**Kuwait: Discrimination of Bedoon Community**

The *Convention on the Elimination of All Forms of Racial Discrimination* (CERD)[[1]](#footnote-1) was ratified by Kuwait in 1968 however, the State continues to fall short of implementing its obligations under the Convention, in particular the civil rights guaranteed under article 5. The focus of this report is the discrimination faced by the Bedoon community in Kuwait.

The Bedoon Community in Kuwait accounts for approximately 120,000 of its population. Despite its commitment under article 2 of CERD to eliminate all forms of racial discrimination and to promote understanding among all races, the State continues to blatantly target and segregate the Bedoon community. These men, women and children remain ‘stateless’- without citizenship and without rights.

The Bedoon face daily discrimination in clear contravention of international human rights conventions including CERD and the *UN Convention Against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT). Those who speak out for the rights of the Bedoon are met with intimidation, judicial harassment and ill-treatment at the hands of the authorities

**CERD**

The Bedoon people are not afforded the legal protection of CERD as the Kuwaiti authorities have failed in their obligations to criminalise the incitement of racial hatred (Article 4), to ensure judicial remedies for acts of racial discrimination (Article 6), and to engage in public education to promote understanding and tolerance (Article 7), towards the Bedoon.

Since February 2011 there have been large protests for the rights of Bedoon people. However, these have been put down by security forces often by the use of excessive force, tear gas and the arrest and detention of protestors. This is in flagrant breach of article 5 (b) which guarantees the right to security of person and protection by the State against violence or bodily harms. As well as the right to freedom of peaceful assembly and association and freedom of opinion and expression as provided by articles 5 (c) (viii) and 5 (c) (ix) respectively. As a result of such violence there has been a noticeable decrease in the number of protests since 2015.

Bedoon rights’ activists face on-going targeting by the authorities. The case of **Abdulhakim Al-Fadhli** is an illustration of the discrimination faced by those working for Bedoon rights. Abdulhakim Al-Fadhli is a prominent activist who is involved in monitoring human rights violations in Kuwait. He has been arrested and detained on a number of occasions and subjected to torture. In January 2015 he was sentenced to one year in prison with hard labour followed by deportation for his participation in a demonstration calling for Bedoon rights.

In April 2016, he was arrested by security forces while attending a peaceful gathering at the home of Mussalam Al-Barrak, an MP who was serving a two-year prison sentence for publicly criticising the electoral law as unjust, unrepresentative and discriminatory. He was released in August but detained again in September 2016. He remains in detention at the Central Prison in Kuwait where he has undertaken four huger strikes in protest against his detention, the conditions and his ill-treatment at the hands of the authorities. It is feared that he will be transferred to Tolha Prison, a prison for deportation, when his sentence expires.

Human rights defender **Rana Al-Sadoun** was charged and sentenced to five years in prison after she repeated Mussalam Al-Barrak’s speech which echoed the provisions of article 5 (c) of CERD which guarantees political rights and called for equality to participate in elections.

Interviews carried out during a mission by the Gulf Centre for Human Rights (GCHR) highlighted the discrimination faced by women Bedoon. One woman describes how ‘I am 33 years old. What can I do with my life? In the beginning I was able to go to school because my mother is Kuwaiti. You could go to school for free if your mother is Kuwaiti. But my father is Bedoon and after the changes of 1986 the whole family was designated Bedoon. … Now I can’t go to college because that is only for Kuwaitis.’[[2]](#footnote-2). The situation for Bedoon children is equally discriminatory and they are targeted by authorities and subject to physical and verbal attack. While there have been some improvements the majority of Bedoon people often have no education or access to health care in contravention of article 5 (d) (iv) and (v) of CERD.

Bedoon people are discriminated against in the workings of the legal system in contravention of article 5 (a), which requires state parties to guarantee the right to equal treatment before tribunals and all judicial organs. Bedoon defendants are often forced to wait for lengthy periods of time from their arrest to their appearance in court without justification. Often they are not notified of the date of a hearing resulting in a conviction *in abstentia.*  Lawyers who represent them, often pro bono, have also been targeted by authorities[[3]](#footnote-3).

**TORTURE**

Bedoon people, those who protest peacefully and those who promote Bedoon rights have been subjected to torture in clear contravention of the UNCAT2. The Committee Against Torture (CAT), in its list of issues to Kuwait, raised the issue of beatings and physical abuse of those detained during Bedoon protests in February and March 2011[[4]](#footnote-4). The Kuwaiti authorities responded by stating, “ there have been no incidents of misconduct or abuse in the part of the security forces”[[5]](#footnote-5).

