



“I DON’T HAVE A FUTURE”

STATELESS KUWAITIS AND THE RIGHT TO EDUCATION

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Cover photo: Sun setting on Taima, a Bidun neighbourhood in al-Jahra governorate.
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1. EXECUTIVE SUMMARY

A father's fears broke through his stoicism when speaking about the future of his stateless children. "We've managed until now, but I'm scared," he said, his eyes welling up with tears after Amnesty International asked him what will happen when his two-year-old daughter reaches school age without legal identity documents. "I'm scared for my daughter's future," he added. Amnesty International heard similar despair when interviewing other Kuwaiti-born stateless people (known as the Bidun) in Kuwait, including a man in his late 20s who had never spent a day in a classroom because he did not have the required government-issued documents. As a result, he had begun working on the street as a child and believed he had "no future".

Kuwait systematically discriminates against its native-born stateless population by denying them nationality and excluding many of them from the government educational system. This forces Bidun families to rely on the private market and their own income to educate their children, even at the primary level. Consequently, some Bidun children go uneducated and may end up working on the streets to help support their families, who generally have a lower income than recognized Kuwaiti nationals. Others go to private schools that their families can afford, which those interviewed by Amnesty International report have worse infrastructure and student-teacher ratios than the governmental schools that provide free education to Kuwaiti nationals.

Kuwait's failure to provide free education for its Bidun population equal to that provided to recognized nationals is both discriminatory and contrary to the government's obligations under the International Covenant on Economic, Social and Cultural Rights.

This report examines the educational landscape faced by the Bidun in Kuwait. It looks at the origins and size of this social group and then reviews the available information on government policy in this field.

The report is primarily based on Amnesty International's interviews with 29 people, including 24 Bidun persons and four recognized Kuwaitis who work as educators, during a visit to Kuwait in June 2022. It examines the access to education of 63 Bidun individuals, documenting how the state's longstanding policies undermine the ability of nearly all of them to access and equally enjoy their right to education. Amnesty International also undertook a review of available Kuwaiti laws and policy decisions, press reports, government reports and statistics, and Kuwaiti submissions to UN bodies. Essential government policy decisions concerning the Bidun, including official instruments that have legal force and should have been published in the official gazette, such as cabinet and ministerial decisions, are not available to the public.

THE BIDUN

The Bidun population is estimated to be in the general area of 100,000, around 10% of the recognized national population. Their statelessness has been perpetuated by Kuwait's nationality law, which does not recognize as nationals the children of stateless parents born in Kuwait or children of Kuwaiti mothers and non-Kuwaiti fathers, and by official decisions barring a path to naturalization. In April 2022, Kuwait's Court of Cassation ruled that courts may not consider questions of nationality at all, as these are solely the province of the executive branch. With this decision, Bidun residents have been decisively blocked from seeking to redress their statelessness and acquire Kuwaiti nationality through the judicial system, just as they have been blocked by executive policy for decades.

Many different categories with differing levels of officially recognized documentation and legal statuses apply to the Bidun. The wide variety is due to:

- the number of different forms of identity documents;

- the special forms of identity documents that apply to the Bidun but not to the recognized national population; and
- the many changes over the years to Bidun identity documents and the conditions of receiving them.

The multiple statuses include:

- at the highest level, Bidun people whose mothers are Kuwaiti nationals or whose father or paternal grandfather served in the police or military, who are granted more “privileges” than other Bidun;
- at the lowest level Bidun people who no identity documents at all;
- Bidun people who only have carbon copies of the hospital report of their birth and therefore lack the crucial Ministry of Health birth certificate and Civil Identity Number needed for most official procedures and public services in Kuwait; and
- Bidun individuals who have been arbitrarily assigned a non-Kuwaiti nationality by the Central System for the Remedy of the Situation of Illegal Residents (Central System), the principal government agency regulating Bidun affairs since 2010.

The frequent changes in the kinds of documentation required of Bidun and to government rules affecting their access to education and other public services, create significant socio-economic instability and hardship for Bidun people in Kuwait.

A DISCRIMINATORY EDUCATION SYSTEM

The default rule for the Bidun is that their children are excluded from the free government school system. Some specially privileged categories, such as Bidun children of fathers or paternal grandfathers who served in the army or police, are allowed to attend government schools. However, children who cannot claim membership of such a privileged class are not guaranteed a free education, even at the primary level.

Their alternative is to seek education at private schools, which vary in quality according to what the family can pay. Bidun people are largely excluded from jobs in the better-paying public sector in Kuwait, and so overall are believed to have lower incomes, though the government does not report this data. The different standards of living between Kuwaiti nationals and the Bidun can be seen visually in the adjacent neighbourhoods of Taima (Bidun) and al-Naeem (Kuwaiti national) in al-Jahra governorate: the Bidun homes are small, one-storey, closely packed units constructed mostly of sheet metal; the recognized Kuwaiti nationals live in modern, multi-storey apartment buildings with courtyards.

All of the 22 Bidun families interviewed by Amnesty International said that the government had never contacted them or made any other effort to ensure that their children were in school. Five families had at least one member who had never been able to access any formal education because of the lack of identity documents or poverty. Four of the Bidun interviewed had begun working as children to help support their families, three of them selling low-value items on the streets or along desert travel routes.

Those interviewed about the private school system that Bidun families are forced into most commonly referred to its inferiority to the free governmental school system – in terms of key resources and maintenance – and the cost burden on Bidun families. Six out of seven Bidun families with children currently in private schools described the buildings and equipment as very poor in quality. The 10 Bidun families who had experience with private schools during the past five years estimated the average class size (student-teacher ratio) as 40, whereas four individuals (two Bidun, two recognized nationals) interviewed with current experience in government schools estimated the average class size to be around 28. These personal estimates tally with official government figures showing a higher student-teacher ratio in private schools.

Six out of 10 Bidun families interviewed who had recent experience of the private school system described the costs as a significant expense for their family. A government-run agency, the Charitable Fund for Education of Needy Children, was established in 2003 to help needy families, including Bidun families, pay for their children’s education. However, according to all of the 10 families, the fund does not fully cover the cost of their children’s education, despite the families’ efforts to ensure they received the full financial support possible. Indeed, available figures show that government spending per student on Bidun children’s education is a small fraction of its spending on children who are recognized Kuwaiti nationals.

At the post-secondary level, the Bidun are admitted to Kuwait University, the state’s flagship institution of higher learning, but only in numbers set by an annual quota. The quota was only 15 Bidun admissions per year until 2012. Following protests that year over this extremely low number, the university administration raised the quota. In recent years it has been between roughly 180 and 270 Bidun student admissions per year. Nevertheless, the number of Bidun at Kuwait University comprises only around 3.8% of the student

population, well below the Bidun presence in the country's population of about 10%. Moreover, Bidun applicants have been almost totally excluded from the College of Medicine. Among all 29 Kuwaitis (Bidun and recognized nationals) interviewed by Amnesty International, only one – a professor at Kuwait University who is involved in the annual debates over Bidun admissions there – was aware of a single case during the past decade in which a Bidun student was admitted to this college.

Most Bidun students seeking higher education therefore have to turn to the private market, which is beyond the means of many Bidun families. By contrast, recognized Kuwaiti national students are subject to no quota at Kuwait University and are eligible for state-paid scholarships to study abroad.

Recommendations

The report concludes with recommendations to the Kuwaiti government and international actors to end discrimination against the Bidun and move Kuwait towards respect for and fulfilment of the right to education for all children under its jurisdiction. The recommendations include:

- ending the legal and administrative practices that perpetuate statelessness across generations, and naturalizing all those who were born and have lived their entire lives in Kuwait and are not recognized as nationals by any other state; and
- pending resolution of Bidun statelessness, immediately provide Kuwait's Bidun population with access to free and universal education on equal terms with recognized Kuwaiti nationals.

2. METHODOLOGY

This report is based on research carried out between May and December 2022, including a visit to Kuwait from 22 to 29 June 2022. An Amnesty International delegate visited the following governorates: al-Ahmadi, al-Farwaniya, al-Jahra and Capital governorate. Amnesty International interviewed 29 Kuwaitis, of whom 24 were stateless residents of Kuwait, four were recognized Kuwaiti nationals and one whose legal status as a Kuwaiti national is subject to ongoing legal proceedings.

The stateless interviewees were from 22 different Bidun nuclear families. Among the stateless interviewees, 16 were men (aged 19 to 57) and five were women (aged 18 to 45); three (two girls, one boy) were children (aged 15 to 17). Interviews examined the access to education of 63 Bidun persons, documenting how the state's long-standing policies undermine the ability of nearly all of them to access and equally enjoy their right to education.

Most interviews were conducted in person in Kuwait. A smaller number of interviews were conducted by phone in July and August 2022. Those interviewed included four Bidun activists, two university professors, including one active in the Bidun cause, and two government school employees (a teacher and an administrator). Amnesty International also held meetings with representatives of local human rights groups and the government.

Interviews were conducted in Arabic and English, according to the preference of the interviewee. No incentive was offered for speaking. Amnesty International informed interviewees about the nature and purpose of the research as well as about how the information would be used. Oral consent was obtained.

There is a common fear of speaking out among the Bidun community, making it hard to conduct a large number of interviews. Some individuals declined to be interviewed, even on condition of anonymity. Amnesty International is withholding the names of most interviewees in accordance with their wishes; several specifically cited fears of reprisals against them or their loved ones if it became known they had spoken with Amnesty International. Pseudonyms appearing in quotation marks have been used in cases where names were changed for security reasons.

Amnesty International requested in advance permission to visit government and private schools. However, the Kuwaiti government said this required agreement from the Ministry of Education and would not be possible because Amnesty International's visit was taking place during students' and teachers' summer vacation. In light of this, an Amnesty International researcher examined the exterior of government and private schools, and spoke with students, teachers and parents about the condition of the facilities inside.

In addition, Amnesty International examined Kuwaiti laws and policy decisions on Bidun education where these were publicly available, as well as Kuwaiti press reports, official reports and statistics from the government, and Kuwaiti submissions to UN bodies reviewing its human rights performance in the field of education.

On 30 June, Amnesty International wrote to the Prime Minister and the Minister of Education presenting a summary of its findings and requesting information regarding issues raised in this report. No response was received from the Kuwaiti government.

3. BACKGROUND

3.1 ORIGINS AND SIZE OF THE BIDUN POPULATION

The presence of a long-term stateless population in Kuwait, known as the Bidun (short for “*bidun jinsiya*”, Arabic for “without nationality”; sometimes also spelled “Bedoon” in English), traces back to the way the newly independent state was formed and its citizenry defined in the period 1959-1965. A law defining conditions for acquisition of the new Kuwaiti nationality was passed in 1959.¹ From 1959 to 1965, Committees for Confirmation of Nationality, appointed and controlled by the Emir and the Director of Police Departments and Public Security – the forerunner to the Minister of Interior – defined who comprised the population of Kuwaiti nationals.²

An urban bias in favour of the established residents of Kuwait City and its environs meant that many people in the country’s rural hinterlands were not registered when nationality was introduced, even though they and their preceding generations were residents within Kuwait’s internationally recognized borders.³ Rural and traditionally migratory tribes living within Kuwait’s borders for at least part of the year (and in the Arabian Peninsula year-round), the ancestors of most of today’s Bidun, often did not realize the importance of seeking recognition as nationals. The concept of nationality was new, it was being introduced in an area where there had not been national borders on maps until about one generation before, and travel across land borders was neither closed nor regulated. Indeed, Kuwait’s land borders (with Iraq and Saudi Arabia) were not set until 1922.⁴ Until 1987, Kuwaiti law exempted from the rules applicable to foreigners entering and residing in the country “individuals from tribes entering Kuwait by land, through their accustomed routes, to perform their regular activities”.⁵

Over time Kuwait’s gender-discriminatory nationality law exacerbated the problem of statelessness. In 1980, Kuwait amended its nationality law to remove the provision that had allowed children born in Kuwait to a Kuwaiti mother and a stateless father to receive Kuwaiti nationality.⁶ A child of a Kuwaiti mother and a father of foreign nationality who does not receive the father’s nationality at birth also does not receive the mother’s Kuwaiti nationality.⁷ This has contributed to ensuring that statelessness is transmitted across generations.

A lack of government transparency in Bidun affairs, manifested in the absence of disaggregated data and the non-publication of laws and policies, makes it difficult to know with confidence the exact current number of Bidun Kuwaitis in the country. In the past, government documents referred to Bidun people using terms such as “not Kuwaiti”, “undefined nationality” or “unknown nationality”. However, from 1987 the government began to treat the Bidun as foreign residents.⁸

Since the Bidun had no passports or records of entry to Kuwait, this necessarily, in the eyes of the government, made them “illegal residents”. Government bodies tracking the Bidun population have used this term since the establishment in 1993 of the Central Committee for the Remedy of the Situation of Illegal

¹ Kuwait, قانون الجنسية الكويتية [Law on Kuwaiti Nationality], 1959.

² Kuwait, قانون الجنسية الكويتية [Law on Kuwaiti Nationality], 1959, Article 21; Kuwait, مرسوم أميري رقم (5) لسنة 1960 بقانون تحقيق الجنسية الكويتية [Emiri Decree No. 5 of 1960 on the Law for Determination of Kuwaiti Nationality]; Claire Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait*, 2018, pp. 82-83.

³ Anh Ngå Lonḡva, *Walls Built on Sand: Migration, Exclusion, and Society in Kuwait*, 1997, pp. 50-52; Beaugrand, *Stateless in the Gulf* (previously cited), pp. 80-84.

⁴ Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar*, 1990, p. 43.

⁵ Kuwait, مرسوم أميري رقم 17 لسنة 1959 بإقامة الأجانب [Emiri Decree No. 17 of 1959 on Residence of Foreigners], Article 25(d), repealed on 27 July 1987.

⁶ Kuwait, قانون الجنسية الكويتية [Law on Kuwaiti Nationality], 1959, Article 3.1, as amended on 20 December 1980.

⁷ Kuwait, قانون الجنسية الكويتية [Law on Kuwaiti Nationality], 1959, Articles 2, 3.

⁸ Beaugrand, *Stateless in the Gulf* (previously cited), p. 124.

Residents.⁹ Today, after several further changes in jurisdiction, the agency in charge of Bidun affairs is called the Central System for the Remedy of the Situation of Illegal Residents (Central System).¹⁰ The cabinet ordered all government agencies to officially use the term “illegal residents” in its unpublished Decision No. 915 of 1 July 2013.¹¹

The Central System only periodically issues aggregate figures for “illegal residents”. These present a steady decline in the Bidun population from 105,000 in 2010 to 83,000 in 2021, the most recent year reported.¹² Other figures from the Central System indicate that most of the decline is due to the agency reclassifying people as non-Kuwaiti nationalities, and not to naturalization, deaths or Bidun residents leaving the country.

