	0
التربية الابداعية	0	0	0	0	0	0	0	0	0	0
التربية المهنية	0	0	0	0	0	0	0	0	0	0
التربية الاجتماعية	0	0	0	0	0	0	0	0	0	0
التربية الصحية	0	0								



Figure 36: According to the Ministry's directive, Mody (6 years) will not be granted a seat in school the coming academic year

2.4.2.3. Third Case

Abdullah is a father of four boys and five girls with a fluctuating financial situation. He works intermittently. The older siblings did not finish school despite their attempts to complete their study in the evening because of their financial situation and family commitments. They work in selling foodstuffs and vegetables on the street. One of them works as a driver for a charity organization.

One of the sisters works as nutrition supervisor in a school with a modest salary of KD120 although she completed her high school education in literacy centers and holds a Diploma of Computers from a private institute; she did not go through regular schooling because of her family's financial situation.

The family lived in rented houses and had to change residence several times because of high rents. The children do not carry any birth certificates, which makes them vulnerable to the continuing threat of depriving them from basic rights and services, including the inability to pursue education. The family continues experiencing loss of academic opportunities for their children, their late attendance and attempts to cope with an academic environment not suitable for their age, in addition to the male siblings having to balance between studying and working at a young age.

The family repeatedly faced the dilemma of taking their children out of school because of their inability to afford education for all their children. The parents frequently went through financial difficulty and resorted to borrowing in order to cover for their

children's education costs. The elder sons decided to leave their regular morning education in private schools because of their need to work and resort to less costly public evening schools but some of them were not successful in balancing between school and work and decided to stop studying.

According to the latest procedures put in place by government for issuing birth certificates for stateless children older than 6 years and holding valid security cards, parents and children are asked to file with the Proof of Genealogy Department and undergo DNA testing which costs KD85 per person. Zakat House started as of late to cover this cost. The family started their application and received approval from Zakat House to cover the cost of the 4 children, the mother and the father. They were assigned an appointment date in July 2012.



Figure 37: A statement showing the total amount of additional fees due on the parent

2.4.2.4. Fourth Case

Adel has a family of 5 members. His children do not hold birth certificates, making them vulnerable to the continued threat of losing their basic rights including the inability to continue their education. When his older daughter Maha was to enrol in elementary grade in a private school, the father went to the Charity Fund for help. The Fund's management demanded that the father sign an undertaking that he renews the security cards and adjusts the status of those children sponsored by the Fund before the

end of the academic year 2010, otherwise he commits to pay expenses of their education starting from the next academic year without making any claims to the Fund.

His son Ali was able to register and enter school for the year 2011/2012 “coincidentally”, according to his father. They did not check Maha’s file to notice the undertaking and they accepted him automatically based on the enrolment of a former member of the family.

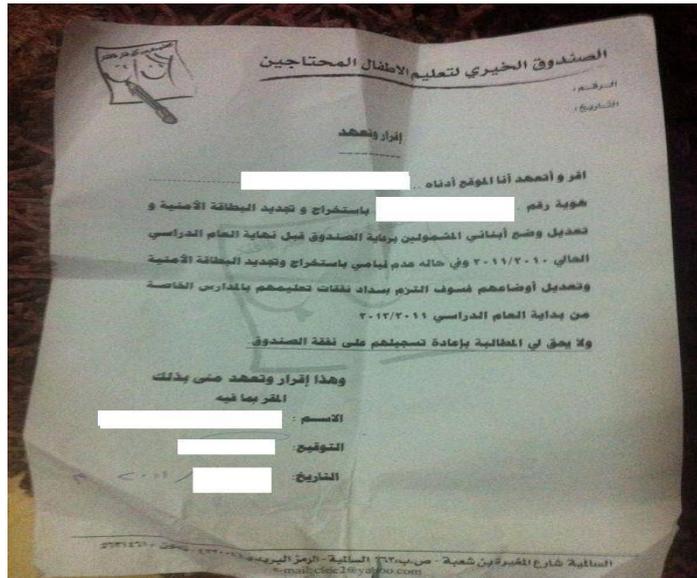


Figure 38: A declaration and undertaking enforced on the parent by the Charity Fund to issue or renew or adjust the status of the students or else the parent bears the costs of his children’s education

But the future of the child’s education today is threatened and remains unknown especially after the last decision of the Ministry of Education to prevent the registration and re-enrolment of students without either a birth certificate or the birth notice with a letter from the Proof of Genealogy Department stating that their application is under review.

