

BIDOONS IN THE UNITED ARAB EMIRATES



Deprived of life and death

Geneva Council for Rights and Liberties
September 2019

Bidoons in the United Arab Emirates: deprived of life and death

Executive summary

Thousands of people in the UAE live without the human rights protected by the international human rights covenants. This category, known as the Bidoon, is deprived of all their rights to education, treatment and employment. Marriage and appropriation, as well as violations of the most basic human rights guaranteed. The cause of this category dates back to 1971 when the seven emirates united on behalf of the United Arab Emirates. The problem arose after the independence and the issuance of the UAE Nationality Law.

States may refuse to recognize individuals or groups as their citizens, generating thereby large populations with undefined statuses that limit their access to rights in the states of residence, as well as rendering them stateless. The well-known examples include the ethnic Russian populations in the Baltic States and the Bidoon in the Arab countries. In such cases, states shirk responsibility towards these groups by refusing to grant them full citizenship rights. In an extreme case of avoidance of responsibility towards a non-citizen population, the governments of the United Arab Emirates (UAE) and Kuwait purchased the Comorian passports for Bidoon living in their respective countries.

INTRODUCTION

There are hundreds of thousands of Bidoon in the UAE and Kuwait, mostly descendants of nomadic tribes from the Arabian Peninsula. For a variety of reasons, they have not been registered as citizens in these Gulf countries, rendering them (and their children) stateless. From the mid-1980s, the situation of the Bidoon has been aggravated as they have been officially designated as 'illegal residents'. The UAE and Kuwait maintain that the Bidoon have settled in their territories illegally to make claims to welfare and social protection. As a result, this sizeable population has been deprived of many basic rights, including healthcare, education and even the possession of property.

The situation of Bidoon has been continuously criticized by human rights organizations, as described in an earlier ENS blog. The 2011 report of the Human Rights Watch highlighted that international human rights norms create an obligation for governments to ensure "civil documentation for all residents, whether legal or illegal, including a child's right to registration upon birth, and the right to marry and found a family". In Kuwait, for instance, the Bidoon have been unable to obtain the basic civil documentation, including birth, death and marriage documents. According to Minority Rights Group, Bidoon are continuously discriminated against in terms of vocational and employment opportunities, contributing to their social marginalization and poverty.

The 'rejection' of the Bidoon has further been aggravated when the governments of the UAE and Kuwait entered an agreement with the Union of the Comoros, a small volcanic archipelago off the coast of East Africa, in 2008 and 2014 respectively, to purchase passports for the Gulf's stateless. The individual purchase of passports has been possible in the Comoros since 2001. Yet in November 2008 the country adopted the Law on Economic Citizenship, which foresaw the grant of the country's passports by presidential decree for a minimum investment specified in the yearly budget.

The Bidoon belong to ethnic groups and nationalities that are inseparable from the nationalities of the Emirati people. However, the UAE government refuses to recognize them as citizens, depriving them of their human and national rights in the country. Arabs who settled in the UAE after the emergence of political borders

in the region, in addition to a number of displaced from the eastern shore of the Gulf Arabs and Ajar from Yemen, Oman, Iraq and Iran.

The UAE government argues that this group of citizens of other Arab and foreign countries came to the UAE in the late 1960s and early 1970s to work and hid their passports and identities to take advantage of the privileges of Emirati citizens. This argument hides the slowdown in finding solutions to the problem until it has worsened significantly.

GOVERNMENT TREATMENT OF THE BIDOON MINORITY

Over the past five decades, the UAE government has announced the opening of naturalization committees more than once. The committees were in the form of three types, the first specialized committees to grant citizenship to expatriates in the 1960s, and the committee granted citizenship to a small number of individuals. The second was a registration committee to claim citizenship.

These commissions were opened more than once from the mid-1960s to the early 1980s, but each time they invite individuals to register and then close the registration door without giving any explanations. The third is the Committee of Illegal Residents, but it is a committee that is not linked to the "Bidoon". A lot of them had been "Born in UAE hospitals and officially registered in their civil records.