Despite discrepancies in the numbers, the Central System has consistently reported that the size of the “illegal resident” population at the time it took charge of the Bidun portfolio in 2010 was 105,000.¹³ The agency reports that during the following decade, it determined that 18,427 Bidun were non-Kuwaiti nationals and accordingly were subject to legal “adjustment of status”, meaning the Kuwaiti government would henceforth treat them as foreign residents.¹⁴ Looking at the difference between the 105,000 Bidun reported for 2010 and the 83,000 estimate provided in 2021, and the 18,427 “adjustments of status” made in the intervening years, this means there was a maximum decline of 3,573 Bidun due to naturalization, emigration or mortality during the past decade.

For this reason, a more logical starting point for the number of Bidun in the country is the higher figure the Central System gave in 2013 under questioning by parliament, when it said that there were 111,493 “illegal residents” registered with its office.¹⁵ No more recent figure that is trustworthy is available.

It seems unlikely that the Bidun population has declined since 2013, given new births, although no data on Bidun births are available. The Research Directorate of Kuwait’s National Assembly noted that the Central System’s figure of 111,493 would mean that the Bidun are about 10% of the total number of recognized Kuwaiti nationals.¹⁶

In addition, an unknown number of Bidun are not registered with the Central System. Some of these do not have birth certificates and are therefore excluded from the agency’s figures. Five out of 22 Bidun families interviewed by Amnesty International had immediate family members in this category: a 12-year-old girl who had no identity documents at all because she was born at home out of wedlock, a three-year-old girl, a 17-year-old boy, and two young men whose families could not get birth certificates because their parents had no legal status with the Kuwaiti government at the time of their birth.

3.2 GOVERNMENT REGULATION OF BIDUN AFFAIRS

Since its establishment in November 2010, the Central System, which reports to the cabinet,¹⁷ has had wide powers over the affairs of the Bidun.¹⁸ Under its establishing statute:

⁹ Kuwait, [Decree No. 93/221 Establishing the Central Committee for the Remedy of the Situation of Illegal Residents], 1993.

¹⁰ Kuwait, [Decree No. 467 of 2010 Establishing the Central System for the Remedy of the Situation of Illegal Residents].

¹¹ Central System, response to parliamentary question submitted by AbdulAzeez al-Saqobi, 20 October 2021,

<https://search.kna.kw/web/Retrieval/LinkedDocumentsView.aspx?dc=1&DId={E70CA0B0-45B7-4387-B4F4-328E763D9206}&RId={A29E058B-46D8-C7D2-87E4-7F924AD00000};{3C50DED8-7BB5-46CE-BB67-C78EB034CCAC}> (in Arabic), p. 8.

(To access documents on this website, click the link, click “دخول” on the page that loads, and then click the link here a second time.)

¹² Central System for the Remedy of the Situation of Illegal Residents, Kuwait, مسيرته... نشأته... [The Central System for the Remedy of the Situation of Illegal Residents: Its Establishment, Its Record], 2022, <https://bit.ly/3RDusPO> (in Arabic), p. 5.

¹³ Central System, *Les résidents illégaux: Faits et chiffres*, 2013 (on file with Amnesty International), p. 21 (giving the exact figure of 105,702); Central System for the Remedy of the Situation of Illegal Residents, Kuwait, الجهاز المركزي لمعالجة أوضاع المقيمين بصورة غير قانونية: مسيرته... نشأته... [The Central System for the Remedy of the Situation of Illegal Residents: Its Establishment, Its Record], 2018, <https://s3.amazonaws.com/online-pubhtml5.com/dzto/fmdc/index.html> (in Arabic), p. 4; Central System, مسيرته... نشأته... 2022 (previously cited), p. 5.

¹⁴ Central System, “إحصائية تعديل أوضاع المقيمين بصورة غير قانونية منذ 2011 وحتى نهاية سبتمبر 2022” [“Statistics on Illegal Residents’ Adjustment of Status from 2011 to the End of September 2022”], 20 October 2022, <https://www.carirs.gov.kw/News/3186-2/> (in Arabic).

¹⁵ Central System, response to parliamentary question submitted by National Assembly member Adnan Sayed AbdulSamad, 20 October 2013, <https://search.kna.kw/web/Retrieval/LinkedDocumentsView.aspx?dc=1&DId={7376150C-C1FE-4804-AD8F-D66E0A0671BD}&RId={67318C67-65BF-CC62-9B6C-6A983F200001}> (in Arabic), p. 13.

¹⁶ Research Directorate of the National Assembly, Kuwait, !! قضية لم تحسم بعد!! [The Bidun in Kuwait: A Case That’s Still Unresolved!], April 2014, <https://web.archive.org/web/20150513014900/https://www.kna.kw/research/elbdoon/01.pdf> (in Arabic), p. 1.

¹⁷ Kuwait, [Decree No. 467 of 2010 Establishing the Central System for the Remedy of the Situation of Illegal Residents], Article 1.

¹⁸ Decree No. 467/2010 (previously cited), Articles 2.2, 2.3, 6.7.

No agency may act on its own, without coordinating with the Central System, in adopting procedures to deal with the conditions of illegal residents, as [the Central System] is considered the sole official authority with reference to dealings with this group. All government agencies, and others, must cooperate with the System in carrying out its work... and comply with decisions and circulars issued by the System.¹⁹

Access to services for the Biduns is tied to a card issued by the Central System, formally called the “Review Card”,²⁰ although it is usually referred to colloquially as a “security card”. Problems arise for the Bidun community both in obtaining the Review Card and in using it to access education (and other government services) because of lack of legal transparency as to what entitlements the card grants.

With respect to obtaining the Review Card, the Central System sometimes arbitrarily assigns applicants for the card a non-Kuwaiti nationality, even when they have not previously been recorded as that nationality by the government. Out of 20 Bidun families interviewed whose heads of household had a birth certificate and a Civil Identity Number and were therefore eligible for Review Cards,²¹ eight said the government would not issue them a renewed card unless they signed a receipt for the card that stated they were Iraqi nationals. In three of these eight cases the families refused, so they now only have expired Review Cards. In the other five cases, the applicants felt compelled to sign by their need for a valid identity document, so they lost their status of being recognized by the government as both “not Kuwaiti” and not of foreign nationality. (“Not Kuwaiti”, “undefined nationality” or “unknown nationality” is how the Bidun used to be recorded in government documents.) In four of the five cases, those interviewed showed Amnesty International government-issued documents from before and after, showing how the government had arbitrarily assigned them foreign nationality.²²

“Husain”, a Bidun man in his 20s who was born and has lived his whole life in Kuwait, said that his father served in the Kuwaiti army and was taken prisoner by Iraq in the 1990-1991 war. He expressed his frustration that the Central System expects him to report back to it with evidence that he has a non-Kuwaiti nationality: “What [other] nationality? I don’t know. I’m here in Kuwait [for] 28 years. I don’t know anyone outside” the country.²³ “Farida,” a 15-year-old Bidun girl told Amnesty International: “It’s like our country doesn’t want us.”²⁴

“What [other] nationality? I don’t know. I’m here in Kuwait [for] 28 years. I don’t know anyone outside [the country].”

“Husain”, a young Bidun man born in Kuwait to a father who served in the Kuwaiti army

In January 2021, National Assembly member Saleh al-Mutairi submitted a parliamentary question asking the Central System to explain on the basis of what documents it was assigning nationality to the Bidun. He asked specifically whether the Central System was making such determinations on the basis of evidence other than a passport or national identity card issued by the country of the alleged nationality, and raised concern about the consequences for Kuwait’s international standing if it was declaring people as foreign nationals when

¹⁹ مرسوم رقم 467/2010 (previously cited), Article 8.

²⁰ Central System, response to parliamentary question, 20 October 2021 (previously cited), p. 8, citing unpublished Cabinet Decision No. 1010 of 23 September 2012.

²¹ On the need to have a birth certificate and Civil Identity Number for recognition of legal personhood in Kuwait, see section 4.1 “Documentation and legal status”.

²² Amnesty International has these documents on file. In one case, a man was issued a Central System Review Card in September 2017 without any information about his nationality, but upon renewal of his card in June 2019, his nationality was listed as Iraqi. In the second case, a man was recorded on his birth certificate as born in Kuwait to two parents of no known nationality in August 1966, but in May 2022 the Central System issued him a card stating his nationality as Iraqi. In the third case, in January 2021 the Central System assigned Iraqi nationality to a Bidun person previously registered as having no defined nationality. The man raised a court case objecting to the assignment of nationality. At trial and on appeal, the courts ruled in his favour, noting that the Central System claimed to have documentary evidence of his Iraqi nationality but would not produce it to the court. In the fourth case, a man whose birth certificate shows him as born in Kuwait in 1994 to two parents of “unclear” nationality was issued a card saying, under the “nationality” field, “Has requested adjustment of status”. As he explained to Amnesty International, the government office would not issue him the card unless he gave them a signature affirming biographical information that he was not allowed to see. Since he needed the document to access healthcare, he was compelled to sign. He was told orally, but was not given paperwork attesting to it, that the nationality to which he would be “adjusting his status” would be Iraqi.

²³ Interview by voice call with “Husain”, a Bidun man in his 20s who works in the private sector and resides in al-Jahra governorate, 11 August 2022. “Husain” provided a record from the International Committee of the Red Cross, on file with Amnesty International, that his father was held in an Iraqi prison.

²⁴ Interview in person with “Farida”, a 15-year-old Bidun girl in secondary school, al-Farwaniyah governorate, 24 June 2022.

they were not recognized as nationals by the country concerned.²⁵ In its response the Central System did not explain what documents it relies on, and listed only Kuwaiti government agencies as the original sources for its documentary evidence.²⁶

Saleh al-Mutairi also asked the Central System whether it was informing other countries that it had determined that Bidun individuals were their nationals.²⁷ The agency refused to answer this question, saying it was “outside of the Central System’s authority.”²⁸ The Director of the Identity Cards Directorate in the Central System, Tarik al-Baijan, has confirmed that Kuwaiti intelligence agencies are involved in assigning nationalities to Bidun persons.²⁹ The Central System has stated that it relies on documents relating to grandparents, siblings and descendants to “determine nationalities” and uncover a person’s “known nationality”.³⁰

The Central System regards such assignment of a different nationality, which is then recorded across all Kuwaiti government agencies, plus issuance of legal residency, as the successful accomplishment of its mandate to deal with the “illegal population”. In October 2022, it reported that:

- 9,372 people under its jurisdiction had “completed the procedures to adjust their status with all state agencies and obtained legal residency” in this way; and
- a further 9,055 were “undergoing adjustment of their status” in this way.

In total, then, the Central System considers that 18,427 “illegal residents” have had their status “remedied” by finding them to be nationals of Iraq, Iran, Syria and other countries.³¹

Assuming a Bidun person accepts the risk of being assigned a non-Kuwaiti nationality by signing for receipt of a Review Card, the card does not guarantee respect for their children’s right to education or access to other public services. The entitlements available to cardholders are not defined under any published law. Decisions relating to Bidun access to education and other entitlements have been made by the cabinet, the Central System and the Ministry of Education. Although cabinet and ministerial decisions are sometimes published in Kuwait’s official gazette, essential decisions relating to Bidun entitlements remain unpublished. These include:

- Cabinet Decision No. 1612/1 of November 2010, which is said to contain a “road map” for resolution of the Bidun issue;³²
- Cabinet Decision No. 409 of March 2011, the most important policy decision affecting Bidun access to services, which reportedly lists the government services to which Bidun are supposed to be entitled;³³ and

²⁵ National Assembly, parliamentary question submitted by Saleh al-Mutairi, 20 January 2021, <http://search.kna.kw/web/Retrieval/DocumentsView.aspx?DocIDs=%7b88DCC74A-A092-4A37-B3C4-AF4868C168B8%7d.&dc=1> (in Arabic), p. 2.

²⁶ Central System, response to parliamentary question submitted by Saleh al-Mutairi, 10 February 2021, <https://search.kna.kw/web/Retrieval/LinkedDocumentsView.aspx?dc=1&DId={88DCC74A-A092-4A37-B3C4-AF4868C168B8}&RId={8CC674A6-A3F0-49AE-B102-816EAE6D720C};{14F9D809-25C3-45EF-A792-2C100A9F18FA}> (see document 2 of 2 at the link), pp. 4-8.

²⁷ National Assembly, parliamentary question submitted by Saleh al-Mutairi, 20 January 2021 (previously cited), p. 2.

²⁸ Central System, response to parliamentary question submitted by Saleh al-Mutairi, 10 February 2021 (document 2 of 2) (previously cited), p. 8.

²⁹ Reuters, “Kuwait’s stateless bedoun in limbo as hundreds lose bank accounts”, 14 October 2021, <https://www.reuters.com/world/middle-east/kuwait-stateless-bedoun-limbo-hundreds-lose-bank-accounts-2021-10-14/>. Amnesty International has examined and has on file documents of a court case in which the Central System informed the court that it had determined that the Bidun plaintiff held Iraqi nationality based on unspecified “information from the security agency”. The Central System declined to produce any such evidentiary information to the court, which ruled against it, finding that the evidence before it showed that the Bidun party was born in Kuwait, that both of his parents were Bidun, and that there was no evidence that he or his father had any other, non-Kuwaiti nationality.

³⁰ Central System, “إحصائية تعديل أوضاع المقيمين” (previously cited); Central System, response to parliamentary question, 20 October 2021 (previously cited), p. 8.

³¹ Central System, “إحصائية تعديل أوضاع المقيمين” (previously cited).

³² The numbering and date of this decision are mentioned in Al Jarida, “«الصححة» بمنع مكافأة «الأمامية» عن «البدون»» [“Central System: No Instructions to Health Ministry to Deny Advance Compensation to Bidun”], 25 March 2022, <https://www.aljarida.com/articles/1648138296957940600> (in Arabic). Amnesty International has checked all issues of Kuwait’s official gazette for November 2010 and did not find it published there, or elsewhere.

³³ The numbering and date of this decision are given in a Kuwaiti administrative court decision quoted in Al Jarida, “«الإدارية» تلغي قرار وزارة «الصححة» تحويل «بدون» إلى سوري الجنسية» [“Administrative Court Annuls Ministry of Health Decision Converting Bidun to Syrian Nationality”], 12 January 2014, <https://www.aljarida.com/articles/1462370928318731300/> (in Arabic). Amnesty International has checked all issues of Kuwait’s official gazette for March 2011 and did not find the decision published there, or elsewhere.

- Cabinet Decision No. 1010 of September 2012, which instructed all government agencies to rely on the Central System's Review Cards in their provision of services to Bidun people.³⁴

The government sometimes publicly refers in general terms to services such as education to which the Bidun are allegedly entitled under Decision No. 409.³⁵ However, as the text of the decision has not been published, it is not a meaningful legal standard to which the Bidun can refer during appeals before government agencies and courts to uphold their rights.