But Adel’s children do not qualify for issuance of a birth certificate because in 1998 the Central System refused to renew Adels’s security card. His card was confiscated and he was asked to adjust his situation, and that meant obtaining any other nationality or passport to establish his status as a legal foreign resident.

The father faces great pressure and confusion over the right decision to make. He has to choose between two evils. He can either “succumb to the pressure and blackmail from

the Central System to obtain the nationality and passport of another country and abandon his claims for citizenship in return for facilitation of his matters and official transactions and those of his family, or derail his matters and those of his family, including forgoing years of study for his children" according to him.

Interview with a Teacher in a Private School for the Stateless

Safa'a is a 32 year old stateless woman who holds a Bachelor's degree and works as a teacher in one of the private schools for the stateless. She receives no more than KD190 in monthly salary. Safa'a tried to work at governmental and private bodies but they did not accept her because of the "intransigence and mood of the Central System in issuing some of the necessary papers, in addition to the restrictive policies imposed on stateless people in employment," according to her. Safa'a could not find any other job but to work as a teacher in these "worn down schools."

Safa'a says, "At least I'm teaching those who are like me and they are many. I teach 4 classes and there are 50 students in each class, hence a total of 200 students. I spare no effort in enabling them to succeed because I know very well the difficult circumstances of their families be it their inability to cover the cost of extra tuition or bear the costs in case their children failed a class because the Fund in that case will stop covering the costs of the failed student for good. Because I come from the same environment, I know very well how the student who stays home and cannot join a school suffers every day. Going to school is the only outlet for these students in spite of the worn out buildings and the lack of means for entertainment in them. I do not want for their dreams to be destroyed early and end up feeling sorrow later."



Figure 39: Broken windows left in the school



Figure 41: plastic bags fixed to the sealing to prevent water leaks



Figure 40: A hole in the school floor, a breach of safety regulations

2.5. Study of Social Security and the Protection from Economic Exploitation

2.5.1. Articles Relevant to Social Security and the Protection from Economic Exploitation

2.5.1.1. Article 26

- 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.*
- 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.*

2.5.1.2. Article 32

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:*
 - (a) Provide for a minimum age or minimum ages for admission to employment;*
 - (b) Provide for appropriate regulation of the hours and conditions of employment;*
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.*

Notes Regarding Exploitation of Children at Work

- Working children we met are under the age permissible by Kuwaiti Labor Law.
- Children do not enjoy the rights stipulated in Articles 26 and 32 of the Convention on the Rights of the Child.

- The State administers the law on children with low or non-existent income backgrounds on the pretext that they are violating Kuwaiti Labor Law, causing the severance of their livelihoods without offering social security alternatives.
- Working children caught selling on the streets are subject to arrest or confiscation of their goods by the Kuwait Municipality.
- The law prohibits the employment of juveniles, but the State does not offer alternatives for raising the standard of living of stateless children and their families.
- Kuwaiti Labor Law does not impose any penalty on the exploiter of child labor, which is contrary to what is stated in Item (c) of Article 32 of the Convention on the Rights of the Child stipulating that States Parties shall "provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."
- Some children under the age of 18 obtain minimal assistance every 4 months from Zakat House, but according to some cases it turns out that not all families receive this type of assistance.
- The difficulty in reconciling work at an early age with study, forces some to leave school and work full time in order to support their family.

2.5.2. Observed Cases

2.5.2.1. First Case

Hussein is 13 years old, and his family consists of 7 members. He works in selling "lupine" and "chickpeas" on the street. He lost his identity card and is afraid to renew it because of the lengthy procedure it entails. He does not own a passport.

His older brother Ziyad who is 16 years old works in selling watermelons. Their father does not work because of his age and illness. They live in the stables area and pay KD150 in monthly rent. The mother does not work either, but cooks lupine and chickpeas for her children Hussein and Khaled to sell on the road in the Taima area. We met Hussein under the hot sun with the temperature reaching 50°C. His skin has changed to dark brown because of his daily exposure to the sun. Hussein goes to a private school in Al-Jahra area in the morning and then to work. He works daily from 4pm to 11pm.

