

A report on the situation of human rights in the State of Kuwait – submitted to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the occasion of the 21st session of the Universal Periodic Review (UPR) (January-February 2015) – Prepared by the Kuwait Society for Human (KHRS).

Kuwait Society for Human Rights Working to promote a culture of respect for human rights and promote awareness of the international covenants of human rights, and defence of all individuals whose human rights are violated. In order to protect and promote these rights the Association interested to participate keenly to submit this report with the most important developments in the human rights situation in Kuwait since 2010 to 2014, and demanded a number of reforms in line with international standards of human rights.

The report has been prepared in accordance with the following criteria:

Recommendations accepted by the Kuwaiti government during the Universal Periodic Review UPR to Kuwait on May 12, 2010, as well as international obligations to Kuwait in the field of human rights emanating from the ratification of the relevant international conventions.

- Appropriate the domestic laws with the international conventions and treaties.
- The recommendations of the Association workshops
- Complaints received by the Association.
- Violations that are monitored by the monitoring teams of the Association.
- Studies and research conducted by the Assembly.

The Conventions and International Treaties

Kuwait became a party to several agreements in the field of human rights and International Humanitarian Law, was most recently the convention relating to persons with disabilities under the law No. 35/2013, however, still has custody of some of the articles of these agreements ratified mention:

Paragraph 2 of Article 9 and paragraph 1 of Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, as they signed on some international conventions not ratified so far, such as the Convention on the Rome Statute of the International Criminal Court, More importantly, that Kuwait refused to join some international conventions such as the 1954 Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Recommendations :

1- Need to work for Kuwait accession to those agreements on human rights it has not yet ratified , in particular : the 1954 Convention

on the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

2- The government should implement of its voluntary pledges , and recommendation that it received in the UPR 2010 , and ratified on the

Convention on the Rome Statute of the International Criminal Court.

3 - Ask the government to organize panel discussions and workshops with civil society organizations focusing on how to appropriate national legislation with international conventions.

4 –Implement the international conventions ratified by Kuwait effectively by Kuwaiti courts.

Establish an Independent National Body for Human Rights

The establishment of an independent national body for human rights in accordance with the Paris Principles is a prerequisite for civil society organization, and have been requested by the Association for a long time, because of its positive impact on the promotion and protection of human rights in the State of Kuwait ,and the establishment of this institution complements the role of civil society organizations, and relevant important in Coordination between the government and civil society. In April 2014, five (5) members of the National Assembly proposed a law for the establishment of the National Human Rights institution as an independent body for human rights , and was presented this proposal to the Board of National Assembly to become a reality.

We have a lot of notes on the way appoint members of the board of directors , it is through the explanatory memorandum to the draft law, which provides for the nomination of nine members by the National Assembly , including Chairman , Vice President and four nominated by non-profit organizations working in the field of human rights, as the Kuwait Association considers this as an injustice against the civil society through this method of nomination .

Recommendations :

1- The government should implement of its voluntary pledges, and recommendation that it received in the UPR 2010 , and Establish an independent national body for human rights in accordance with the Paris Principles , and Financially and administratively independent and open to civil society.

2- Need to develop a national strategic plan for the protection and promotion of human rights, with engagement of the civil society.

The stateless

The problem of stateless persons in Kuwait is the most prominent problems at all levels of political, economic, social, and humanitarian , so far no serious solution to this problem, where the government is lag in pursuing in solving this issue affecting more than one hundred thousand people .

The government transferred the applications filed by stateless to a range of administrative committees sequence which has worked to avoid the settlement of these requests. We do not deny that the government has provided some privileges and services to the stateless are as follows:

- 1 - Providing health care services for those with security cards issued by the central agency.
- 2 - Education services to the children of military personnel and educational institutions.
- 3 - Allow them to register births, marriages and deaths.

But we are still concerned over the use of excessive force and repression against stateless demonstration.

Recommendation :

- 1_ Take proper actions to improve the stateless humanitarian and legal situation in order to give them all their rights.
- 2_ Give stateless a full civil and political rights in order to implement of the principle of justice and equality.
- 3_ Solve the problem of forged passports holders who were forced to issue this passports as a result of the humanitarian situation in which they live.
- 4_ The government should adopt an action plan to resolve the issue of stateless in general.

Migrant workers

The migrant workers are a major focus in the development of the of Kuwait saluting represents the employment rate of about 63% of the population, or about 2 million of the population, although the role of this class in the development of society, but the sponsorship system currently in place and the implications it still represents a violation explicit human rights in Kuwait, in addition to the government's announcement in 2013 of its intention to reduce the number of migrant workers by 100 thousand per year over 10 years to reduce the number by half.