Important decisions regulating the Biduns' access to education more specifically are also unpublished. One of these is the 2003 cabinet decision establishing the Charitable Fund for Education of Needy Children (Charitable Fund), the body that administers financial support for children of Bidun and other poor families attending Arabic-language schools.³⁶ This is effectively a government agency since it was established by the cabinet, and the Ministry of Education oversees its operation and determines how it uses the funding it receives, although part of its funding comes from private charitable donations.³⁷ In addition, Ministry of Education Decisions No. 224 and No. 225 of 2014, concerning categories of Bidun allowed to register their children in government schools, remain unpublished.³⁸

Without published standards, it is difficult for the Bidun and their advocates to hold the government to its legal obligations to provide education. Since there are also no public legal standards governing the Charitable Fund, it is not possible to cite any minimum level of funding that the state must provide to support Bidun education.

3.3 LACK OF PATHS TO NATURALIZATION

There is no pathway for Bidun to apply for naturalization. The provisions of the Law on Kuwaiti Nationality that authorize naturalization (acquisition of citizenship after birth) require that an individual be proposed for naturalization by the Minister of Interior, which is done on a purely discretionary basis.³⁹ All such discretionary executive naturalizations must fall within a quota set annually by statute.⁴⁰

The government has not moved forward with a wide programme of naturalization to resolve the unsettled legal status of the Bidun. The Central System, which has had primary administrative responsibility for the Bidun population since 2010, does not report the number of Bidun who it considers as possibly eligible for eventual naturalization.⁴¹

In the past, some Bidun had success when bringing cases concerning their nationality before the judiciary. However, over the past three decades Kuwait narrowed and then eliminated this pathway. In 1982, the government adopted legislation removing jurisdiction over matters of nationality from the administrative courts.⁴² Since then, the administrative courts have avoided taking jurisdiction over lawsuits raised on the basis of nationality, although they have still sometimes ruled in favour of a specially protected legal status, including the right to residency, for the Bidun when their nationality and legal status in the country became

³⁴ The numbering and date of this decision are given in Central System, response to parliamentary question, 20 October 2021 (previously cited), p. 8. Amnesty International has checked all issues of Kuwait's official gazette for September 2012 and did not find the decision published there, or elsewhere.

³⁵ For example, Al Anba, "الجهاز المركزي: 21375 طالباً وطالبة من المقيمين بصورة غير قانونية تلقوا تعليمًا مجانيًا العام الماضي" ["Central System: 21375 Students from Among Illegal Residents Received Free Education Last Year"], 22 December 2022, <https://bit.ly/3YFkiBr> (in Arabic).

³⁶ Kuwait has given contradictory citations for the cabinet decision establishing the Charitable Fund for Education. In statements to Human Rights Watch and to UN treaty bodies, Kuwait has said that Cabinet Decision No. 855 issued on 7 September 2003 established this fund. Kuwait, "Report on the Human Rights Watch Report and Response to its Questions and Inquiries", June 2011, https://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf, p. 10; Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016, 19 April 2016, UN Doc. CERD/C/KWT/21-24, p. 35; Kuwait, Combined third to sixth reports submitted by Kuwait under Article 44 of the Convention, due in 2018, 16 March 2020, UN Doc. CRC/C/KWT/3-6, p. 8. In a contradictory claim, the director of the Fund told the Kuwaiti press in 2007 that "the Fund was established by Cabinet Decision No. 4908/320150 dated 15 September 2003". Al Jarida, "الحواس: 17000 طالب تحفل الصندوق مصاريف تعليمهم", 26 October 2007, <https://www.aljarida.com/articles/1461366420176501200/> (in Arabic). Amnesty International has checked all issues of the official gazette for September 2003 and March 2011 and did not find a cabinet decision matching either citation.

³⁷ Kuwait News Agency (KUNA), "العمر.. الصندوق الخيري لتعليم الأطفال المحتاجين قبل تسعة آلاف طالب وطالبة" ["Jassem al-Omar: The Charitable Fund for Education of Needy Children Has Accepted 9,000 Students"], 1 September 2004, <https://www.kuna.net.kw/ArticleDetails.aspx?id=1444515&language=ar> (in Arabic).

³⁸ The government refers to the existence of these decisions in Kuwait, ردود الكويت على قائمة المسائل المتصلة بتقريرها الجامع للتقارير الدورية من الثالث إلى السادس [Kuwait's Answers to the List of Questions Related to Its Combined Third to Sixth Reports], 12 January 2022, UN Doc. CRC/C/KWT/RQ/3-6 (in Arabic), para. 85.

³⁹ Kuwait, قانون الجنسية الكويتية (previously cited), Article 4 as amended on 10 January 1982 and Article 5 as amended on 3 June 2000.

⁴⁰ Kuwait, قانون الجنسية الكويتية (previously cited), Article 4, final para., as amended on 10 January 1982, and Article 5, para. 4, as amended on 3 June 2000.

⁴¹ Central System, response to parliamentary question, 20 October 2013 (previously cited), p. 13.

⁴² Kuwait, مرسوم بالقانون رقم 20 لسنة 1981 بإنشاء دائرة المحكمة الكلية لنظر المنازعات الإدارية, [Decree of Law No. 20 of 1981 Establishing a Chamber in the Courts of General Jurisdiction to Examine Administrative Disputes] (in Arabic), Article 1 (as amended on 12 December 1982).

relevant in a related legal matter.⁴³ In April 2022, however, the Court of Cassation – Kuwait’s highest judicial authority in non-constitutional matters – ruled that all matters of nationality are outside the jurisdiction of the courts altogether. It ruled they were a matter of purely executive jurisdiction, and that conflicting decisions of lower courts on this point should be overturned.⁴⁴

With this decision, Kuwait deprived the Bidun of any judicial remedy that might confirm their Kuwaiti nationality or lead to their naturalization. Any possible solution to the Bidun problem of statelessness by their acquisition of Kuwaiti nationality is thus left to the purely discretionary choice of the executive branch of government, which has not published its own, legally unappealable standards for deciding on naturalization of Kuwait’s stateless “illegal residents”.⁴⁵

In 2013, Amnesty International published detailed recommendations to the Kuwaiti government on steps to address Bidun statelessness, but these have been ignored.⁴⁶

3.4 RIGHT TO EDUCATION: LEGAL STANDARDS, STATED POLICY AND TREATY BODY ASSESSMENTS

Kuwait’s constitution recognizes primary education, to be free and guaranteed by the state, as a right of Kuwaiti nationals.⁴⁷ Kuwait has extended this right by statute to also cover intermediate education for Kuwaiti nationals, and added more specific language to give substantive content to this right.⁴⁸ As a result, primary through intermediate education are by law compulsory, universal and free for all recognized Kuwaiti nationals. Domestic law does not recognize the right to education through the secondary level. Under the Law on the Rights of Persons with Disabilities, special educational care for persons with disabilities is mandated only for recognized Kuwaiti nationals and children of Kuwaiti mothers, not for Bidun or foreign residents.⁴⁹

The Convention against Discrimination in Education, accepted by Kuwait in 1963, prohibits states parties from discriminating in the provision of education, defining discrimination as “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion... national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular... [o]f limiting any person or group of persons to education of an inferior standard.”⁵⁰ Article 1.1(c) of the Convention specifies that prohibited discrimination includes the practice of “establishing or maintaining separate educational systems or institutions for persons or groups of persons.”

Since 1996, Kuwait has been a party to the International Covenant on Economic, Social and Cultural Rights, which recognizes a universal right to education entailing “primary education... [that is] compulsory and available free to all” in the state’s jurisdiction and requires progressive introduction of free and universal secondary education as well as opportunities for higher education that are “equally accessible to all, on the basis of capacity”.⁵¹ Like all rights under the Covenant, the state party must ensure that the right to education is realized “without discrimination”, including on the basis of “national or social origin”.⁵² Since 1991, Kuwait has been a party to the Convention on the Rights of the Child, which under Article 28.1

⁴³ Human Rights Watch, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August 1995, <https://www.hrw.org/reports/pdfs/k/kuwait/kuwait958.pdf>, pp. 69-70.

⁴⁴ Al Qabas, “الجناسي» خارج ولاية القضاء.. للمصلحة العامة», 18 April 2022, <https://bit.ly/3vapL5l> (in Arabic).

⁴⁵ The Central System has referred to “candidacy... to receive Kuwaiti nationality according to the conditions and rules appearing in the road map approved by the esteemed Cabinet in accordance with Decision No. 959/2011”. Central System, response to parliamentary question, 20 October 2021 (previously cited), p. 9. Amnesty International has been unable to find any more precise reference to a cabinet decision of this number, and has checked all issues of Kuwait’s official gazette for 2011, the year this decision was apparently issued, and did not find it published there.

⁴⁶ Further background on the Bidun is in Amnesty International, *The ‘Withouts’ of Kuwait: Nationality for Stateless Bidun Now* (Index: MDE 17/001/2013), 16 September 2013, <https://www.amnesty.org/en/documents/mde17/001/2013/en/>

⁴⁷ Kuwait, *دستور دولة الكويت* [Constitution of the State of Kuwait], 1962, Article 40.

⁴⁸ Kuwait, *قانون رقم 11 لسنة 1965 في شأن التعليم الإلزامي* [Act No. 11 of 1965 on Compulsory Education], Article 1 (as amended on 26 March 2014); Kuwait, *قانون رقم 21 لسنة 2015 في شأن حقوق الطفل* [Act No. 21 of 2015 on the Rights of the Child], Article 43.1.

⁴⁹ Kuwait, *قانون رقم 8 لسنة 2010 بشأن حقوق الأشخاص ذوي الإعاقة* [Act No. 8 of 2010 on the Rights of Persons with Disabilities], Article 2.

⁵⁰ United Nations Educational, Scientific and Cultural Organization, “Convention against Discrimination in Education (1960): ratification”, <https://unesdoc.unesco.org/ark:/48223/pf0000188526> (accessed 10 July 2023), “States Parties”; Convention against Discrimination in Education, Article 1.1.

⁵¹ United Nations, “Treaty Collection”, Multilateral Treaties Deposited with the Secretary-General, <https://www.amnesty.org/en/documents/mde17/001/2013/en/> (accessed 27 December 2022); International Covenant on Economic, Social and Cultural Rights, Article 13.1, 13.2(a)-13.2(c).

⁵² International Covenant on Economic, Social and Cultural Rights, Article 2.2.

recognizes the right of all children to education.⁵³ The UN Committee on Economic, Social and Cultural Rights, which interprets the Covenant, adds that education must be “of good quality for all”.⁵⁴

Kuwait is also a party to the International Convention on the Elimination of All Forms of Racial Discrimination and is obligated under Article 5 not to discriminate “as to... national or ethnic origin” in the field of education and other socio-economic rights.⁵⁵ The UN Committee on the Elimination of Racial Discrimination, in its General Recommendation on Discrimination Against Non-Citizens, states that governments must “[a]void segregated schooling and different standards of treatment being applied to non-citizens on grounds of race, colour, descent, and national or ethnic origin in elementary and secondary school and with respect to access to higher education.”⁵⁶

In terms of non-binding policy, the Kuwaiti government states that it “works to guarantee the right of education for all individuals residing in its territory whether they are citizens, non-Kuwaitis, or illegal residents”, and that it created the Charitable Fund for this purpose.⁵⁷

In their most recent reviews of Kuwait, the UN treaty bodies monitoring the right to education and the rights of children have flagged the inadequacy of the government’s record on education for Bidun children. In its latest review in 2021, the UN Committee on Economic, Social and Cultural Rights expressed concern that primary education is “not accessible for free for all children... living in” Kuwait and that there has been a “lack of measures taken... to ensure that quality education is provided to all social groups”. It called on Kuwait to “[e]nsure that primary education is made available for free for all children in the State party... on an equal footing with Kuwaiti children, without discrimination, including for Bidoon children.”⁵⁸ In its 2022 review of Kuwait, the UN Committee on the Rights of the Child emphasized that it “remains extremely concerned that th[e] group of children” who “do not possess Kuwaiti nationality”, including “those who are stateless”, “experience widespread discrimination in access to basic social services, including education”.⁵⁹

With respect to the underlying problem of statelessness, the Committee on Economic, Social and Cultural Rights recommended to Kuwait that it “find a permanent solution to the status of Bidoon, so as to enable them to fully enjoy their [socio-economic] rights”. The Committee on the Rights of the Child urged Kuwait “to facilitate the acquisition of nationality for children who would otherwise be stateless, regardless of their parents’ citizenship”, and to adopt “a procedure to end statelessness for th[e] [Bidun] population”.⁶⁰

⁵³ United Nations, “Treaty Collection”, Multilateral Treaties Deposited with the Secretary-General, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4 (accessed on 27 December 2022); Convention on the Rights of the Child, Article 28.1.

⁵⁴ UN Committee on Economic, Social and Cultural Rights, General Comment 13: The Right to Education (Article 13), 8 December 1999, UN Doc. E/C.12/1999/10, para. 50.

⁵⁵ United Nations, “Treaty Collection”, Multilateral Treaties Deposited with the Secretary-General, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4 (accessed on 31 March 2023); International Covenant on the Elimination of All Forms of Racial Discrimination, Article 5(e)(v).

⁵⁶ UN Committee on the Elimination of Racial Discrimination, General Recommendation 30: On Discrimination against Non-Citizens, 2005, UN Doc. CERD/C/64/Misc.11/rev.3, para. 31.

⁵⁷ Kuwait, “Report on the Human Rights Watch Report” (previously cited), p. 9.

⁵⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding Observations: Kuwait, 3 November 2021, UN Doc. E/C.12/KWT/CO/3, paras. 34, 35(a).

⁵⁹ UN Committee on the Rights of the Child (CRC), Concluding Observations: Kuwait, 19 October 2022, UN Doc. CRC/C/KWT/CO/3-6, para. 17.

⁶⁰ CESCR, Concluding Observations: Kuwait (previously cited), para. 17; CRC, Concluding Observations: Kuwait (previously cited), paras 22(d), 22(e).

4. FINDINGS

4.1 DOCUMENTATION AND LEGAL STATUS

Bidun persons have their legal existence registered at different levels of formality and official recognition, which vary according to personal and family circumstances.

The requirements for Bidun people to have the highest level of personal legal documentation are that:

- their parents were regarded as legally present “illegal residents” at the time of their birth;
- they have applied for the Central System Review Card and renewed it every time it expired (the periods vary – Amnesty International has seen cards with both a six-month and a one-year validity); and
- they have a finalized birth certificate issued by the Ministry of Health, a Civil Identity Number and a currently valid Review Card (without any recorded “reservations” or assigned nationality).