Hussein says that work affects his study heavily. He has no time to do his homework so he leaves it to his sister who does both his and his brother's homework. His daily income ranges between KD20 and KD25 on normal days and drops to KD10 to KD15 during the holidays especially the summer vacation. Hussein does not receive any other income from government institutions such as the Ministry of Social Affairs or Zakat House. He depends on varying tips from passers-by. His grandfather from his mother's side is a military serviceman who is not yet retired. Our final question to Hussein was "What is your ambition?" He answered, "to be a Kuwaiti military serviceman."

2.5.2.2. Second Case

Khaled, Hussein's brother, is 12 years old, and studies in a private school in Al-Jahra. He has an identity card and a birth notice but not a passport. He failed his studies and now has to pay KD200 to be able to continue school. Khaled says that he is not sure if he could pay this amount because he comes every day to sell lupine and chickpeas to support his family and provide them with their daily needs. Khaled sees that he is doing better at supporting his family than completing his schooling. His father does not work and depends on him and his brothers for financial support.



Figure 42: khaled, 12 years old, working in the street selling chickpeas

Khaled says that the reason he failed in school is that he is weak in reading and writing. His sister had been the one doing the homework. He, nonetheless, wishes to complete his study to get a better job than his current one. Khaled had previously sold pomegranate for a year in the same place. He works from 4pm to 11pm.

He suffers from fatigue from sitting under the sun for long hours. He also feels bored because he cannot play with his peers. Khaled depends on tips of passers-by and saves it for himself sometimes, because they do not receive assistance from the Ministry of Social Affairs or Zakat House.

Khaled, Hussein, their older brother, and even their young relatives selling on the streets, risk being arrested by the police and municipality. The arrests are not because of their young age or because the police are enforcing Ministry of Social Affairs rules regarding the employment of juveniles, but because they are hawkers.

2.5.2.3. Third Case

Mohammad is 16 years old and is the oldest of four brothers. He is a 9th grade student at Al-Fajr school located in Al-Hasawi area. The Fund sponsors his tuition fees. He and his father own passports but the rest of his brothers do not have any identities but the birth notice. His parents do not work, but his father sometimes uses his own car to transport passengers. This is a violation of traffic law in Kuwait and may cause his arrest and payment of KD50 fine, as well as vehicle detention.

Mohammad lives in a big house with a monthly rent of KD300. It houses his family and those of his uncles. Mohammad's family receives a Zakat subsidy of KD200 every four months. Mohammad has been selling pirated CDs and DVDs for a year and a half now. On weekends and holidays, his work runs from 6pm to 3am. During normal days his working hours are from 5pm to 11pm. Mohammad says that when he finishes school every day, he goes to work to earn his living. He returns home exhausted because his days are spent between school and work. His daily income reaches up to KD6 or KD7 and on bad days he earns between KD1 and KD2.

Mohammad buys the CDs and DVDs either from black markets, normally located in poor neighborhoods, or from what is called the "Friday Market". He buys each for KD0.5 and sells it for KD1. These films are banned because they are pirated. Piracy and copying without a license is a crime punishable by law. Therefore, he is always afraid of being arrested or having his goods confiscated.



Figure 43: Mohammad, 16 years old, selling pirated CDs

2.5.2.4. Fourth Case

Ahmed is 10 years old. He has been selling glowing sticks near traffic lights since he was 7. He is the only one among his brothers who works. Both his mother and father are unemployed. He has a notice of birth and an expired health insurance card; he never went to school, and therefore does not know how to read and write. His brothers went to school with the help of the Fund, but are now incapable of completing their studies because their security cards have expired. He lives in Taima, in a house rented for KD150, and oftentimes they cannot afford to pay the rent.



Figure 44: Ahmad, 10 years old, selling glowing stick in the street

He works from 4pm until midnight. Ahmed says that the highest income he can earn is KD10. Zakat House offers his family KD150 in assistance every four months. Ahmed says, "We stand here for hours and are forced to sit on the sidewalk when we are not able to stand any more. We often feel tired and hungry so we resort to nearby restaurants to get some food." Ahmed uncovered his leg to show us the injuries he suffered from passing cars when the traffic lights turn green. He says, "I have been

unintentionally run over by cars several times after people purchase the toys from me."

