



## **Kuwait Society for Human Rights State of Kuwait**

Shadow Report to the State of Kuwait's second periodic report  
presented to the committee on Economic, Social and  
Cultural Rights.

50th Session

December 2012

In light of the revision of the second Kuwaiti report by the Committee on Economic, Social and Cultural Rights. Kuwait society for Human Rights hope to present some useful information and express the most significant points which raise its concerns regarding the situation of economic, social and cultural rights at the State party.

## **Introduction**

The Reports Writing Team in Kuwait Society for Human Rights in the State of Kuwait (NGO) has prepared this report to the experts of the Committee of Economic, Social and Cultural Rights in the United Nations, believing in the constitutional and democratic legitimate role of monitoring of the civil society, revealing the official authorities shortcomings in the implementation of the international conventions, and encouraging to fully implementing them effectively.

This report reviews the most prominent violations of the articles of international convention of the Economic, Social and Cultural Rights of the stateless (Bidoun) at the State of Kuwait.

## **Reported violations as per the International Convention**

### **Articles 1-5**

Given that the Government of the State of Kuwait had reservations on the following articles and items (item 2 of Article 2, Article 3, paragraph "d" of Item 1 of Article 8, Article 9), the Kuwait Society of Human Rights refers to several violations that fall under the articles mentioned above and recommends to the Experts Committee on Economic, Social and Cultural to call the State of Kuwait to withdraw its reservations mentioned above, given their impact on the promotion and protection of individual rights and ensuring gender equality, and that will contribute in reducing the aggravation of the problem of statelessness in Kuwait through the transfer of citizenship of Kuwaiti female citizen to her spouse and children in equity with the Kuwaiti male citizen.

### **Questions**

- 1 Why the government does not withdraw the reservation on articles 2 and 3 of the international convention, given that those articles do not contradict with the general principles of the Kuwaiti Constitution especially article 29 (equality between both genders)?

- 2 Why the local legislations have not been revised to ensure gender equality in the transferring the nationality from Kuwaiti women to her spouse and children, in equality with Kuwaiti men in compliance with the Kuwaiti Constitution and the International Convention?
- 3 State the reasons why the State of Kuwait have not ratified the Convention of 1954 relating to the Status of the Stateless, and the Convention of 1961 relating to the Reduction of Statelessness In conformity with the International Convention on the Economic, Social and Cultural Rights?

### **Article 6 - The right to work and freedom of Work selection**

Stateless worker do not always have the freedom of work selection of a convenient working environment, due to the restrictions made by the Central System for Remediating the Status of Illegal Residents (CSRSIR).

### **Article 7 - The right to fair and satisfactory working conditions**

Summer of 2012, The Ministry of Education issued a decree to recruit stateless teachers on remuneration basis, which deprives female teachers from maternity leave and salaries of summer holidays and sick leaves, in a clear discrimination in comparison to the rest of citizens and foreigners teachers and the administration of schools for the same specializations and type of work.

Although the International Convention on Economic, Social and Cultural Rights in Article 7 states "*A decent living for themselves and their families in accordance with the provisions of the present Covenant*", the Central System for Remediating the Status of Illegal Residents (CSRSIR) imposes exceptional conditions to recruit the stateless in the government sector, limiting them to specified-terms contracts applied only for technical jobs with no career path and excluding them from administrative positions, depriving remunerations and exposing them to abusive dismissal without reasons which keeps them remain under poverty line.

We would also like to point out to the final recommendations of the Committee on Economic, Social and Cultural Rights, held on June 7, 2004 (E/C.12/1/Add.98) submitted to the State of Kuwait particularly Recommendations No. (12) with respect to the Committee's concern about the continuing discrimination against

stateless (Bidoun), No. (15) about the lack of a minimum wage in public and private sectors, and No. (16) on unfair terms and conditions of employment, and No. (20) with respect to the exclusion of non-citizens from the social security system.

### **Questions**

- 1 What are the government's efforts to provide the chance for stateless (Bidoun) to work in Private and Public Sector with direct-contracts and with fair work conditions and wages?
- 2 Were there any precedents in enabling stateless labor (Bidoun) to access the judiciary system demanding their rights in work?

### **Article 10 - Granting the family protection and assistance**

Despite the resolution of the Council of Ministers to issue birth & death certificates and marriage & divorce certificates for stateless (Bidoun) in March 2011, there are segments where stateless are excluded because they are not registered in the Central System for Remediating the Status of Illegal Residents (CSRSIR), those who have expired IDs or those who have been forced to modify their status by obtaining foreign passports that were later found to be fraud after obtaining legal residency.

### **Questions**

- 1 Are there any of Stateless (Bidoun) who could not document their divorce or marriage incidents or register births and death cases?
- 2 What are the government efforts in including these segments in documentation?

### **Article 12 - The right in Health, Treatments and Prevention of Diseases**

When stateless patients needed traveling abroad to seek treatment, due to the lack of specialized local medical expertise and qualifications, the procedures of issuing temporary passports were delayed in many cases despite that some of them are critical and need to be transferred urgently abroad. Number of cases faced serious complications and sometimes death.

### **Questions**

- 1 What are the government's efforts in exempting stateless (Bidoun) patients from the routine procedures of issuing temporary passports required to get treatment abroad in light of the occurrences of deaths cases?

### **Article 15 - The right of individuals to participate in cultural life**

Stateless (Bidoun) are deprived from their right to participate in cultural life due to the State conditions that requires the participants to have specified citizenship to be able to participate in cultural activities and competitions such as the Holy Quran memorizing Competition (organized by Ministry of Awqaf and Islamic Affairs) and the Literature Innovation Competition (organized by The Public Authority for Youth and Sport). As example of discrimination against stateless (Bidoun) poets, Ms. Saadiah Mufarreh and Mr. Dekheel Al-Khalifa were deprived from travelling to participate in Literature Events outside the State of Kuwait.

### **Questions**

- 1 What are the government's efforts in enabling stateless to participate in Cultural Competitions and Activities?
- 2 What are the guarantees offered by the government to enable stateless writers in participating in the literature events outside the State of Kuwait?