Certain classes of Bidun are granted exceptional higher privileges than the Bidun population at large. These are primarily Bidun children whose mothers are Kuwaiti nationals, and Bidun families with fathers or grandfathers who served or are serving in the military or police (without having been dismissed, as many were, at the end of the 1990–1991 Gulf War).⁶¹

The level below, in terms of identity documentation and entitlements, comprises Bidun who obtained a Central System Review Card at some point after 2010, but whose card has expired either because the person refused to sign for receipt of a card that includes Central System-imposed changes to their nationality status, or because they are afraid the Central System will make such changes if they renew their card and so do not apply. The Central System card (when currently valid), like previous kinds of identity documents issued by other agencies before 2010, also grants the bearer status as legally present in the country, despite the government’s overall labelling of the Bidun population as “illegal residents”.

The next level below includes those who have never held a Review Card, either because they never registered with the Central System or because they are children born to parents with expired Review Cards.

At a lower level, a Bidun person may only have a report of their birth from the hospital in Kuwait where they were born. “Ra’id”, a man in his 40s with no personal identity document other than the hospital report of his birth said:

We’ve become different groups... The group that every six months renews their [Central System] card. And the group that I’m from, which is: no Civil Identity Number, no [Central System] card... The [government] doesn’t recognize me as being Bidun... They won’t give me a Civil Identity Number. Imagine: I’ve got no identity number. Not me, and not my daughter.⁶²

When there are births in Bidun families that do not have legal residence status, the hospital issues a simple report of the birth, of which the family receives a carbon copy, but they will not be able to obtain a fully finalized birth certificate from the Ministry of Health.⁶³ Only the Ministry of Health is authorized to report birth

⁶¹ For details on how privileged categories are defined for purposes of access to free education in government schools, see Chapter 4.2 “Access to primary through secondary education”.

⁶² Interview in person with “Ra’id”, an unemployed Bidun man in his 40s, al-Jahra governorate, 25 June 2022.

⁶³ Interviews in person with “Ra’id” (previously cited), 25 June 2022; “Mustafa”, a Bidun man in his 40s with an undocumented daughter residing in al-Ahmadi governorate, 26 June 2022, Kuwait City; “Omar”, a self-employed Bidun man in his 20s, 27 June 2022, al-Jahra governorate; “Hani”, a 17-year-old Bidun boy working in the private service sector, 26 June 2022, Kuwait City; Khalifa al-Enezi, a self-

data to the Public Authority for Civil Information, which in turn is the only government agency authorized to issue a Civil Identity Number.⁶⁴ The Civil Identity card bearing the Civil Identity Number is a primary form of identification in Kuwait and, unless a special exception is made, is required by law for government transactions, bank services, employment, school and university registration and membership in organizations.⁶⁵ In short, there is a class of Bidun Kuwaitis who have only the carbon copy of their hospital report of live birth, which means that they cannot acquire the Civil Identity Number assigned by the Public Authority for Civil Information.

Since 2010, when the Central System was established, there has been mounting socio-economic pressure on the Bidun to obtain a Review Card from the Central System. This is because, following the expiration of the older form of Bidun identity cards issued by the previous government body regulating their affairs (the Executive Committee for Illegal Residents' Affairs, 1996-2010), the Review Card is the only form of identity document for Bidun that the cabinet has instructed should be officially recognized by government agencies.⁶⁶ The Review Card can be obtained by those who have the finalized Ministry of Health birth certificate and Civil Identity Number, but not by those who have only the simple hospital report of the birth.⁶⁷ The card must be renewed annually or sometimes more often, and bears a statement on the reverse side that reads: "This card shall not be considered a personal identity document,"⁶⁸ although in practice it is the document that government agencies expect Bidun to present to confirm their identity.

Five out of 22 Bidun families interviewed by Amnesty International had immediate family members without birth certificates and Civil Identity Numbers. In three cases, parents who themselves had Civil Identity Numbers had children without birth certificates and Civil Identity Numbers because the parents were out of legal status as bearers of currently valid Central System Review Cards at the time of their children's birth.

The existence of so many different kinds of identity document, statuses and categories, subject to frequent change, and the lack of transparency about entitlements to state services, the rules of which also change frequently, creates uncertainty and socio-economic anxiety in the Bidun community. "Lack of stability" is the greatest challenge of being stateless, Khalifa al-Enezi, a Bidun man in his 40s with four children told Amnesty International.⁶⁹ "There is no stability. You can go to sleep today, you wake up tomorrow, and you're in new circumstances, facing some new pressure."⁷⁰

The 2022-2023 school year illustrates this problem. In June 2022, the cabinet instructed all ministries not to carry out any administrative procedures for Bidun who did not have a currently valid Central System Review Card.⁷¹ The cabinet partially reversed this decision on 22 September 2022, excepting the Ministry of Education from the policy for the next three months.⁷² However, classes began on 19 September 2022 for private primary and intermediate schools, which are governed in their registration procedures by the Ministry of Education.⁷³ "Abir", a Bidun woman working as a teacher in the private education sector, said that, as a result, Bidun families without valid Central System cards who had children going to those schools were unable to register their children for school until after classes for the school year had begun.⁷⁴ "The life of the Bidun has become such that everything must be by exception," Khalifa al-Enezi said.⁷⁵

employed Bidun man in his 40s, 24 June 2022, al-Farwaniyah governorate. See also Kuwait, قانون حقوق الطفل (previously cited), Article 11, final paragraph, which notes two separate forms of birth certificate, one issued by the doctor overseeing the birth and the second issued subsequently by the Ministry of Health.

⁶⁴ Kuwait, قانون حقوق الطفل (previously cited), Article 10; Kuwait, قانون نظام المعلومات المدنية, 1982 لسنة 32 [Act No. 32 of 1982 on the Civil Information System], Articles 2, 3, 14. The second paragraph of Article 2 of the Law on the Civil Information System authorizes "recording some groups of non-Kuwaitis in a special registry" other than the main Civil Information System, which by the terms of the first paragraph of Article 14 would put them outside the class of people who must be given Civil Identity cards. Using this exception, the government can keep track of the Bidun population administratively without actually conceding them a legal identity.

⁶⁵ Kuwait, قانون نظام المعلومات المدنية (previously cited), Articles 3, 15.

⁶⁶ Central System, response to parliamentary question, 20 October 2021 (previously cited), p. 8.

⁶⁷ Five interviewees without Civil Identity Number either for themselves or for an immediate family member previously cited in footnote 22. Also see Central System, response to parliamentary question, 20 October 2021 (previously cited), pp. 7-8.

⁶⁸ Amnesty International has examined and has on file copies of 10 Central System Review Cards.

⁶⁹ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

⁷⁰ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

⁷¹ Al Qabas, "تنبيه حكومي للوزراء: لا إنجاز لمعاملات «البدون» إلا ببطاقة سارية الصلاحية", 22 June 2022, <https://bit.ly/3hiGtwl>

⁷² Al Rai, "«البدون» معفون من شرط صلاحية البطاقة في 3 وزارات", 27 September 2022, <https://bit.ly/3BIL9Zm>

⁷³ Al Jarida, "وزارة التربية تعتمد التقويم المعدل لمدارس التربية الخاصة", 29 March 2022, <https://bit.ly/3F7Zk56>

⁷⁴ Interview by text exchange with "Abir", a Bidun woman in her mid-20s, 11 October 2022.

⁷⁵ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

4.2 ACCESS TO PRIMARY THROUGH SECONDARY EDUCATION

Bidun access to education can be classified according to several levels of privilege depending on the legal status of the family. At the top are those who have a current, valid Review Card and whose children, under certain specially excepted privileged categories, are allowed to attend government schools, which are free. At the bottom are those who have no documents at all and are therefore ineligible for both government and private schools. In a perilous status too that bars them from access to government and private schools are those who have no legal record of their existence other than a hospital report of the birth. Six of the 22 Bidun families interviewed by Amnesty International had members in this category.

In the middle are Bidun who have the completed Ministry of Health birth certificate and a Civil Identity Number, and some further form of Bidun-specific, government-issued identity document (since 2010, this has been the Review Card). Those who have these identity documents but do not fall into one of the special-exception categories must send their children to private schools, which charge tuition and other fees. Figure 1 summarizes how these different levels of documentation affect access to education.

The overall rule on access to the free governmental school system is that Bidun children are excluded. By law, compulsory education supplied by the state is for “Kuwaiti children”.⁷⁶ However, several specially privileged categories of Bidun are exempted from the exclusionary rule and can send their children to government schools for free like children with recognized Kuwaiti nationality. These categories are:

- children of Bidun fathers employed by the Ministry of Health or the Ministry of Education;⁷⁷
- children of fathers or paternal grandfathers who served in the military or police without being discharged or fired;⁷⁸
- children of recognized national Kuwaiti mothers with non-Kuwaiti (including stateless) fathers;⁷⁹
- children whose paternal grandmothers were Kuwaiti nationals;⁸⁰ and
- children whose paternal grandfathers were “martyrs” (died in the line of national duty).⁸¹

The rules are gender-discriminatory with respect to ancestry, since a paternal grandparent but not a maternal grandparent is counted for purposes of the exceptions. In 2022, the Ministry of Education made public new registration requirements for these exceptional categories, which restricted new Bidun registrations in government schools to first grade only.⁸²

⁷⁶ قانون التعليم الإلزامي (previously cited), Article 1.

⁷⁷ Interview in person with “Zayed”, a Bidun man who works for the Ministry of Health, 24 June 2022, Kuwait City; Kuwait, Combined third to sixth reports (previously cited), p. 25.

⁷⁸ Interview in person with “Tamer”, a former activist of the Kuwaiti Biduns Committee, 22 June 2022, Kuwait City; interview in person with “Khalidun”, a Bidun Ministry of Interior employee who attended Kuwait University, 24 June 2022, al-Farwaniyah governorate; interview in person with “Sharaf”, a Bidun man who is a former activist with the Gathering of Kuwaiti Biduns, 26 June 2022, Capital governorate; Kuwait, Replies of Kuwait to the list of issues in relation to its combined third to sixth reports, 12 January 2022, UN Doc. CRC/C/KWT/RQ/3-6, para. 85; Al-Jahra Educational District, Kuwait, “تسجيل الصف الأول الابتدائي غير محدد الجنسية”, <https://www.jahraedu.com/> (accessed on 15 August 2022).

⁷⁹ Kuwait, Replies of Kuwait to the list of issues (previously cited), para. 86.

⁸⁰ Al-Jahra Educational District, “تسجيل الصف الأول الابتدائي غير محدد الجنسية” (previously cited).

⁸¹ Al-Jahra Educational District, “تسجيل الصف الأول الابتدائي غير محدد الجنسية” (previously cited).

⁸² Al-Jahra Educational District, “تسجيل الصف الأول الابتدائي غير محدد الجنسية” (previously cited).

Figure 1. Different levels of legal documentation and how they affect access to education

	Children can go to a government school	Children can be registered in private schools	Support from Charity Fund for children in private schools	Eligible to apply to Kuwait University	Can attend private university if able to pay
Ministry of Health birth certificate + Civil Identity Number + currently valid Central System Review Card + specially privileged category	✓	✓	✓	✓	✓
Ministry of Health birth certificate + Civil Identity Number + currently valid Central System Review Card	✗	✓	✓	✓	✓
Ministry of Health birth certificate + Civil Identity Number + expired Central System Review Card	✗	✓	✓	✗	✓
Ministry of Health birth certificate + Civil Identity Number but no Central System Review Card at all	✗	✓	✗	✗	✓
Hospital birth report only / no documentation of identity	✗	✗*	✗	✗	✗

* Since 2012, the General Director of Private Education in the Ministry of Education may make a special individual exception to allow a child with only a hospital report of birth to be registered for private school, subject to certification by the Committee for Attribution of Parentage and Correction of Names in the Ministry of Justice that the family has a file pending before that Committee.⁸³ No Bidun family interviewed by Amnesty International had obtained this possible exception, and only one interviewee – a Bidun activist who follows administrative procedures affecting the Bidun very closely – was aware of its existence.⁸⁴

⁸³ KUNA, "التعليم الخاص.. استئناف تسجيل حاملي بلاغ الولادة للمقيمين بصورة غير قانونية شرط احضار افادة من لجنة دعاوى النسب", 26 April 2012, <https://www.kuna.net.kw/ArticleDetails.aspx?id=2236595&Language=ar> (in Arabic).

⁸⁴ Interview in person with "Sharaf" (previously cited), 26 June 2022.

Among the 22 Bidun families interviewed, five families had a total of ten members who had not received any education at all, in either government or private schools. For four of these five, the reason was lack of documentation; in one instance the reason was economic.

“Arwa” is a 12-year-old girl who did not have even a hospital report of birth. Her father, “Ra’id”, explained:

If you go to the hospital, they give the birth report on the basis of a marriage contract. I don’t have a marriage contract with my daughter’s mother. We had an ‘Arab wedding’... There’s a group of people [as witnesses], and there’s the sheikh [to religiously certify the marriage]... I didn’t have an identity card, and my daughter’s mother didn’t have residency. So I was forced to have a humble marriage, not documented by a court. So the day my daughter came, it was the same problem. I couldn’t bring [the mother] to give birth in the hospital, because she had no identity card. If I brought her to the hospital, I’d go to prison, and the mother would go to prison – imagine.⁸⁵

“Arwa” was therefore born in the home with assistance from a midwife. Arwa has never spent a day in a classroom. “I’m almost in despair about my daughter’s situation,” said “Ra’id”, describing his family as “living, but not living. It’s as if you have no existence.”⁸⁶

“Hani” is 17 and should have been in school since 2010. He could not be registered for any school because he does not have the Ministry of Health birth certificate and Civil Identity Number. He has had no education and began working as a teenager in the food and beverage service industry.⁸⁷

“Omar”, in his 20s, was of school age between 2002 and 2015. He did not have the completed Ministry of Health birth certificate and Civil Identity Number necessary for his family to register him for school. He began working at around the age of seven to help support his family by selling snacks from a cart along travel routes in the desert.⁸⁸

“Husain”, 28, was of school age between 1999 and 2012. His family could not register him for any school because they did not have the Bidun form of identity document required at the time (which prior to the Central System’s establishment in 2010 was a card issued by a committee of the Ministry of Interior). “I started working when I was 14 years old,” he said. “I was selling watermelon in the street.”⁸⁹

“AbdulMajid”, in his 30s, was of school age between 1991 and 2004. His parents could not afford private school and the family was in the default Bidun category ineligible for government schools. He began working on the streets at the age of nine to help support his family, selling DVDs, fruit and vegetables, seeds and coal.⁹⁰

All 22 Bidun families interviewed reported that the government had never contacted them to make efforts to ensure that school-age children were attending school.⁹¹ By contrast, “Jasim”, an administrator at a government school, told Amnesty International that the government is diligent in ensuring that children of recognized Kuwaiti national families attend primary through intermediate school as required by law, calling families and opening investigations into families of children who are absent. In his school of about 650 students, he estimated that only one student per year drops out and does not complete their studies.⁹² A teacher who is a recognized Kuwaiti national told Amnesty International that he was unaware of any case of a student dropping out of his school and stressed that this would not happen because the government holds parents legally accountable for their children’s attendance.⁹³

Bidun children whose families do not fall into one of the exceptional categories must go to private schools if their families want them to receive an education. These private schools cost money: registration, tuition and other fees, school uniforms, textbooks, other school supplies and transportation expenses must all be paid

⁸⁵ Interview in person with “Ra’id” (previously cited), 25 June 2022.