2.5.2.5. Fifth Case

He did not say much but he was dressed up in a famous football player's jersey. He is 8 years old and studies in first grade. He works in selling luminous sticks at the traffic lights. He lives off of the tips because his mother is separated from his father who had left her a long time ago and stopped taking care of his children or financially supporting them. The mother is unemployed and lives in her parents' house. He is the oldest of his 3 brothers. He has a health insurance card but no birth certificate. He works from 4pm until



Figure 45: A 7 year old child, selling glowing sticks on the street

midnight.

He shares his daily income with his 15 year old uncle. We asked him, “Don’t you fear the dashing cars that may not see you when you cross over? His uncle replied, “He’s been through several situations that almost cost him his life because he is too short to be seen by passing cars. They can only see him if they were paying attention as he crosses. Also, his leg has been unintentionally run over by cars several times.”

2.5.2.6. Sixth Case

Sa’ad, who is 15 years old, left school after reaching 7th grade. His parents could not afford his schooling after his failure. Sa’ad has been selling luminous sticks at street traffic lights for 2 years now. He has a birth certificate and a security card. Both his father and mother are unemployed; he has 3 brothers and 6 sisters.



Figure 46: Sa’ad, 15 years old, selling glowing sticks on the street

Sa’ad begins his work at 4pm and finishes by midnight. He says that he and his relatives, who work as street vendors, arrive at their places of work from far areas by taxi, and it costs them KD6 to KD7 a day.

Zakat House provides assistance to his family every 4 months, but he is not sure of the exact amount. Sa’ad says, “I tried once to join Al-Jahra’ Football Club, but they rejected me because I was without an identity. I felt hurt as I watched my peers play football while I couldn’t. I want to become a football player and I want to earn the Kuwaiti nationality to achieve that. I also miss school.”

2.5.2.7. Seventh Case

Hasan is 15 years old. He sells lupine for 7 hours a day, and has been doing this for 5 years. His working hours run from 4pm until midnight. He studies for one academic year and skips the next.

He lives in Al-Riqqa area with his parents. He gets a ride to his work place for free. His mother and father hold security cards. He has a birth notice and health insurance but he does not have a security card or a birth certificate. He has 6 brothers and sisters, and only 4 of them go to school due to financial constraints. Their education costs that their father needs to provide for reaches KD1600 while their monthly family income does not exceed KD150.

Work affected his studies and his educational level. He is forced to work to support his family. His 17 year old brother does similar work in another area.

Hasan says, "I tried to work in other jobs but the job market is full of expatriate children, thus minimizing the chances of finding work. The Municipality periodically confiscates my goods and makes me pay a KD200 fine. My wish is to complete my education and become an engineer, and I hope I could find enough time to play football."



Figure 48: Hassan, selling lupine at the roundabout



Figure 47: Hassan's health insurance card

Chapter 3. Results and Recommendations

3.1. Results

In this field report, cases of violations of children's rights have been observed and documented in accordance with the Convention on the Rights of the Child (CRC), ratified by Kuwait. The following results are noted:

1. The stateless (Bidoun) in general suffer from difficult living conditions due to the denial of their basic rights for years, and the most vulnerable to human and child rights violations are the category of those without valid security cards (such as those not registered with the Central System, or those the System refused to renew their security cards, those with security restrictions, and holders of counterfeit passports). This is the category deprived of the basic human rights affirmed by the Convention.
2. Those without valid security cards suffer from difficult living conditions because of the constrictive policies that target them, like depriving them from the right to obtain birth certificates and the right to education and healthcare as well as other rights. These policies are pressure tools to push them towards "adjusting or modifying their status", i.e. finding any other nationality on which to grant them valid residency. In the interest of protecting their children and their future, some of them were pushed to give up their demands for citizenship and turned to commercial offices to buy passports that are later discovered to be counterfeit. Their situation became worse than before. They and their children are left without any protection. They are neither citizens of these countries nor are they allowed to return to their former status as stateless.
3. Children whose parents do not carry valid cards are denied the right to obtain a birth certificate. Their right to education is jeopardized further with the Ministry of Education's latest directive to only register and re-enroll stateless children who carry birth certificates and valid security cards.

