



Report of the National Association of Familial Security "Rawasi" Parallel to the Report of the State of Kuwait Submitted for Universal Periodic Review by UNHRC (United Nations Human Rights Council (Twenty First Session))

P.O.Box 460 Alyarmook 72657 Kuwait-Mobile 66660543- Fax 25337184

Web Site-www.rawasi-kw.org/ar –Twitter & Instagram: RawasiQ8

Facebook: /rawasiq8.org



Introduction and Preface

In accordance with the resolution of the Ministry of Social Affairs and Labor in the State of Kuwait No. (95/A) of the year 2011, the National Association of Familial Security was made public and announced in the Official Gazette of Kuwait Today in its 1029 issue on May 29, 2011. "Rawasi" Association is a non-profit organization aimed at maintaining familial security in the community by defending the rights of the family and all its members socially and legislatively, and seeking the introduction of legislations and laws that achieve this goal. The Association has been working diligently on activating and implementing the civil laws of the country that ensure the prevalence of familial security.

Due to its belief in the need for establishing effective partnership among the institutions of civil society, international and universal organizations, the National Association of Familial Security "Rawasi" has worked on the preparation of this report which is parallel to the report of the State of Kuwait for the Universal Periodic Review (UPR) in (January-February) 2015, to contribute in presenting useful information for following up the implementation of international conventions and recommendations, and to express its concern about the conditions that conflict with the terms of the agreements ratified by the member State and the recommendations of experts on its former report which it had approved.

The Association's observations on the implementation of the State of Kuwait of the international conventions related to women and children's affairs, which it has ratified or acceded to (this report focuses on the achievement and maintenance of familial security):

First: Women

Although articles (7- 8- 29) of the Constitution of the State of Kuwait stipulate justice, equality, equal opportunities, and non-discrimination between citizens on the basis of sex, origin, language or religion, and although Kuwait is a signatory state to the International Convention on the Elimination of All Forms of Discrimination against Women since September 2nd, 1994, Kuwaiti women are still suffering from forms of discrimination and violation of their civil rights through the issuance and implementation of many of the laws that are contrary to the articles of the Constitution of Kuwait and the international conventions in the field of human rights that Kuwait has acceded to.

1. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women stipulates that Member States shall grant women equal rights to men with respect to the nationality of their children. However, until today the Kuwaiti Naturalization Act of the year

1959 does not permit Kuwaiti women married to non-Kuwaitis to give their Kuwaiti nationality to their children but grants this right to Kuwaiti men who are married to non-Kuwaiti women. According to Article 5 of the Naturalization Act, Kuwaiti women's children can only be naturalized if the woman met two conditions: first, if she became a widow or irrevocably divorced, and secondly, the children can be naturalized when they become adults by a resolution signed by the Minister of Interior.

2. The Kuwaiti woman's children and her non-Kuwaiti husband are granted a residence permit provided that they do not work, and her daughters are deprived from the right to marry as long as they are registered on the mother's residence permit which is set for a period of five years - at most – that is renewable. However, and in case of the Kuwaiti mother's death, her husband and children should find a Kuwaiti sponsor or leave the country.

3. Kuwait women's children suffer from discrimination in the labor market and the low salaries that are not commensurate with their academic qualifications, and they are treated by the government as expatriates who need to obtain a work permit for a specific period of time and find a (Kuwaiti) sponsor. They also do not have the opportunities to study for higher degrees and obtain scholarships.

4. If a Kuwaiti woman who is married to a non-Kuwaiti man possesses a property and she passed away, under the Housing Care Law No. (47/93), her children are not entitled to transfer the title deed to their names based on the argument that expats are not entitled to own a property, which is considered according to Islamic Shari'a a legitimate right to the heirs .

Housing Care Law No. (47/93) and its amendments approved by the National Assembly at its meeting on 29th December, 2010 fall short of true justice and fairness to Kuwaiti women by not empowering them to have the right to adequate housing; Article 28 bis (A) requires offering interest-free loans to make adequate housing available to every Kuwaiti woman who is irrevocably divorced or a widow with children if they do not meet the conditions of the families entitled for housing care in accordance with this law

Kuwaiti women should be offered the mentioned loans with the given conditions on the basis of their citizenship without enforcing the requirement to be a widow or irrevocably divorced. Article 28 bis (A) has specified the categories of Kuwaiti women who are entitled to housing care by providing adequate housing with reduced rent, but this specification is not based on clear criteria, although the citizenship requirement according to the constitution is sufficient to grant women the right for housing care.

These vague amendments could have been further modified by altering the concept of family to include the word **citizen** which covers both men and women instead of the word **man** which limits the meaning of a family to one that must consist of a man as one of its members; hence, the mother and her daughter do not constitute a family. By making this modification, the right for housing care would no longer be restricted to sex (male or female), but rather to citizenship.