The migrant workers are still deprived of education in the public schools, however Kuwait ratified of the International Covenant on Economic, Social and Cultural Rights, but Article 40 of the Kuwaiti constitution guaranteed the right to education for Kuwaitis only and therefore not appropriate with Article 13 of the International Covenant on Economic, Social and Cultural Rights, which was signed by Kuwait and came into force on its territory under Law No. 11 of 1966 as the text of the Article 13 on the right of the individual in general in education not only citizen, and the word everyone here include every person resident in the State of Kuwait as long as it is on its territory. The Association worked to address abuses suffered the migrant workers through monitoring teams and different activities, also during its meetings with the Ministry of Social Affairs and labor on the need to enact legislation Legal ensure the protection of migrant workers to ensure their survival in the legal framework, and the secretariat. The government has taken some positive steps such as allowing for a certain class of workers to transfer their residence to other employers without the consent of the sponsor.

Recommendations:

1-The government should implement of its voluntary pledges, and recommendation that it received in the UPR 2010, to cancel the sponsorship system and work to develop an alternative system protects the rights of all.

2_ Update the legislation of the affairs of migrant labor to ensure the rights of the worker.

3_ Ask the government to cancel the administrative deportation.

4_Adopt an action plan for the progressive implementation of the principle of free and compulsory education without discrimination.

Domestic Workers:

The domestic workers in Kuwait are exposed to many violations as well as the torture, humiliation, and rape sometimes, the total of the domestic workers around 600 thousand of the total migrant labor .The Association observed a large number of these violations, and in collaboration with a number of civil society associations prepared a draft law for domestic workers has been submitted to the National Assembly awaiting inclusion on the Council's agenda for discussion, but until now there is not a special law in domestic workers.

Recommendations:

1 - Pass a law regulating labor relations with employers, and protect the interests , the issues , the economic and social rights.

2 - Change the term server in official transactions and replaced by the appropriate term considering that Kuwait bound to most of the conventions that prohibit slavery.

3 - Create a center for studies and research serve as a reference for the decisions taken by the government with regard to this category.

Women Rights:

Nationality law denied Kuwaiti women the right to grant their children citizenship only in two cases: the first to be absolute and the second to be a widow, where find that some women may resort to divorce compelled even get their children citizenship, and also can not grant citizenship to her husband. In addition Women's participation in political life is limited , and in parliament there is only one woman out of (50), her name is Safa Abdulrahman Al Hashem, but Kuwait granted women the right to request jobs in the judicature, and this allows women to participate in the judiciary in the future, on the other hand women diplomatic representation limited where it has 2 ambassadors in diplomatic missions of 82 Mission.

In addition to the above, the laws and regulations that distinguish between men and women, the law of the right to housing for widows and divorcees, which was approved by the Parliament of 2009, the text of this law testament to distinguish between men and women .

Recommendations:

- 1 - Reconsider and modify the nationality Law to ensure the principle of equality between men and women and enable Kuwaiti woman to grant her children and her husband her nationality.
- 2 - Encourage and facilitate the representation of women in Parliament and in ministerial positions, and designate her as a lawyer and judge, and increase the level of representation in diplomatic missions abroad.
- 3 - Organize workshops and training courses contribute to the promotion of women's awareness of their rights and to provide adequate information on the Convention on Women ratified by the State of Kuwait.
- 4 - Reconsider the laws on the rights of widows and divorced women in Kuwait .
- 5 - Develop a national action plan to activate the Security Council resolution 1325 on women, peace and security.
- 6 - Remove all discriminatory provisions of the housing .

Freedom of opinion and expression

In 2013 people who criticize the government on Twitter and Facebook calling for the government to allow citizens freedom of speech and writing have been prosecuted by the government . In 2012, there were issues of this kind included political commentary . In 2014, the government continued the policy of stenosis on freedom of expression and opinion , and close down newspapers (Al-Watan) and (Alam-Al-Youm) for two weeks, based on a decision of the interim relief judge in accordance with Article 15 of the law on publications, and the association deprecate this action , because Kuwait is committed to freedom of expression, according to the International Covenant on Civil and Political Rights, signed by Kuwait in 1966 and ratified by Law No. 12 of 1996, and the adoption of a new telecommunications law which contrary to some articles of the constitution and international agreements signed by Kuwait as it allows to control the means of communication or cut without the permission of the public prosecutor or the person concerned, and this is considered a violation and infringement on the privacy of individuals.

Recommendations:

- 1 - Raise the level of freedoms of opinion and expression through the granting of independence to media organizations.
- 2 -Claim not to harm freedom of opinion and expression through social networking sites on the web and in accordance with local laws.
- 3 - The government should commit to international treaties and conventions ratified by Kuwait, which guarantees freedom of opinion and expression for all.
- 4 - amended the new telecommunications law not inconsistent with the privacy of individuals, the Constitution and international conventions.