⁸⁶ Interview in person with “Ra’id” (previously cited), 25 June 2022.

⁸⁷ Interview in person with “Hani” (previously cited), 26 June 2022.

⁸⁸ Interview in person with “Omar” (previously cited), 27 June 2022.

⁸⁹ Interview in person with “Husain” (previously cited), 26 June 2022.

⁹⁰ Interview in person with “AbdulMajid”, a Bidun man in his 30s working in a grocery store, 27 June 2022, al-Jahra governorate.

⁹¹ Human Rights Watch has also documented the government’s failure to take steps to enforce primary school attendance for Bidun children. Human Rights Watch, *Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness*, 13 June 2011, <https://www.hrw.org/report/2011/06/13/prisoners-past/kuwaiti-bidun-and-burden-statelessness>, p. 33.

⁹² Interview in person with “Jasim”, administrator at a government school, 22 June 2022, Kuwait City.

⁹³ Interview in person with “Jamal”, a teacher at a government school, 23 June 2022, Kuwait City.

for.⁹⁴ “We can’t study if we can’t pay for the textbooks,” said “Ahmad”, a Bidun man in his early 20s who had gone to private school through the intermediate level.⁹⁵

By contrast, in the government school system, registration is free, there are no tuition or administrative fees, textbooks are provided without charge, and free bus transport is available to families who want it. This means that the only costs for the family tend to be the school uniform and supplies such as pencils and notebooks.⁹⁶

The government-run Charitable Fund is supposed to help families reliant on the private education sector. Kuwait does not publish regular and systematic data on the work of the fund. According to the most recent figures the government has presented, the fund assisted 13,327 children with their educational needs in the 2021-2022 school year.⁹⁷ However, this is less than 3% of the non-Kuwaiti, school-age children resident in the country.⁹⁸ This means that the majority of non-national families in Kuwait, including Bidun families, must pay for their children’s education on their own. None of the Bidun families interviewed by Amnesty International had had the full costs of their children’s education borne by the Charitable Fund; all reported that they had to pay for their household’s schooling, including part of the core costs of attendance such as tuition and administrative fees. Six of 10 Bidun families interviewed by Amnesty International who had experience of the private school system within the past five years described the costs as a significant expense for their family.

During the first semester of the 2022-2023 school year, the Charitable Fund was months late in making payments to private schools for families who receive its support, leading the schools to put pressure on the students and families to ensure that the schools received their payments.⁹⁹ Some families who cannot pay the balance have to ask for extensions and other exceptions in the hope that their children’s education won’t be interrupted while they try to find money.¹⁰⁰

According to the public reporting of the Central System’s budget and beneficiaries that exists, the government spends only a small fraction per Bidun student of the amount it spends per person for the education of recognized Kuwaiti nationals (see figure 2).

Two families and a volunteer teacher spoke of a gendered impact of educational expenses.¹⁰¹ A family with 13 children could only afford to send a few children all the way through school, and so prioritized three boys who completed secondary school, and one girl who had exceptional academic talent.¹⁰² A 2011 report by Human Rights Watch also documented similar cases.¹⁰³

“Tamer”, a Bidun man with seven children – four boys and three girls – told Amnesty International that statelessness “had a very negative impact on our children. The cost of living is very high, especially since I’m a taxi driver. I couldn’t have them complete their education, especially the girls. Because the father always sees that the boy has a better chance of employment if he has a diploma, while the girl can marry and go with her husband.” He explained that he paid for the boys to complete secondary school and could not afford to send any child on to higher education. He had to delay sending one of his boys to school because three older children were already in school, and he could not afford to pay for four at one time.

⁹⁴ Interviews in person with “Ahmad”, a Bidun man in his early 20s residing in al-Jahra governorate where he attends private university, 24 June 2022, al-Farwaniyah governorate; “Warda”, a Bidun woman residing in al-Jahra governorate and who recently graduated from secondary school, al-Farwaniyah governorate, 24 June 2022; “Jasim” (previously cited), 22 June 2022; “Tamer” (previously cited), 22 June 2022.

⁹⁵ Interview in person with “Ahmad” (previously cited), 24 June 2022.

⁹⁶ Interview in person with “Jasim” (previously cited), 22 June 2022.

⁹⁷ Kuwait, Replies of Kuwait to the list of issues in relation to its combined third to sixth reports (previously cited), para. 18.

⁹⁸ Kuwait Central Statistical Bureau, “2022-1-1 تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 1-1-2022”, Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic), reporting there are 450,503 non-Kuwaitis between the ages of 5 and 19 in the country.

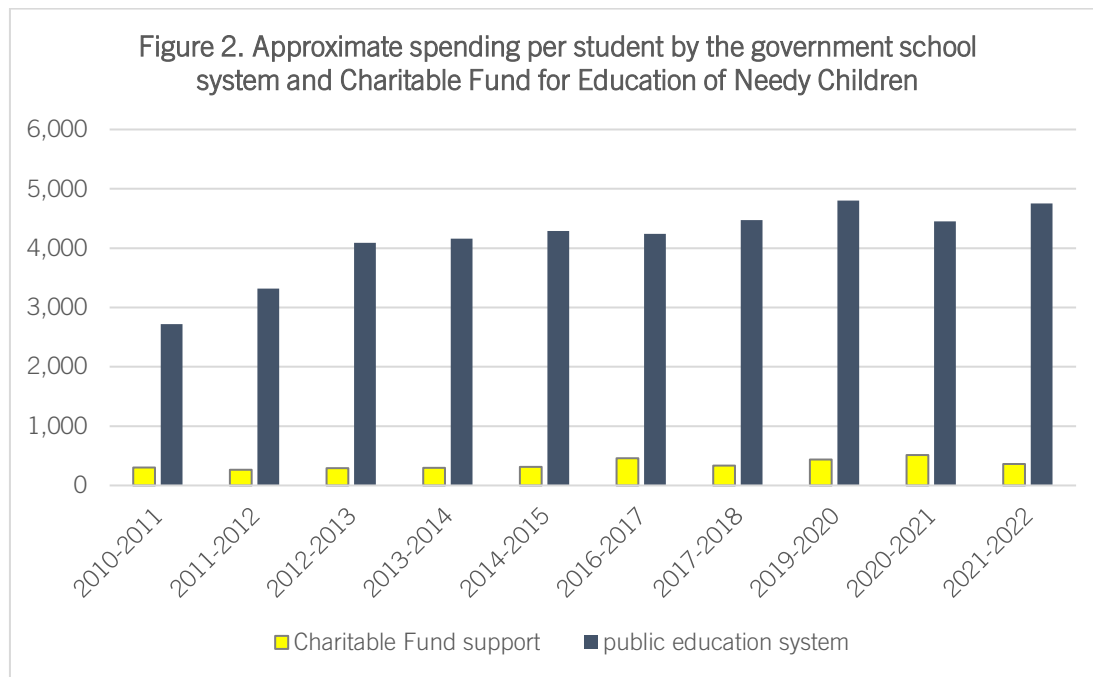
⁹⁹ Arab Times, “Delayed Payment of School Fees of 12,500 Students”, 8 December 2022, <http://www.arabtimesonline.com/news/delayed-payment-of-school-fees-of-12500-students/>

¹⁰⁰ Interviews in person with “Arif”, a Bidun man in his 40s working as a volunteer educator for Bidun children, 23 June 2022, al-Jahra governorate; “Tamer” (previously cited), 22 June 2022.

¹⁰¹ Interviews in person with “Arif” (previously cited), 23 June 2022; “Mona” and “Dhari”, unemployed Bidun sister and brother in their 40s, 26 June 2022, al-Ahmadi government; “Tamer” (previously cited), 22 June 2022.

¹⁰² Interview in person with “Mona” and “Dhari” (previously cited), 26 June 2022.

¹⁰³ Human Rights Watch, *Prisoners of the Past* (previously cited), p. 33.



See Appendix for sources. The amounts on the scale to the left are in Kuwaiti dinars.

He paid for his two older girls to complete their primary education and begin intermediate school, but not for them to complete the intermediate stage or enter secondary school. His youngest daughter was in secondary school, but he explained that in order to receive her grades at the end of each school term the family had to have fully paid for the term. They owed the school about 400 dinars (about 1,300 US dollars) for the term ending the 2021-2022 school year and so had not received her grades and certificate of passing for that year.¹⁰⁴

According to three interviewees – a Kuwaiti government schoolteacher, a Bidun parent with children in private schools and a Bidun volunteer teacher who assists Bidun students – there is also the added burden of private schools raising their fees at times, imposing higher costs on Bidun families.¹⁰⁵ Khalifa al-Enezi, who has four children, described to Amnesty International how in 2016 the private schools his children attended began to raise what the schools call the “level residual” fee, which they argued was justified because the schools had improved their level of education, until the new costs for his four children in school had risen to about 300 US dollars per child in the 2021-2022 school year.¹⁰⁶ During the 2021-2022 school year, the Charitable Fund paid these “level residual” fees, but in previous years it had not.¹⁰⁷ The Charitable Fund has not covered these fees for the ongoing 2022-2023 school year.¹⁰⁸

This uncertainty, both financially and administratively, adds to the worries that Bidun families have about their children’s education. “Sharaf” who had managed to secure his children’s education so far, was brought to tears when he described his fears for their future, as his older children reach the age of university education for which he may not be able to pay, and as his youngest daughter, who does not have the birth certificate and Civil Identity Number needed to register, approaches primary school age. “We’ve managed until now, but I’m scared,” he said. “I’m scared for my daughter’s future.”¹⁰⁹

The fact that Bidun families must pay, at least in part, for their children’s education while all aspects of education are free for Kuwaiti nationals raises concerns about fairness, especially because of the relative economic positions of the two communities. As non-nationals, Bidun Kuwaitis, whether working in the private or public sector, have on average a much lower income than Kuwaiti nationals. According to the most

¹⁰⁴ Interview in person with “Tamer” (previously cited), 22 June 2022.

¹⁰⁵ Interviews in person with “Jasim” (previously cited), 22 June 2022; Khalifa al-Enezi (previously cited), 24 June 2022; “Arif” (previously cited), 23 June 2022.

¹⁰⁶ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

¹⁰⁷ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

¹⁰⁸ Interview by phone with Khalifa al-Enezi, 31 March 2023.

¹⁰⁹ The daughter was born without this documentation because the family ceased going to renew their Central System Review Cards after 2016, when the Central System began insisting they give their signature to revised nationality data in order to receive renewed cards. As a result, the family was legally out of status at the time of the daughter’s birth. Interview in person with “Sharaf” (previously cited), 26 June 2022.

recent data collected by the government's Central Statistical Bureau, the average monthly salary for a non-national is less than a quarter of that received by a Kuwaiti national.¹¹⁰

"Abir", who trained to be a teacher at a government vocational college, could not work at government schools because she did not have a currently valid Central System Review Card. She told Amnesty International that her starting monthly salary for jobs offered at private schools was 200 dinars (about 650 US dollars) for working 7am-3pm five days a week.¹¹¹ In contrast, the average monthly salary for a recognized Kuwaiti national working in the public sector is over 1,500 dinars (4,900 US dollars).¹¹²

In cases where Bidun are employed in government positions, they do not receive the same compensation and benefits as recognized nationals.¹¹³ "Joumana", a university graduate who had worked for the Ministry of Awqaf and Islamic Affairs for about a year told Amnesty International that she was paid less than 200 dinars per month while recognized nationals in the same position received close to 700 dinars per month.¹¹⁴ Moreover, unlike recognized national employees she received no paid leave whatsoever, including for documented illness or during national holidays, nor any end-of-service benefits.¹¹⁵ A December 2022 report in the semi-official Kuwaiti press confirms that monthly salaries for Bidun people working in the Ministry of Awqaf and Islamic Affairs are in the 150-200 dinar range.¹¹⁶ As of 2017, the absolute minimum salary for a Kuwaiti national employee in this Ministry was 226 dinars per month, and Kuwaiti nationals' compensation was guaranteed to be higher than non-nationals' due to the inclusion of a "social bonus" in their salaries, for which non-Kuwaitis are ineligible.¹¹⁷

A recognized Kuwaiti national working as a government school administrator, whose school employs recognized nationals as teachers and who knows many Bidun teachers, said, "Their salaries are nothing compared to what we take." He estimated that on average Bidun teachers' salaries were a quarter of recognized national teachers' salaries. He also estimated that in a government school, the average salary of a Bidun teacher was around 390-400 dinars per month, but around 2,000 dinars per month for a Kuwaiti national teacher.¹¹⁸

Compensation and working conditions are also less advantageous for Bidun teachers in government schools in other ways. Bidun women, for example, do not receive paid post-partum maternity leave, unlike women of all Arab Gulf nationalities working in government jobs in Kuwait.¹¹⁹ From 2012 until 2016, Bidun teachers at government schools did not receive pay during the summer holiday period of the school year as recognized national teachers do.¹²⁰ After internal pressure from Bidun teachers and sympathetic Kuwaiti nationals working in the public education sector, the Ministry of Education changed its policy and authorized payment of Bidun teachers during the summer holiday.¹²¹

The difference in living standards between the Bidun and recognized Kuwaiti nationals can be seen, for example, in the contrast between the Bidun neighbourhood of Taima and the Kuwaiti national neighbourhood of al-Naeem in al Jahra governorate. The two neighbourhoods are directly across from one

¹¹⁰ Central Statistical Bureau, Kuwait, "توزيع العمالة حسب متوسط الأجر الشهري، الجنسية (كويتي/غير كويتي)، القطاع والنوع وفقاً للحالة في 2022/03/31" ["Distribution of Workers by Median Monthly Salary, Nationality (Kuwaiti/Non-Kuwaiti), Sector and Gender as of 31/03/2022"], Excel document available at <https://lms.csb.gov.kw/IntegratedDataView?QID=31> (in Arabic) (accessed 30 September 2022).

¹¹¹ Interview in person with "Abir" (previously cited), 24 June 2022.

¹¹² Central Statistical Bureau, "توزيع العمالة حسب متوسط الأجر الشهري" (previously cited).