ABUSES AGAINST THE BIDOON MINORITY

The Bidoon category is characterized by massive violations of their most basic rights as enshrined in the Universal Declaration of Human Rights and the International Covenants on Civil, Political, Economic and Social Rights, making it almost impossible for these individuals to live, especially with violations affecting all sectors of the country, which are summarized below.

TRAVEL DOCUMENTS

Bidoon are denied passports except in very narrow cases. Individuals must bring a medical report proving that they are suffering from a disease and there is no cure in the UAE for this disease so that they can obtain a passport. If a passport is granted, it will be disposable once confiscated upon return.

OWNERSHIP

Failure to obtain official personal documents from government agencies results in the inability to register different houses, cars and real estate in their names. They resort to relatives and friends when they intend to own them to register them in their names. These complex procedures strain individuals from exercising their most basic rights, even though foreigners are allowed this right without Restricted or blocked.

RECRUITMENT

The state refuses to employ Bidoon, and categorically prohibits them from working in the government sector. The low financial return, which led to the inability of many people to marry, as well as the high proportion of young people who are about to reach the age of forty when they are not married.

HEALTHCARE

The Ministry of Health imposes payment on the Bidoon in addition to fees for radiology and analysis as well as payments for each day spent in the hospital, unlike UAE nationals who enjoy free treatment in government hospitals.

EDUCATION

The children of the Bidoon are not entitled to education in public schools, which led them to enroll in private schools despite their difficult economic conditions, which increased the illiteracy rate, as there are families who cannot afford the day or incur high educational expenses. Some of them, who are able to meet the needs of schooling and have finished school, cannot enroll in applied institutes or universities because they are prohibited from attending them, even though the children of the “Bidoon” soldiers only receive free education in private schools.

BIRTH AND DEATH CERTIFICATES

The Ministry of Health does not include births in the Bidoon class, and insists that these children not be granted a birth certificate confirming their birth. It requires the guardian to amend his birth status to give his child a birth certificate. Also, the deceased do not have a death certificate. Members of this group fall between the denial of their right to death and life.

MARRIAGE AND DIVORCE CONTRACTS

The Ministry of Justice does not grant documentation of marriage or divorce contracts to the Bidoon and recommended that the legal official who has the

authorization to document marriage outside the ministry not to document their contracts. Where the official authorized marriage contract without official papers and then brings the couple a case in court to prove their marriage.

DRIVING LICENSE

Bidoon' children are denied a drive license, and old licenses obtained by their owners years ago are not renewed. The Ministry of Interior, represented by the Traffic Department, refuses to grant any Bidoon a driver's license to meet his or her family's needs.

GRANTING COMOROS CITIZENSHIP

In 2008, the UAE government paid \$ 200 million to the Comoros government as part of a clandestine program to grant Bidoon citizenship to the Comoros. The families who live here hold Comoros passports and speak Arabic. Today marks ten years since the Government began one of its largest directives to solve the Bidoon question. On September 6, 2008, the Ministry of Interior announced the formation of a committee that would assess the status of all Bidoon in the UAE, with a view to naturalizing those who are eligible. Two days later, thousands travelled to registration centers across the country for the first day of registration, anxious and hopeful.

More than 7,000 application forms, one for each family, were given out by the end of the first day. In the following months, one by one, people presented their cases to officials in face to face interviews. Official statistics place the number of Bidoon at about 10,000, though other estimates have been much higher. That year, the UAE made a deal with the Comoros Islands, an Indian Ocean archipelago and one of the world's poorest countries, that it would grant passports to the stateless in the UAE, although it would not extend citizenship or the right to residency in Comoros.

A decade on, much has changed. The Bidoon now hold passports of a country that many had never heard of 10 years ago. Minority communities in the Northern Emirates have integrated more closely with Emirati families. "There are some things that are better," said Waheed Shaheri, 30, a Comoros passport holder and government employee. "Things changed a lot. Before we could not go out of the country and a passport made a lot of things easier. But some things are hard."

The situation the Bidoon find them in is seen across the Middle East and farther afield. UNHCR figures from 2014 estimate there were about 120,000 stateless people in Iraq; many are Faili Kurds, at the time. In Kuwait, the report estimated there were about 90,000 to 140,000 Bidoon, most of who were not given citizenship when the country became independent in 1961. But the UAE and Kuwait are the first to come up with a scheme to grant them passports.

