**Issued by: Kuwait Society for Human Rights for Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

* The Kuwaiti Society for Human Rights disseminates the culture of respect for human rights, raises awareness of international human rights covenants and emphasizes the principle of equality and non-discrimination contained in the Universal Declaration of Human Rights, since we encourage respect for human rights and fundamental freedoms for all without discrimination of any kind, whether on the basis of race, color, gender, language, religion, political opinion or any other opinion, national or social origin, property, birth or any other status, and defend individuals whose rights have been violated by all available ways and means. Within the framework of the Society’s keenness to protect and promote these rights, it provides this brief information on the extent of commitment to implement the Durban Declaration and Program of Action against Racism, Racial Discrimination and Xenophobia at the National Level.
* The Durban Declaration and Program of Action embodies a strong commitment by the international community to combat racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels. Although Durban Declaration and Program of Action is not legally binding, it has important moral value and serve as a foundation for efforts exerted all over the world to defend this issue. The State of Kuwait has affirmed its commitment to combating racism and implementing the principles of the (Durban) Declaration and Program of Action and the final document issued by it through the effective application of national laws that included many penal provisions that criminalize any manifestations of religious racism and that its other provisions combat any manifestations of racism or racial discrimination, including Law No. 19 of 2012 on the Protection of National Unity, which prohibits discrimination between people in rights and freedoms based on color, sex, religion, opinion, national or social origin, birth, tribal, sectarian or school of jurisprudence affiliation.

**The Most Important Challenges and Obstacles to the Elimination of Racism, Racial Discrimination and Xenophobia at the National Level:**

* Kuwait acceded to the International Convention on the Elimination of All Forms of Racial Discrimination pursuant to Act No. 33 of 1968. Ratified treaties become an integral part of national law and the domestic legal order as of the date of their entry into force. Therefore, all government bodies and institutions, as well as individuals, must abide by the provisions of such agreements, and it is the responsibility of the Kuwaiti judiciary to ensure that they are respected and protected. But in terms of practical practices in reality, we find that the Kuwaiti judiciary relies for most of its rulings on national legislation. Therefore, a court ruling is rarely passed based on an international convention regulating the State of Kuwait. Based on the foregoing, and in light of our research in this regard, we were unable to reach a judicial ruling issued by the Kuwaiti judiciary based on the International Convention on the Elimination of All Forms of Racial Discrimination. This indicates the few and even scarcity of judicial rulings implementing the provisions of the international conventions regulating Kuwait in general and the Convention on the Elimination of All Forms of Racial Discrimination in particular.
* Weak legislation and its inconsistency with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the promotion of hate speech and racial discrimination by members of Parliament, and the failure to take implementation strategies and concrete measures in combating racial discrimination and negative profiling.
* The weak role of civil society organizations in encouraging human rights education and awareness and combating racism in all its forms, and their weak contributions in taking measures and procedures to combat kinds of discrimination.
* The weak role of the media in combating racism, racial discrimination, xenophobia and related matters.

**The Most Important Groups Vulnerable to Discrimination at the National Level:**

1. **Bidoons (the Stateless):**

The Bidoons (the Stateless) are continuously and systematically deprived of their rights by depriving them of the necessary identity documents, as the Kuwaiti government calls the Bidoons “illegal residents”, deeming them as not stateless, but are in violation of the Kuwaiti Aliens Residence Law No. 17/1959, and demands them to validate their legal status, and thus Kuwaiti law does not give the Bidoons any clear or specific opportunity to obtain Kuwaiti citizenship. Many of their rights are not legally recognized in Kuwait, and based on this non-recognition; they have been deprived of the right to citizenship or legal residency, which led to depriving them of their fundamental rights.

The Kuwaiti government believes that the overwhelming majority of the Bidoons is not entitled to Kuwaiti citizenship, especially those who are not in the 1965 census, since the State believes that they hid their actual nationalities in order to obtain the benefits that citizens obtain. In 2010, it established the “Central System for the Remedy of the Situation of Illegal Residents” to handle the situation of the Bidoons, but the System, according to its CEO, Saleh Yousef Al-Fadala, deals with the Bidoons as a problem and disease that must be treated because they are a “chronic headache in the head of the government and its treatment has become a must”[[1]](#footnote-1).