¹¹³ Interview by voice call with "Joumana", a Bidun woman working in the private sector and resident of al-Jahra governorate, 6 July 2022; interviews in person with "Jasim" (previously cited), 22 June 2022; "Zayed" (previously cited), 24 June 2022; Amnesty International, *The "Withouts" of Kuwait* (previously cited), p. 2; Civil Service Council, Kuwait, "قرار رقم (5) لسنة 2007 بشأن نموذج عقد الاستعانة بخبرات غير الكويتيين على بند المكافآت عن أعمال أخرى" [Decision No. 5 of 2007 on the Model Contract for Resorting to Non-Kuwaiti Expertise Based on the Provision on Compensation for Other Labour], Article 3. Under Article 3 of the 2007 decision by the Civil Service Council, work by non-Kuwaitis for government agencies is compensated according to a uniform official contract (of which there are several grades) between the employer and employee, in contrast to the salary scales and other compensation set by public law for Kuwaiti employees in government.

¹¹⁴ Interview by voice call with "Joumana" (previously cited), 6 July 2022. *Awqaf* means religious endowments.

¹¹⁵ Interview by voice call with "Joumana" (previously cited), 6 July 2022.

¹¹⁶ Al Anba, "«البدون» العاملون في «الأوقاف» اعتصموا لعدم صرف رواتبهم" ["Bidun' Working in Awqaf Protested Non-Payment of Salaries"], 16 December 2022, <https://www.alanba.com.kw/1159679> (in Arabic).

¹¹⁷ Ministry of Awqaf and Islamic Affairs, Kuwait, *دليلك عند تعيينك* [Your Guide to Your Appointment], 2016-2017, <https://bit.ly/465YEIG> (in Arabic), pp. 32, 28.

¹¹⁸ Interview in person with "Jasim" (previously cited), 22 June 2022.

¹¹⁹ Interviews in person with "Jasim" (previously cited), 22 June 2022, 14 June 2023; "Zayed" (previously cited), 24 June 2022; interview by text exchange with "Jamal" (previously cited), 14 June 2023; Kuwait, Replies of Kuwait to the list of issues in relation to its third periodic report, 7 April 2020, UN Doc. E/C.12/KWT/RQ/3, para. 89; Civil Service Council, Kuwait, "قرار رقم (6) لسنة 2006 بشأن معاملة مواطني دول مجلس التعاون لدول الخليج العربية معاملة الكويتيين" [Decision No. 6 of 2006 on Treatment of Citizens of Gulf Cooperation Council Countries as Kuwaiti Citizens], Article 1.

¹²⁰ Interviews in person with "Jasim" (previously cited), 22 June 2022; by text exchange with "Jamal" (previously cited), 14 June 2023, 9 July 2023. See also Group 29, "تقرير موازي لتقرير دولة الكويت الدوري الثاني المقدم إلى اللجنة المعنية بالحقوق الاقتصادية والاجتماعية والثقافية" ["Parallel Report to the State of Kuwait's Periodic Report to the Committee on Economic, Social and Cultural Rights"], June 2013, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=LwEZ++3Ug9TISehwW/hGujELPpRHCviPg5/K65TpfmK2Vburlu7ksyaUyXZyufiVapUNNVLFolqYUDQikLDrQ== (in Arabic), pp. 5-6.

¹²¹ Interview by text exchange with "Jamal" (previously cited), 14 June 2023.

another in al-Jahra governorate, separated by a high-speed roadway. The housing on the Bidun side consists of small, one-storey, closely packed units constructed mostly of sheet metal. The housing on the other side is made up of modern, multi-storey apartment buildings with courtyards.



Contrasting images of living areas of Bidun Kuwaitis and recognized national Kuwaitis in al-Jahra governorate. The pictures were taken from the bridge over al-Biruni/Bisher bin Awanah highway, adjacent to the government-run al-Naeem girls' intermediate school. The one-story sheet-metal houses to the south (left, above) are in the Bidun neighbourhood of Taima. The multi-story buildings to the north (right, above) are in al-Naeem neighbourhood occupied by recognized Kuwaiti nationals. © Amnesty International. A satellite view of the same location is shown below.



© Google, 8 August 2022.

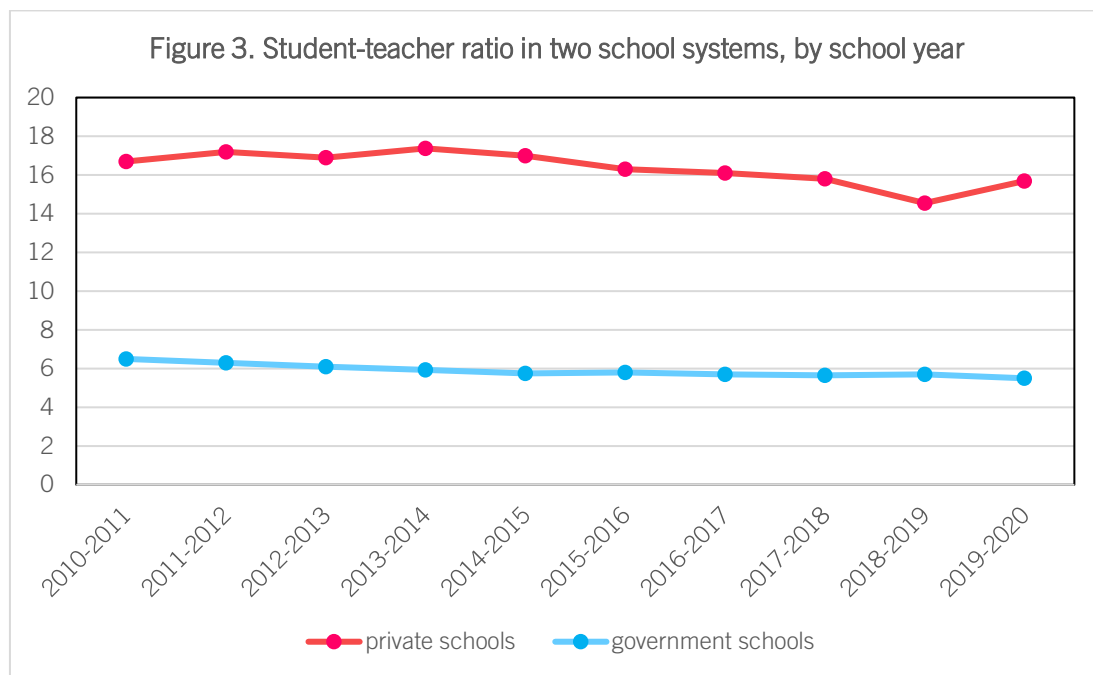
4.3 QUALITY OF PRIMARY THROUGH SECONDARY EDUCATION

The quality of private schools varies in Kuwait, and they are not necessarily better than the government school system. While some high quality private schools do exist, these were not economically accessible to the Bidun families interviewed by Amnesty International.

Nine out of 10 Bidun families interviewed whose children had been to private schools during the past five years described the private schools they could afford as inferior to government schools. As one Bidun man who had sent his children to schools in both systems, activist Mohammad al-Bargash, told Amnesty International, “When somebody [from outside Kuwait] hears ‘private schools’, they think, ‘Oh, wow, that must be a great education, a great place.’ No, it’s the opposite. Here in Kuwait the government schools are better.”¹²²

The 10 Bidun families who had experience with private schools during the past five years gave estimates of average class size of between 30 and 55 students per teacher, with a mean of 42.1 and a median of 40.¹²³ The four Kuwaitis (two Bidun and two recognized nationals, both employed at government schools) interviewed who had current experience with government schools, gave estimates of between 22 and 40 students per teacher, with a mean and median of 27.5.¹²⁴ “Jasim”, the administrator at a government secondary school, who considered his school one of the better ones in the government system, said that classes there had 22 to 25 students per teacher.¹²⁵ “Abir”, in her mid-20s, who had gone to a privately-owned all-levels school for girls that serves one of the largest Bidun student populations in the country, estimated her average class size to be 40 to 55 students.¹²⁶

Official Kuwaiti statistics confirm that the student-teacher ratio is better in government schools than private schools. In the most recent school year for which figures are available, 2019-2020, there were on average 5.5 students per teacher in the government school system compared to an average of 15.6 students per teacher in private schools.¹²⁷ These ratios have been essentially consistent over the past decade (see figure 3). Because the official figures are national averages for all private schools, they include the significantly lower student-teacher ratios in some private schools. The lowest student-teacher ratio reported to Amnesty International by a Bidun family with experience in the private school system was 30 to one,¹²⁸ well above the national private-school average of 15.6 to one.



Calculated from Central Statistical Bureau figures, *Annual Statistical Abstract 2019-2020*.

“When I enrolled my kids into private school,” said “Tamer”, a Bidun man with seven children, “I was surprised to find that the room was four by five metres and that there were more than 40 students in it. The

¹²² Interview in person with Mohammad al-Bargash, an activist for Bidun rights residing in al-Jahra governorate, 28 June 2022, Kuwait City.

¹²³ Interviews in person, June 2022.

¹²⁴ Interviews in person, June 2022.

¹²⁵ Interview in person with “Jasim” (previously cited), 22 June 2022.

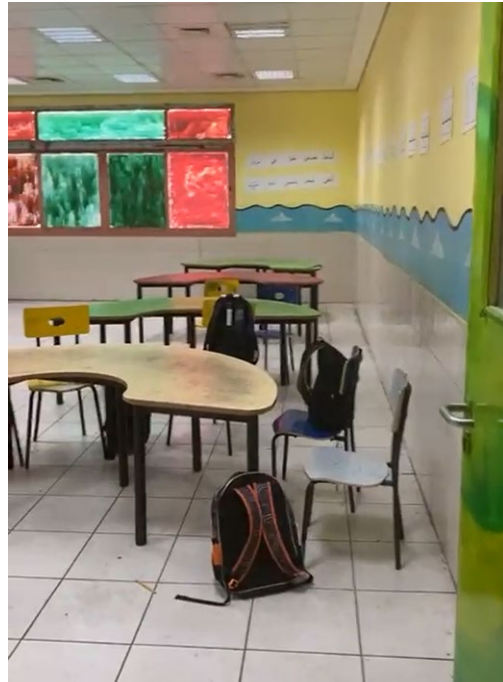
¹²⁶ Interview in person with “Abir” (previously cited), 24 June 2022.

¹²⁷ Central Statistical Bureau, Kuwait, *Annual Statistical Abstract 2019-2020*, 2021, p. 358, table 200. The ratio is not reported directly and is derived here by arithmetic from the numbers of teachers and students reported in the *Abstract*.

¹²⁸ Interview in person with “Zayed” (previously cited), 24 June 2022.

students are crammed in. There's no space between the tables. They get to their chairs by hopping over."¹²⁹ Khalifa al-Enezi who has four children in private schools said, "They're not schools, they're pens. These schools are no good as to cleanliness, as to level of care... The squalor found in the bathrooms, the dirtiness, the lack of care. There's no hygiene. But as a Bidun, you're forced to resort to this. We don't have any other means of education."¹³⁰

Six out of seven families interviewed with children currently in private schools mentioned the poor state of the buildings or equipment. Although Amnesty International was not permitted to enter any schools – government or private – during the visit to Kuwait, its researcher examined the perimeters of three government schools and two private schools attended by Bidun students and saw that one of the private schools was in a building with a dilapidated exterior, whereas the three governmental schools had well-maintained exteriors.¹³¹



A classroom in a private school (all levels) in al-Jahra governorate (left) and a classroom in a government boys' primary school in al-Ahmadi governorate. © Private

"Farida", a 15-year-old Bidun girl who attended a private all-level school for her intermediate education but was able to transfer to a government secondary school because her father served in the Kuwaiti army, said there were significant differences between the two in the quality of the library and computer lab.¹³² "In my private school the computers were very old. There [were] maybe 40 students and 20 computers, and not all of them [were] actually working. Two girls would sit at one computer. Some girls would just sit and listen to the teacher. But in public school, we study on new computers," she said, adding that there were enough for all students.¹³³ The government school administrator and government schoolteacher interviewed by Amnesty International said that the computer labs at their schools were equipped with enough computers for all students in the classroom.¹³⁴

"Ahmad", a Bidun man in his early 20s recalled his experience in a private school that combined primary through secondary levels of education, where he went before being able to transfer to a public secondary school because his grandfather had served in the army: "Each class was at least 50 students. The

¹²⁹ Interview in person with "Tamer" (previously cited), 22 June 2022.

¹³⁰ Interview in person with Khalifa al-Enezi (previously cited), 24 June 2022.

¹³¹ See photos showing the comparison on page 26.

¹³² Interview in person with "Farida", a 15-year-old Bidun girl in secondary school residing al-Jahra governorate, 24 June 2022, al-Farwaniyah governorate.

¹³³ Interview in person with "Farida" (previously cited), 24 June 2022.

¹³⁴ Interviews in person with "Jasim" (previously cited), 22 June 2022; "Jamal" (previously cited), 23 June 2022.

computers were very old.”¹³⁵ He added that the computers frequently froze or crashed and that there was only one computer available for every three students.¹³⁶

“[There is] a huge difference between these schools”, said “Abir”, in her mid-20s, who went to primary through secondary school in the private sector but attended a government college for vocational training.¹³⁷ Describing the state of the buildings, she said, “Our private school – it’s destroyed. Destroyed. But government schools? They [tend to be] new, modern – very modern, with modern technology.”¹³⁸ She said the computer lab at the all-levels private school for girls she attended had “maybe 15, maximum 20” computers for classes of 40 to 55 students. Her classrooms had no air conditioning or fans.¹³⁹ The average temperature in Kuwait in May, usually the last full month of the school year, is above 32°C.¹⁴⁰

“Warda,” a young Bidun woman who recently graduated after attending only private schools, said that her schools would sometimes be left waiting two to three weeks after the government schools to receive their textbooks – which are the same for both systems, as mandated under the shared, government-established curriculum.¹⁴¹ She described her experience: “We couldn’t study. We didn’t do anything... in computer classes and science subjects, [because] in the private schools [I went to] they have a lack of the equipment that we need.” In chemistry class, she said, “We would wear a lab coat and go to the lab, but we wouldn’t do anything because there was no equipment... There were no activities at all. No field trips, no art classes.”¹⁴² “Asma”, the younger sister of “Warda” who followed in going to the same private school, noted that her cohort was still facing the same lack of equipment, with the number of students in her class double the number of available computers.¹⁴³



Entrances to a government girls' intermediate school (left) and a private all-level girls' school (right), both in al-Jahra governorate. The government school is directly across from the Bidun neighbourhood of Taima, but Bidun children not in one of the special privileged categories cannot attend the school. Depending on their parents' resources, they might end up studying at the photographed private school about 2.5 kilometres away. This was the case with “Farida”, a 15-year-old Bidun girl interviewed for this report. © Amnesty International

According to an independent 2022 survey, Kuwaiti nationals do not consider the quality of infrastructure or class sizes to be high-ranking problems in government schools. Asked what is the most important thing the government should do to improve public education, the most popular answers were “Better train teachers” (34% of responses) and “Update curriculum” (25%). Much smaller numbers said “Rebuild schools”, “Improve technology” or “Reduce class size” (12% each).¹⁴⁴

4.4 ACCESS TO UNIVERSITY EDUCATION

This section examines how the Central System essentially can veto Bidun admissions to Kuwait University, the state institution that offers Kuwaiti students free higher education. As detailed below, the effect of these procedures is that Bidun enrolment at Kuwait University is lower than their proportion of the population,

¹³⁵ Interview in person with “Ahmad” (previously cited), 24 June 2022.