CERTIFICATES

Geneva Council for Rights and Liberties has received certificates of deprivation of citizenship in the UAE, including a man in his late forties who has complained of extremely poor living conditions forcing him and his family as a result of the UAE authorities' inflexibility in settling his legal status.

The man, who lives in the emirate of Sharjah and asked not to be named because of the sensitivity of the case, said that they suffer from an arbitrary reality that includes the denial of birth certificate or death and the right to education and health care as well as prevent them from issuing ownership documents to their homes or even owning and driving cars. He added that they are also deprived of working in the public and private sectors and obtaining a certificate of good conduct from the official authorities, while keeping the greatest suffering in the denial of travel.

In their testimony to the Geneva Council, members of the UAE Bidoon said that most of them were born in the UAE and have proof from the UAE government at the time of their establishment, but so far they are deprived of issuing identification or identity papers. One of them said only that he gave his first name, "Abdullah," that the UAE authorities exercised their right to intimidate to resolve their case by obtaining a passport in the name of the Republic of the Comoros for a fee of 900 dirhams.

Abdullah said that this step came to consolidate the marginalization of the UAE authorities to resolve the issue of the Bidoon in light of the suspicion and doubts in their loyalty, which is intended only to keep our file without solutions. He stated that he refused to get a passport in the name of Comoros because that would mean the cancellation of his file in full with the UAE authorities, as happened with a number of Bidoon individuals in the past years who were forced to obtain the passport of the Republic of Comoros and then lost their identity.

Abdullah pointed out that in the past, the emirates of Dubai, Sharjah and Umm Al Quwain issued passports to those who are stateless and had the authority to travel and renew certain cards such as health care and a certificate of good conduct. The passport was renewed for a period not exceeding one year through the Ruler's Court, but gradually and by direct decision of Abu Dhabi, the passport of the stateless was revoked.

UNKNOWN FUTURE

The Bidoon case does not receive much human rights attention in the world, despite numerous attempts by individuals in this class to draw attention to their cause, but violations of their rights continue to affect the most basic rights guaranteed to any human being. UNHCR announced in 2014 that the issue of statelessness would end by 2024, but no concrete steps have been taken to commit the countries hosting the Bidoon to solving their legal and humanitarian issues.

UNHCR has recommended several points to prevent statelessness for children, namely: giving birth to the nationality of the country of birth if they are stateless; Naturalize children due to ethnic or religious status and ensure a global birth registration system to prevent statelessness.

LEGAL BACKGROUND TO THE BIDOON CASE

All international legal instruments recognize the right to nationality, including the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women, the Convention on the Nationality of Married Women and the Convention on the Elimination of All Forms of Racial Discrimination. The rights of persons with disabilities International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Convention relating to the Status of Stateless Persons relating to the Status of Refugees.

The denial of the UAE authorities to grant citizenship has not been born in the UAE to parents who do not have official papers, and the survival of the status of fathers in flagrant violation of all international conventions and charters mentioned above. Therefore, all members of this community are threatened with continued deprivation of their human rights in any country in which they reside, especially the UAE, which has strict laws against them, and cannot foresee a future in which members of this group enjoy the full enjoyment of their rights as citizens.

RECOMMENDATIONS

- The UAE authorities should change their policies in dealing with individuals listed under the Bidoon class and grant them the basic rights guaranteed by all international conventions.
- The UAE authorities should not distinguish between any person within their territory in their right to treatment, education, movement and access to suitable work.
- The UAE authorities must find an immediate solution and settle the situation of the Bidoon by integrating them into the societies where they have lived for years, giving them their basic rights such as passports, issuing official documents and certificates.
- The United Nations should exert sufficient pressure on the UAE authorities to ensure that Bidoon individuals have their right to citizenship and basic rights in accordance with Article 15 of the Universal Declaration of Human Rights, which explicitly states that no one shall be arbitrarily deprived of his nationality, in addition to General Assembly resolution 50 / 152 On the fundamental nature of the prohibition of arbitrary deprivation of nationality.

GCNJ

Geneva Council
For Rights & Liberties



GenevaCouncil



info@genevacouncil.com



genevacouncil.com