4. The majority of the schools designated for the stateless suffer from high student density, dilapidated buildings, shortage of equipment, in an explicit violation of the Ministry of Education's rules and standards for schools. These schools are also characterized by their social isolation.
5. Parents suffer from the extra charges they need to pay to private schools on top of what the Charity Fund for education pays. These charges prevented children from families with low or non-existent income from joining school. These families also face difficulties in the event of their child's failure since the Charity Fund terminates sponsorship in case of failure and the parents are then forced to bear the full financial burden of their child's high education costs.
6. Most high school graduates from the stateless are denied access to Kuwait University where education is free of charge. Only a select number of students with high scores are admitted due to the limited number of seats assigned to them. Students with high scores but without valid security cards and a birth certificate are denied registration.
7. Recently, Zakat House has been required to first communicate with the Central System before issuing health insurance for those stateless categories without valid security cards. They remain without health insurance relying for their treatment on compassionate exceptions offered by hospital and medical center employees and doctors. There are some medications prescribed to Kuwaitis and not to them. Instead, they are prescribed cheaper alternatives. They are also required to bear the costs of some medical tests and certain types of diagnostic tests. These are costs that cannot be afforded by those with low or non-existent incomes.
8. The disabled stateless from all categories are not covered by Law no. 8/2010 regarding the rights of people with disabilities. They are without care, treatment, or rehabilitation care, and are not received by the special centers for the disabled. They do not enjoy any of the benefits provided by the Law except the issuance of the disability card.
9. The low and non-existent income category of the stateless suffers from severe financial burdens especially rent payment. Job opportunities that help ease this

burden are lacking. They are forced to live in unsuitable environments such as the waste filled stables area.

10. Stateless children are deprived of the right to peaceful assembly and the right to establish non-profit organizations relating to children's rights, by virtue of Ministry of Social Affairs and Labor law regarding clubs and non-profit organizations that requires all founders to be Kuwaiti and over 21 years old. This violates the Convention on the Rights of the Child ratified by Kuwait.
11. Many cases of stateless children were observed selling in the streets for long hours under the hot sun. Some of them did not complete their studies because of the need to support their families. Those children do not have social security rights or protection from economic exploitation and from performing work that "is harmful to the Child's health or physical, mental, spiritual, moral or social development," as stated in the Convention on the Rights of the Child. Working children are subject to police arrests or the confiscation of their goods by the Kuwait Municipality in the event they were caught selling them. This results in forgone income for them without the State offering effective alternatives to raise the living standard of the children and their families.
12. Kuwait's constitution stipulates in Article 33 that "every penalty is personal" but the children and their parents are made to share the responsibility for a transgression committed by a third degree relative.

3.2. Recommendations

1. To put into effect the Convention's provisions and apply them on all categories of the stateless, such as identity, education, health care, care for the disabled, social security rights and the right to protection from economic exploitation and the right to peaceful assembly.

2. To cancel constrictive policies prohibiting the issuance or renewal of the security card, and to cancel security restrictions and refer them to the court to determine their legitimacy, and return the owners of counterfeit passports to their former status as stateless in order to consider their entitlement to citizenship like the stateless in the other categories.
3. To issue legislations that allow all categories of the stateless to obtain official documents such as birth and death certificates, marriage contracts, driving licenses and passports.
4. To cancel discriminatory policies in dealing with the stateless with respect to the requirements for school admission, health insurance and medical treatment.
5. To facilitate the potential for integrating the stateless into society and grant them the right to attend public schools rather than isolate them in schools of inferior quality.
6. To grant the stateless the right to university education so as to allow them better employment prospects.
7. To exempt people with limited and non-existent income from the additional fees imposed by the private school on the stateless.
8. To issue legislation that includes the disabled stateless in the Law no. 8/2010 regarding the rights of persons with disabilities so they can be offered health care and rehabilitation therapy, and the benefit from the special centers for the disabled.
9. To amend the law for establishing clubs and non-profit organizations such that it grants stateless children the right to peaceful assembly and the right to establish non-profit organizations relating to children's rights. This requires the amendment of the condition stating that such activities are limited to Kuwaitis over 21 years old, such that it conforms to the Convention on the Rights of the Child that Kuwait ratified.

10. To provide social security and protection from economic exploitation, and to develop alternative solutions for raising the living standards of children and their families.

11. To encourage Kuwait to ratify the Convention Relating to the Status of Stateless Persons.

12. To grant the judiciary system the right to consider nationality disputes which, in accordance with Article no. 166 of the Kuwaiti constitution stating that “the right to litigation is guaranteed to all people.” Legal standards for the granting of citizenship need to be put in place, and they need to be in agreement with the concepts of human rights, democracy, and the rule of law.