¹³⁶ Interview in person with “Ahmad” (previously cited), 24 June 2022.

¹³⁷ Interview in person with “Abir” (previously cited), 24 June 2022.

¹³⁸ Interview in person with “Abir” (previously cited), 24 June 2022.

¹³⁹ Interview in person with “Abir” (previously cited), 24 June 2022.

¹⁴⁰ Central Statistical Bureau, *Annual Statistical Abstract 2019-2020* (previously cited), p. 14, table 4.

¹⁴¹ Interview in person with “Warda”, Bidun woman who recently graduated from secondary school and is a resident of al-Jahra governorate, 24 June 2022, al-Farwaniyah governorate.

¹⁴² Interview in person with “Warda” (previously cited), 24 June 2022.

¹⁴³ Interview in person with “Asma”, a Bidun girl attending secondary school resident in al-Jahra governorate, 24 June 2022, al-Farwaniyah governorate.

¹⁴⁴ Arab Barometer, *Arab Barometer VII: Kuwait Report*, November 2022, arabbarometer.org/wp-content/uploads/ABVII_Kuwait_Report-ENG.pdf, pp. 6-7.

compelling many to resort to the private market for university education, as with primary through secondary education.

Kuwait University, the first established in the country in 1966, is the national flagship university.¹⁴⁵ The government sets its budget and appoints its management.¹⁴⁶ The government did not authorize the establishment of private higher education institutions until 2000.¹⁴⁷

The Central System must authorize all admissions of Bidun students to Kuwait University.¹⁴⁸ It requires that all students have a currently valid Review Card, thereby excluding the lesser-documented categories of Bidun.¹⁴⁹ For the Bidun population who do currently have valid cards, an annual quota on admissions is set by negotiations primarily between the internal government stakeholders, which are the Central System and the university administration.¹⁵⁰ Until 2012, the quota was just 15 Bidun students.¹⁵¹ Following protests by recognized Kuwaiti national and Bidun activists in July 2012, the university administration agreed to raise the quota for the 2012-2013 school year to 100 Bidun students.¹⁵²

Since then, the university has changed the annual quota from year to year. In recent years it has set the quota at around 180-270 new Bidun student admissions for each school year.¹⁵³ The Central System has reported that in the 2020-2021 school year, there were 1,168 Bidun students enrolled in Kuwait University, and 1,126 during the 2022-23 school year.¹⁵⁴ The university has over 30,000 Kuwaiti students.¹⁵⁵ This puts Bidun Kuwaitis at about 3.8% of the Kuwaiti national student population, whereas they make up about 10% of all Kuwaitis according to the best available estimate.¹⁵⁶

Kuwait University's College of Medicine, in particular, has admitted almost no Bidun students. Of the 29 people interviewed by Amnesty International, only one – professor Ebtehal al-Khatib, who is involved in the annual negotiations with the Kuwait University administration over the quota of new Bidun students – was aware of a single instance of a Bidun student attending the College of Medicine since 2011.¹⁵⁷

A Bidun girl entering her final year in secondary school told Amnesty International, “My dream is to study medicine, but in Kuwait I know I can't.”¹⁵⁸ Her family cannot afford for her to study abroad.¹⁵⁹

Kuwait offers scholarships for study abroad only to its recognized nationals; Bidun are not eligible.¹⁶⁰ Even if Bidun people are able to fund their own study abroad, they need a special travel document, referred to

¹⁴⁵ Kuwait University, “هويتنا”, <https://bit.ly/3Tfqf4K> (in Arabic) (accessed 11 October 2022).

¹⁴⁶ Kuwait, قانون رقم 76 لسنة 2019 في شأن الجامعات الحكومية [Act No. 76 of 2019 on Government Universities], Article 5, para. 1, Article 12, para. 1.

¹⁴⁷ Kuwait, قانون رقم 34 لسنة 2000 بإنشاء الجامعات الخاصة [Act No. 34 of 2000 on Establishment of Private Universities], Article 1.

¹⁴⁸ Interview in person with Ebtehal al-Khateeb, professor of literature at Kuwait University and activist supporting Bidun admissions there, 28 June 2022, Kuwait City; Central System, “الجهاز المركزي يطلق الية لتسجيل الطلبة المستجدين من المقيمين بصورة غير قانونية بجامعة الكويت” [“Central System: Mechanism Launched for Registration at Kuwait University of New Students from among Illegal Residents”], 21 September 2020, <https://bit.ly/3xeRHqH>; Al Anba, “الجهز المركزي: نسقوا معنا في أي شأن يتعلق بـ «البيدون»» [“Central System to Kuwait University: Coordinate with Us in Any Matter Relating to the ‘Bidun’”], 11 August 2022, <https://www.alanba.com.kw/1134779> (in Arabic).

¹⁴⁹ Interviews in person with Ebtehal al-Khateeb, 28 June 2022, and “Khalidun” (previously cited), 24 June 2022; Al Anba, “الجهز المركزي»” [“Central System: We've Agreed with Kuwait University on Seats for Illegal Residents”], 9 June 2018, <https://www.kuna.net.kw/ArticleDetails.aspx?id=2731885> (in Arabic).

¹⁵⁰ Interview in person with “Tamer” (previously cited), 22 June 2022; Al Jarida, “اعتصام في الجامعات الخاصة لخفض نسب قبول البيئات الداخلية” [“Protest at Private Universities to Reduce Percentage Granted Internal Scholarships”], 9 July 2012, <https://www.aljarida.com/articles/1462060261385623200> (in Arabic); Al Rai, “أسماء المقبولين في جامعة الكويت للفصلين الأول والثاني” [“Names of Those Accepted into Kuwait University for First and Second Terms”], 23 July 2012, <https://bit.ly/3NbHcLY> (in Arabic).

¹⁵¹ Interview in person with “Tamer” (previously cited), 22 June 2022; Al Jarida, “اعتصام في الجامعات الخاصة” (previously cited); Al Rai, “أسماء المقبولين في جامعة الكويت” (previously cited).

¹⁵² For example, 183 new Bidun students were admitted in the 2020-2021 school year and 264 in 2022-2023. Central System for the Remedy of the Situation of Illegal Residents, “1142 Students from among Illegal Residents Registered at Kuwait University During 2020-2021” [“1142 Students from among Illegal Residents Registered at Kuwait University During 2020-2021”], 3 April 2021, <https://bit.ly/3CgQ8KD> (in Arabic); Central System for the Remedy of the Situation of Illegal Residents, “عدد الطلبة المقيمين بصورة غير قانونية 1126 طالبا وطالبة خلال العام 2023-2022” [“Kuwait University: Number of Students Registered from among Illegal Residents Is 1126 During 2022-2023 Year”], 13 June 2023, <https://bit.ly/3XbhLYw> (in Arabic).

¹⁵³ Al Qabas, “الجهز المركزي: خدمات إنسانية لـ 83 ألف مقيم بصورة غير قانونية” [“Central System: Humanitarian Services to 83 Thousand Illegal Residents”], 19 December 2022, <https://bit.ly/3v5o8Gv> (in Arabic); Central System, “عدد الطلبة المقيمين بصورة غير قانونية 1126” (previously cited).

¹⁵⁴ Kuwait University, 2017/2016 إحصائية جامعة الكويت للعام الدراسي [University of Kuwait 2016/2017 Academic Year Statistics], undated, <http://www.planning.kuniv.edu.kw/download/2017-2016/الإحصائيات.pdf> (in Arabic), p. 2. The exact number reported is 31,070 Kuwaiti students enrolled during the 2016-2017 school year. The university has not published updated annual statistics since 2017. Kuwait University, الإحصائيات, [“Statistics”] <http://www.planning.kuniv.edu.kw/download/2017-2016/الإحصائيات.pdf> (accessed on 2 January 2023).

¹⁵⁵ See section 3.1 “Origins and size of the Bidun population”.

¹⁵⁶ Interview in person with Ebtehal al-Khateeb (previously cited), 28 June 2022, Kuwait City.

¹⁵⁷ Interview in person with “Asma” (previously cited), 24 June 2022.

¹⁵⁸ Interview in person with “Asma” (previously cited), 24 June 2022. There are no private institutions offering degrees in medicine in Kuwait.

¹⁵⁹ Ministry of Higher Education, Kuwait, “بعثات الطلبة” [“Student Scholarships”], <https://www.mohe.edu.kw/site/ar/services/enrollments/scholarships/main.aspx> (in Arabic) (accessed 30 September 2022).

locally as an “Article 17 passport”, which the government issues at its discretion to those without Kuwaiti nationality.¹⁶¹ The letter of the law does not actually authorize issuance of such travel documents for the purpose of education abroad; it limits eligibility to “non-Kuwaiti employees working in the service of Kuwait’s government, and only for when they are tasked with duties abroad and within the scope of those duties”.¹⁶² However, in reality the government has issued these passports much more broadly, for many purposes, including for individually funded education abroad.¹⁶³

For a decade, from 2011 to 2021, Bidun students who had been arbitrarily assigned a nationality by the Central System would have the assigned nationality printed on their Kuwait University degree at graduation, creating another problematic false record in their most important personal documents.¹⁶⁴ In April 2021, after a request from the university board, the Central System agreed to allow Kuwait University to issue Bidun graduates their degrees without a nationality stated.¹⁶⁵

For those excluded from the free government university system, the remaining option is to pay for post-secondary education at a private institution. “Ahmad”, in his 20s, told Amnesty International that in order to pay for him to complete his studies at the private Arab Open University in Kuwait, his family had to rely on money from relatives, friends and charities.¹⁶⁶

Four out of six Bidun interviewed by Amnesty International who had reached the level of higher education maintained that – broadly speaking – Kuwaiti policy disincentivizes Bidun education because even those who achieve the highest levels of education possible in their circumstances cannot get jobs on equal terms with recognized Kuwaiti nationals.¹⁶⁷

“Abir”, who had graduated from a private secondary school and the College of Basic Education, a government vocational school that trains teachers, spoke of her frustration after graduation when she approached the Ministry of Education for a job. “When I applied, they told me, ‘You have no ID, so you’re not allowed to teach in a government school.’ I want to teach, but there’s no [government] school that will accept” me.¹⁶⁸ “Husain”, 28, who could never attend a day of school because of his lack of legal status summarized his feelings, saying: “I don’t have a future... I’m scared to marry.” He added, “If I bring anyone into this world, they won’t have a Civil ID, they won’t have anything. I don’t want them to live how I’m living... There is no future.”¹⁶⁹

¹⁶¹ Kuwait, قانون جوازات السفر، 11 لسنة 1962 في شأن جوازات السفر [Act No. 11 of 1962 on Passports], Article 17, para. 2.

¹⁶² Kuwait, 1962 لسنة 11 قانون رقم 11 (previously cited), Article 17, para. 2.

¹⁶³ For example, Al Qabas, “جوازات «مادة 17» لأبناء المواطنين والدارسين والمرضى الراغبين في العلاج بالخارج» [“Article 17” Passports for Children of Female Citizens Who Are Studying or Are Sick and Want Treatment Abroad], 10 February 2022, <https://www.alanba.com.kw/1101039> (in Arabic).

¹⁶⁴ Interview in person with Ebtahal al-Khateeb (previously cited), 28 June 2022.

¹⁶⁵ Al Anba, “الظفيري لـ «الأبناء»: تسليم شهادات «البدون» الجامعية دون ذكر لأي جنسية» [“Al-Dhafeeri to ‘Al Anba’: University Diplomas of ‘Bidun’ to Be Delivered without Mentioning Any Nationality”], 27 April 2021, <https://bit.ly/3RMpbVO> (in Arabic); interview in person with Ebtahal al-Khateeb, (previously cited) 28 June 2022.

¹⁶⁶ Interview in person with “Ahmad” (previously cited), 24 June 2022.

¹⁶⁷ Interviews in person, June 2022.

¹⁶⁸ Interview in person with “Abir” (previously cited), 24 June 2022.

¹⁶⁹ Interview in person with “Husain” (previously cited), 26 June 2022.

5. CONCLUSION AND RECOMMENDATIONS

The Kuwaiti government is not upholding its international legal obligations to:

- ensure free and universal primary education, without discrimination, to all children under its jurisdiction;
- provide secondary education accessible to all children under its jurisdiction on equal terms; and
- progressively establish opportunities for higher education that are equally accessible to all, subject only to personal capacity.

Kuwait has not made adequate efforts to ensure that Bidun children are receiving free and universal primary education, of a quality equivalent to that received by recognized Kuwaiti nationals in the free government school system, or provide equal educational opportunities to all children without discrimination on the basis of national or social origin. Furthermore, the government does not act to ensure that all Bidun children receive at least primary education, does not recognize or implement the right for such primary education to be free for Bidun children, and does not seek to ensure equal educational opportunities for recognized Kuwaiti national and Kuwaiti stateless children.

Bidun children are by default forced to rely on the private market for education, despite what may be significant costs for a community that is on average much less wealthy than recognized Kuwaiti nationals. The quality of education in the private schools they can afford is often inferior to that given to recognized nationals in the free government schools, and Bidun students do not have the same opportunities for university education as recognized Kuwaiti students.

In addition, the failure to offer a secure legal status with a legally defined set of rights and entitlements to the stateless population puts the Bidun community under unjustifiable socio-economic stress and has left many Bidun children undereducated or without any formal education at all.

Tracking of trends in the education of the Bidun community is also severely hampered by the failure of Kuwaiti authorities – including the Central System for the Remedy of the Situation of Illegal Residents, the Central Statistical Bureau, the Ministry of Education, Kuwait University, and the Charitable Fund for Education of Needy Children – to regularly and transparently report disaggregated data on the Bidun community, especially those Bidun who do not have a Civil Identity Number and those who have been assigned a non-Kuwaiti nationality by the Central System.

Amnesty International makes the following recommendations for improvement of respect for the right to education of the Bidun stateless community in Kuwait.