Despite national constitutional and legal provisions in place to criminalise torture and guarantee a right to a fair trial including prompt access to a lawyer, these provisions are routinely ignored when it comes to Bedoon activists, in violation of articles one and two of the UNCAT. Human rights defenders are often arrested and subjected to intimidation and beaten without recourse to any legal representation or fair procedures.

**Nawaf Al-Hendal** has been relentlessly targeted since he began his human rights activities in 2008. He is the founder and director of *Kuwait Watch*, an NGO that monitors and documents violations in Kuwait and the Gulf region. He has been targeted on many occasions including in January 2015, when an arrest warrant was issued against him following postings on his *Twitter* account. He was beaten and arrested in March 2015 as he was monitoring a protest calling for reform of the judiciary and the release of detained activists. It is believed that his arrest was linked to a speech he made at the UN Human Rights Council in which he talked about freedom of expression and opinion and the ongoing attacks on human rights defenders and Internet activists in Kuwait. Two days after his arrest a travel ban was imposed against him, he was charged with “illegal gathering” and released on bail.

As mentioned above, Abdulhakim Al-Fadhli has been tortured during his periods in detention and there are fears that this is on-going as he remains in prison. In October 2012 he was arrested, tortured and detained for over 100 days. During this time he was beaten, blindfolded and suspended in a stress position for hours. In February 2014, he was arrested along with his brother **Abulnasser Al-Fadhli** on charges relating to a demonstration in support of Bedoon rights**.** They were interrogated without the presence of a lawyer. He was eventually released in April following a hunger strike. The brothers told the court that they were tortured while in detention however their allegations have been ignored. In July 2014 he was again arrested and detained for a month before being released pending trial. During this time he was subjected to ill treatment and physical assault and commenced a hunger strike in protest. All allegations of torture which he reported remain uninvestigated in clear violation of the UNCAT.

**CONCLUSION**

Kuwait, while being considered one of the more democratic of the Gulf States continues to discriminate blatantly against a significant proportion of its population, made up by the Bedoon community. Despite its ratification of international conventions and repeated calls by the international human rights community it fails in its obligations towards the Bedoon. The GCHR expresses serious concern at such failure. It expresses further concern at the continued refusal of the authorities to address the situation as evidence in its 2015 UPR cycle, where it rejected recommendations to provide citizenship and rights to Bedoon or to grant them access to social services (157.242-254). [[6]](#footnote-6) It is imperative that all member states and Un bodies do everything within their power to ensure that Kuwait fully all human rights conventions in particular CERD as it relates to the Bedoon community in Kuwait.

**RECOMMENDATIONS**

**The GCHR calls on the authorities in Kuwait to:**

1. Further develop and implement plans to provide a solution to the longstanding problem of statelessness in Kuwait in accordance with CERD and international legal standards in consultation with Kuwaiti civil society organisations.;
2. Cease treating the Bedoon as illegal residents;
3. Grant nationality to longstanding residents with claims to nationality, including those without documents;
4. Register all children born within the borders of Kuwait within an appropriate timescale and provide birth certificates to all such children. Issue marriage and death certificates, travel documents and driver’s licenses to all persons in Kuwait without discrimination;
5. Eliminate discrimination against women in Kuwait in the field of nationality by ensuring that nationality can be conferred on women and men equally.
6. Introduce appropriate legislation to ensure that all articles of the CERD are fully implemented.
1. International Convention on the Elimination of All Forms of Racial Discrimination Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 04 January 1969 [↑](#footnote-ref-1)
2. Dignity has no price in Kuwait, Gulf Centre for Human Rights April 2014 http://www.gc4hr.org/report/view/24 [↑](#footnote-ref-2)
3. The ‘Iron Fist Policy’: Criminilazation of Peaceful dissent in Kuwait, Amnesty International, 2015 [↑](#footnote-ref-3)
4. CAT/C/KWT/QPR/3 para 30 [↑](#footnote-ref-4)
5. CAT/C/KWT/3 para 117 [↑](#footnote-ref-5)
6. Response to Recommendations and voluntary pledges, Kuwait UPR 2nd Cycle (157.242-254). https://www.upr-info.org/sites/default/files/document/kuwait/session\_21\_-\_january\_2015/recommendations\_and\_pledges\_kuwait\_2015.pdf [↑](#footnote-ref-6)