The Central System, which is the body authorized by the government to address the situation of the Bidoons, has become a tool of pressure through its arbitrary and discriminatory measures and pressure exerted on the overwhelming majority not to renew the security cards they hold, unless they sign a statement that they have the nationality of other countries.

**Some of the Discriminatory Practices of the Central System for Illegal Residents against Bidoons:**

* Its condition on the Bidoons that they sign a pledge confirming the validity of their personal data available to it in order to obtain health insurance cards. This barter prompted many to sign the pledges but they were later surprised that their nationalities were registered to countries where they do not know anyone, according to the allegations of many of them, and that exacerbated the issue and made it more complicated.
* Its condition on the Bidoons that they sign the validity of the data available to it in order to renew the security cards, which are deemed as identity cards. If the Bidoon does not renew his card, all his transactions in all agencies and bodies will be suspended and he may lose his job and his education may also be suspended. This procedure may lead to the outbreak of real tragedies. If the security card expires, his bank account will be suspended and his health file will disappear, in addition to the fact that charities do not grant him any humanitarian aid.
* Please note that these procedures are based on recommendations from the System.
* Its condition on the various entities that desire to employ the Bidoons to be granted approval which is deemed a restriction on the Bidoons’ right to work and constitutes more personal control.
* -Judgments issued supporting the Bidoons’ right in a number of issues caused by the System are not implemented, and we have received information about a threat received by a number of Bidoons that if they do not give up their cases, their relatives' transactions will be obstructed.

1. **Migrant Workers:**

With the emergence of the Covid-19 pandemic, the tone of racism and hate speech has increased from members of the National Assembly and citizens against migrant workers, deeming that these workers constitute a heavy burden on the government, especially the health sector that drains its public services and infrastructure. The Kuwaiti Government has issued a number of decisions including the precautionary suspension of work in the government sector, imposing a curfew and suspension of work in the private sector, which directly affected the lives of workers, their working conditions and their labor rights stipulated in labor laws and other administrative decisions, which imposed restrictions on many human rights as a result of imposing partial curfew and quarantine, limiting freedom of movement and adherence to social distancing, and other measures that were adopted in confronting this epidemic, which caused damage to public health and resulted in deprivation of rights that accompanied the measures taken

In this regard, the United Nations in State of Kuwait has supported the Kuwait Society for Human Rights, in cooperation with a number of civil society actors, by launching a media campaign to counter the hate speech and incitement to xenophobia through “**Kuwait Declaration on Countering Hate Speech and Society Incitement to Hatred during the COVID-19 Pandemic[[2]](#footnote-2)”**

1. **Women**

The Kuwaiti Constitution, Article (29) reads that: (All persons have equal human dignity and the same public rights and duties before the law, without discrimination on the grounds of gender, origin, language or religion). Kuwait is also regulating the Convention on the Elimination of All Forms of Discrimination against Women by Emiri Decree No. 24 of 1994; however, the reality is not free of discrimination in light of existence of laws enacted by the Kuwaiti legislator that discriminated between men and women on the basis of social gender. Whereas the legislator’s determination so far has not taken into consideration the international conventions related to women's rights ratified by the State of Kuwait, because we live in a society governed by customs and traditions and customs that contain many discriminatory forms against women.

1. From the speech of the CEO of the Central System for the Remedy of the Situation of Illegal Residents, published on the System’s website, link: <https://www.carirs.gov.kw/News/%D9%83%D9%84%D9%85%D8%A9-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%B2/>% [↑](#footnote-ref-1)
2. - Read the declaration through the following link” <https://drive.google.com/file/d/1Qt429D05EIAitXII2PEv9LBS80dyXxPT/view> [↑](#footnote-ref-2)