TO THE GOVERNMENT OF KUWAIT

- Revise the Nationality Law so that children born in Kuwait who would otherwise be stateless receive Kuwaiti nationality, and ensure that every child born there receives a finalized birth certificate from the Ministry of Health, not just the hospital report of birth;
- Revise the Nationality Law so that Kuwaiti nationality is transmitted equally, without regard to the sex of the parent, to children of both male and female Kuwaiti nationals;

- Approve and publish clear, objective criteria for naturalization of Bidun Kuwaitis based on lack of nationality in any other country, birth within Kuwaiti territory, length of residence, and preponderance of familial and social ties, which ensure a clear and accessible path to citizenship for all those who would otherwise be stateless;
- Make executive and administrative decisions to grant or withhold nationality subject to judicial review, through a transparent and accessible process, affordable to all, with access to legal aid where appropriate;
- Halt the practice of assigning non-Kuwaiti nationalities to Bidun residents, respecting the principle that nationality is a legal status sustained between the state concerned and the individual concerned, and is not subject to unilateral declaration by another state;
- Pending resolution of Bidun statelessness, cease practices that discriminate against Bidun in access to education;
- Ensure that primary through secondary education is free and universal for all Bidun students;
- Undertake efforts to ensure that all children of school age in Kuwait are in school, that child labour is not practised and that all children receive an equal and high-quality education;
- Do not require any form of personal identification that is not universally available in order for families to register their children for school;
- Improve regulation of private schools by the Public Administration for Private Education department of the Ministry of Education, so that the quality of private schools in infrastructure and student-teacher ratios is on a par with that of government schools;
- End the quota system for admission of Bidun students to Kuwait University, so that they can compete for admission to all departments, including the College of Medicine, on an equal footing with recognized Kuwaiti national students based on academic merit;
- Publish all laws, regulations, cabinet decisions, ministerial decisions, policies and procedures, whether past, presently in effect, or in the future, concerning Bidun affairs in a way that is easily accessible to all.

TO OTHER GOVERNMENTS

- Urge Kuwait to guarantee that the right to education is fulfilled for all children under its jurisdiction, without discrimination on the basis of any status, in accordance with its treaty obligations;
- At the Universal Periodic Review of Kuwait in the Human Rights Council, emphasize to Kuwait that it must publish all legal instruments governing Bidun affairs and, in order to be in compliance with international standards on human rights reporting, provide regular disaggregated data on the Bidun population, including those without Civil Identity Numbers or assigned other nationalities by Kuwait, and their socio-economic indicators;
- Make clear to Kuwait that arbitrary assignment of non-Kuwaiti nationalities to individuals in Kuwait is a breach of international protocol that is not permitted by the principle of state sovereignty, and that any determination by Kuwait that an individual born or resident in its territory has another nationality has no legal effect if that individual is not recognized by the state concerned as its own national;
- Make clear to Kuwait that the resolution of the Bidun issue must lie in recognizing stateless individuals with long-term ties to Kuwait as Kuwaiti nationals, and cannot be achieved by purporting to assign nationalities to individuals when they are not recognized as nationals by other states, or by putting pressure on Bidun people to seek other nationalities.

APPENDIX: SOURCES FOR COMPARATIVE GOVERNMENT SPENDING PER STUDENT BETWEEN BIDUN AND RECOGNIZED KUWAITI NATIONAL CHILDREN

2010-2011

Charitable Fund budget, fiscal year 2010-2011: 6,000,000 dinars¹

No. of students supported by Charitable Fund, 2010-2011 school year: 20,000²
equals approximately: 300 dinars per student

Ministry of Education expenditure, fiscal year 2010-2011: 1,037,844,206.929 dinars³

Estimated school-age Kuwaiti national population in 2011: 378,365⁴
equals approximately: 2,720 dinars per student

2011-2012

Charitable Fund expenditure, 2011-2012 school year: 3,589,000 dinars⁵

No. of students supported by Charitable Fund, 2011-2012 school year: 13,533⁶
equals approximately: 265 dinars per student

Ministry of Education expenditure, fiscal year 2011-2012: 1,271,625,943.453 dinars⁷

Estimated school-age Kuwaiti national population in 2012: 382,898⁸
equals approximately: 3,320 dinars per student

2012-2013

Charitable Fund expenditure, 2012-2013 school year: 4,137,435 dinars⁹

No. of students supported by Charitable Fund, 2012-2013 school year: 14,250¹⁰
equals approximately: 291 dinars per student

Ministry of Education expenditure, fiscal year 2012-2013: 1,586,249,338.911 dinars¹¹

Estimated school-age Kuwaiti national population in 2013: 387,891¹²
equals approximately: 4,089 dinars per student

¹ Kuwait, "Report on the Human Rights Watch Report" (previously cited), p. 10.

² Kuwait, "Report on the Human Rights Watch Report" (previously cited), pp. 9-10.

³ Ministry of Finance, Kuwait, 2012-2011 المالية للدولة عن السنة المالية [Final Accounting of State Financial Administration for Fiscal Year 2011-2012], <https://www.mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2011-2012.pdf> (in Arabic), جدول حرف (ب) [Table B].

⁴ Central Statistical Bureau, Kuwait, *Annual Statistical Abstract 2011, 2012*, p. 48, table 21. The number is the sum of those ages of 5-19.

⁵ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

⁶ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

⁷ Ministry of Finance, Kuwait, 2013-2012 المالية للدولة عن السنة المالية [Final Accounting of State Financial Administration for Fiscal Year 2012-2013], <https://www.mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2012-2013.pdf> (in Arabic), جدول حرف (ب) [Table B].

⁸ Central Statistical Bureau, Kuwait, "تقديرات السكان للأعوام من 2012 إلى 2015" ["Estimates of Residents for Years 2012 to 2015"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

⁹ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

¹⁰ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

¹¹ Ministry of Finance, Kuwait, 2014-2013 المالية للدولة عن السنة المالية [Final Accounting of State Financial Administration for Fiscal Year 2013-2014], <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic), جدول حرف (ب) [Table B].

¹² Central Statistical Bureau, Kuwait, "تقديرات السكان للأعوام من 2012 إلى 2015" (previously cited). The number is the sum of those ages of 5-19.

2013-2014

Charitable Fund expenditure, 2013-2014 school year: 4,453,566 dinars¹³

No. of students supported by Charitable Fund, 2013-2014 school year: 14,910¹⁴
equals approximately: 299 dinars per student

Ministry of Education expenditure, fiscal year 2013-2014: 1,631,648,568.617 dinars

Estimated school-age Kuwaiti national population in 2014: 392,035¹⁵
equals approximately: 4,161 dinars per student

2014-2015

Charitable Fund expenditure, 2014-2015 school year: 4,700,00 dinars¹⁶

No. of students supported by Charitable Fund, 2014-2015 school year: 15,105¹⁷
equals approximately: 312 dinars per student

Ministry of Education expenditure, fiscal year 2014-2015: 1,691,596,989.89¹⁸

Estimated school-age Kuwaiti national population in 2015: 394,416¹⁹
equals approximately: 4,288 dinars per student

2016-2017

Charitable Fund expenditure, 2016-2017 school year: 7,250,000 dinars²⁰

No. of students supported by Charitable Fund, 2016-2017 school year: 15,754²¹
equals approximately: 461 dinars per student

Ministry of Education expenditure, fiscal year 2016-2017: 1,733,718,164.15 dinars²²

Estimated school-age Kuwaiti national population in 2017: 408,634²³
equals approximately: 4,242 dinars per student

2017-2018

Charitable Fund expenditure, 2017-2018 school year: 5,551,247 dinars²⁴

No. of students supported by Charitable Fund, 2017-2018 school year: 16,521²⁵
equals approximately: 336 dinars per student

Ministry of Education expenditure, fiscal year 2017-2018: 1,865,237,731.286 dinars²⁶

¹³ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

¹⁴ Kuwait, Twenty-first to twenty-fourth periodic reports of States parties due in 2016 (previously cited), p. 45.

¹⁵ Central Statistical Bureau, Kuwait, "تقديرات السكان للأعوام من 2012 إلى 2015" (previously cited). The number is the sum of those ages of 5-19.

¹⁶ Central System for the Remedy of the Situation of Illegal Residents, "خدمات وزارة التربية" ["Ministry of Education Services"], undated, <https://www.carirs.gov.kw/education.html> (in Arabic) (accessed on 3 February 2023).

¹⁷ Central System, "خدمات وزارة التربية" (previously cited).

¹⁸ Ministry of Finance, Kuwait, 2016-2015 المالية عن السنة المالية للدولة عن الحساب الختامي للإدارة المالية للدولة [Final Accounting of State Financial Administration for Fiscal Year 2015-2016], <https://mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2015-2016.pdf> (in Arabic), جدول حرف (ب) [Table B].

¹⁹ Central Statistical Bureau, Kuwait, "تقديرات السكان للأعوام من 2012 إلى 2015" (previously cited). The number is the sum of those ages of 5-19.

²⁰ UN Web TV, "2655th Meeting, 91st Session, Committee on the Rights of the Child", 15 September 2022, <https://media.un.org/en/asset/k17/k17dkpephs>, minutes 34:09-35:01.

²¹ UN Web TV, "2655th Meeting" (previously cited), minutes 34:09-35:01.

²² Ministry of Finance, Kuwait, 2018/2017 المالية عن السنة المالية للدولة عن الحساب الختامي للإدارة المالية للدولة [Final Accounting of State Financial Administration for Fiscal Year 2017-2018], <https://mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2017-2018.pdf> (in Arabic), جدول حرف (ب) [Table B].

²³ Central Statistical Bureau, Kuwait, "تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 2017/1/1" ["Estimate of Numbers of Residents in the State of Kuwait by Age, Nationality and Gender on 1/1/2017"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

²⁴ Annexes to Kuwait, 2018, التقرير الجامع للتقارير الدورية من الثالث إلى السادس المقدم من الكويت بموجب المادة 44 من الاتفاقية، الذي كان من المقرر تقديمه في عام 2018 [Combined third to sixth reports submitted by Kuwait under Article 44 of the Convention, due in 2018], 16 March 2020, UN Doc. CRC/C/KWT/3-6, Arabic Word document, p. 6.

²⁵ Annexes to Kuwait, 2018, التقرير الجامع للتقارير الدورية من الثالث إلى السادس (previously cited), p. 6.

²⁶ Ministry of Finance, Kuwait, 2019/2018 المالية عن السنة المالية للدولة عن الحساب الختامي للإدارة المالية للدولة [Final Accounting of State Financial Administration for Fiscal Year 2018/2019], <https://mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2018-2019.pdf> (in Arabic), جدول حرف (ب) [Table B].

Estimated school-age Kuwaiti national population in 2018: 417,117²⁷
equals approximately: 4,471 dinars per student

2019-2020

Charitable Fund expenditure, 2019-2020 school year: 7,651,000 dinars²⁸

No. of students supported by Charitable Fund, 2019-2020 school year: 17,503²⁹
equals approximately: 438 dinars per student

Ministry of Education expenditure, fiscal year 2019-2020: 2,089,261,739.678 dinars³⁰

Estimated school-age Kuwaiti national population in 2020: 435,148³¹
equals approximately: 4,801 dinars per student

2020-2021

Charitable Fund expenditure, 2020-2021 school year: 6,850,000 dinars³²

No. of students supported by Charitable Fund, 2020-2021 school year: 13,324 students³³
equals approximately: 515 dinars per student

Ministry of Education expenditure, fiscal year 2020-2021: 1,971,922,488.85 dinars³⁴

Estimated school-age Kuwaiti national population in 2021: 442,794³⁵
equals approximately: 4,453 dinars per student

2021-2022

Charitable Fund expenditure, 2021-2022 school year: 4,783,024 dinars³⁶

No. of students supported by Charitable Fund, 2021-2022 school year: 13,327³⁷
equals approximately: 359 dinars per student

Ministry of Education budget, fiscal year 2021-2022: 2,141,050,000 dinars³⁸

Estimated school-age Kuwaiti national population in 2022: 450,503³⁹
equals approximately: 4,752 dinars per student

Note: The Kuwaiti fiscal year runs from 1 April to 31 March. The school year varies slightly, running from late September/early October to late May/early June.

²⁷ Central Statistical Bureau, Kuwait, "تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 1-1-2018" ["Estimate of Numbers of Residents in the State of Kuwait by Age, Nationality and Gender on 1-1-2018"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

²⁸ UN Web TV, "2655th Meeting" (previously cited), minute 35:21-35:41.

²⁹ UN Web TV, "2655th Meeting" (previously cited), minute 35:21-35:41.

³⁰ Ministry of Finance, Kuwait, 2021/2020 المالية للدولة عن السنة المالية [Final Accounting of State Financial Administration for Fiscal Year 2020/2021], <https://mof.gov.kw/FinancialData/PeriodRvwReport/PDF/FinalAccountPDF/Total2021-2020.pdf> (in Arabic), جدول حرف (ب) [Table B].

³¹ Central Statistical Bureau, Kuwait, "تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 1-1-2020" ["Estimate of Numbers of Residents in the State of Kuwait by Age, Nationality and Gender on 1-1-2020"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

³² UN Web TV, "2655th Meeting" (previously cited), minute 35:43-36:10.

³³ UN Web TV, "2655th Meeting" (previously cited), minute 35:43-36:10.

³⁴ Ministry of Finance, Kuwait, 2021/2020 المالية للدولة عن السنة المالية [Final Accounting of State Financial Administration for Fiscal Year 2020/2021], جدول حرف (ب) (previously cited).

³⁵ Central Statistical Bureau, Kuwait, "تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 1-1-2021" ["Estimate of Numbers of Residents in the State of Kuwait by Age, Nationality and Gender on 1-1-2021"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

³⁶ Kuwait, Replies of Kuwait to the list of issues in relation to its combined third to sixth reports (previously cited), para. 18.

³⁷ Kuwait, Replies of Kuwait to the list of issues in relation to its combined third to sixth reports (previously cited), para. 18.

³⁸ Ministry of Finance, Kuwait, 2022/2021 المالية للدولة العامة للدولة: الميزانية العامة [Public Budget of the State: Fiscal Year 2021/2022], 2022, <https://mof.gov.kw/MofBudget/PDF/Budget22-21.pdf> (in Arabic), جدول حرف - ب [Table B].

³⁹ Kuwait Central Statistical Bureau, "تقدير أعداد السكان في دولة الكويت حسب فئات العمر والجنسية والنوع في 1-1-2022" ["Estimate of Numbers of Residents in the State of Kuwait by Age, Nationality and Gender on 1-1-2022"], Excel document available at <https://www.csb.gov.kw/Pages/Statistics?ID=67&ParentCatID=1> (in Arabic). The number is the sum of those ages of 5-19.

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“I DON’T HAVE A FUTURE”

STATELESS KUWAITIS AND THE RIGHT TO EDUCATION

Kuwait has a large native-born stateless population, the Bidun, who face discrimination in access to the free government educational system. Many Bidun families must rely on the private market and their own income ensure their children’s education, from primary school to university. Some Bidun children go completely uneducated and may end up working on the streets to help support their families. Bidun families interviewed by Amnesty International who have experience with the private education market report that private schools generally have worse infrastructure and student-teacher ratios than the governmental schools where Kuwaiti national children go.

This report, based on interviews conducted in Kuwait in June 2022 as well as review of legal and policy documents and data available from the Kuwaiti government and local press reporting, examines the educational opportunities available to Kuwait’s stateless population and documents how the government fails to fulfil the right to education for many Bidun families.