Also, Article 28 bis (A), stipulates providing adequate housing with reduced rent to categories that include Kuwaiti women who are irrevocably divorced or Kuwaiti widows with no children, and single Kuwaiti women who are over forty of age, provided that the members of every household according to this article are two women who have a kinship to the third degree; this means that the woman, who does not have a next of kin up to the third degree to dwell with her, will not be entitled to secured housing. Moreover, the article did not specify the criterion for the age of forty that would entitle the single woman for housing benefit; thus, the woman who is not married and satisfies the requirements but is below the age of forty would not be entitled for housing benefits!! The amendments on Housing Care Law are so vague and ambiguous and have some procedural complexities that would reduce the number of female citizens benefiting from the right of Housing Care in reality.

5. At the level of executive procedures to secure the right to adequate housing, the Credit Bank which is in charge of approving of housing loans offers male citizens loans of 100 thousand dinars, while offering female citizens only 70 thousand dinars ! ! .. although the real estate and construction materials market is the same for both. None of the female citizens has benefited from this loan since the issuance of Law No (2/ 2011)! ! ... According to the law currently in effect, and despite meeting all the requirements of property ownership, the issuance of the title deed of the land and the loan for the Kuwaiti family is contingent on the husband's will, who may procrastinate the process of its issuance for years and the case may end up in divorce after the wife had contributed financially to the construction of the house, and hence loses her right of title which is granted to her by the government. Fairness to women requires modifying the mechanism of issuing the title deed and making it contingent on satisfying the objective requirements for ownership and not contingent on the husband's will to do so or not.

Recommendations

Altering the wording of the second item of Article 5 of the Kuwaiti Naturalization Act of the year 1959 to a legal text that enables Kuwaiti women married to non-Kuwaitis to grant their nationality to their children directly, without restricting it to the cases of divorce or death of the spouse.

1. Providing equal treatment to children of Kuwaiti women married to non-Kuwaitis with their peers of Kuwaiti men married to non-Kuwaiti women with respect to obtaining all civil rights such as the right of permanent residence, adequate housing, inheritance rights, education rights at all stages of basic and higher education, and the right to work with fair salaries.
2. Empowering women to obtain secured housing without unfair provisions like those included in Housing Care Law No. (47/93) and its amendments.
3. The abolition of discrimination between men and women in the mechanisms of implementing legal texts such as discrimination between them in the amount of the housing loan, and efforts should be made towards changing the mechanism of issuing the title deed of the land and the loan for the Kuwaiti family to build the house so that it

would be issued automatically when all objective conditions are met, and not to restrict its issuance to the husband's will.

4. Granting permanent residence for the non-Kuwaiti spouse of the Kuwaiti woman as it is granted to the non-Kuwait wife of a Kuwaiti man.

Second: Children

In regard to children affairs, the National Association of Familial Security "Rawasi" focuses in this report on child abuse by parents and guardians.

The Significance of Presenting This Issue:

In a field study carried out by the sector of Planning and Administrative Development (Department of Research and Statistics), in the Ministry of Social Affairs and Labor in 2009 on domestic violence in the Kuwaiti society, the study was conducted on a sample of children that comprises (803 males and 766 females), and it was shown (on page 139 of the study) that they were exposed to different types of violence at home. Another study of the same reference (p 150) has also indicated that 7.6% of children are exposed to some kind of violence. The Office of Social control, a subsidiary of the Department of Juvenile Welfare, also conducted a study on all juveniles who were referred to the Office of Social Control in 2012, which included (1145) cases, (1089) of which were male cases and (56) were female cases covering diverse social issues, and the court had ruled appropriate verdicts and measures for every case. The sector conducted a study on (624) cases and raised its reports to the Criminal and Juvenile Court to seek guidance for taking appropriate measures or rulings. (521) cases of the total number of cases referred to the office were difficult to finalize. The study has demonstrated that the cases of delinquent juveniles or those at risk of delinquency – whose number was 287 of those living with their parents, and 47 cases of children of separated parents - were caused by their exposure to different types of abuse and violence.

Despite the government efforts to address the issue and find the necessary remedy for it quickly through the creation of the Social Development Office (Diwan of HH the Prime Minister) as well as the creation of the Department of Family Counseling at the Ministry of Justice, and the Centers for Community Development, and the Department of Women and Children in the Ministry of Social Affairs and Labor, these efforts, however, are still considered limited and insufficient.

1. Article (10) of the Constitution of the State of Kuwait states:"the State is responsible for raising the youth and protecting them from exploitation and saving them from moral, physical and spiritual negligence". Despite the endorsement of Kuwait of the International Convention on the Rights of Children (October 1991), in addition to the Kuwaiti Penal Code in effect, which protects children from all types of violence outside the family, there are shortcomings in the enactment of laws that protect children from domestic violence, which is represented by the physical, psychological, and verbal abuse,

since the government has not approved of an integrated bill (draft law) for the rights of children.

2. The abuse which the children are subjected to after divorce, has much more severe impacts on them than that of the parental conflict with respect to child custody, and that is due to the inadequacy and shortcomings of some of the personal status laws regarding child custody.

Recommendations

1. Accelerating the process of enacting an integrated bill (draft law) that regulates children rights and protection.
2. Formulating a specific definition of violence against children.
3. Criminating beating that leads to physical, psychological and mental abuse of children.
4. Authorizing the relevant authorities and the doctors in the hospitals to report abusers to the official authorities.
5. Creating centers to deal with cases of child abuse, including consulting bureaus to help parents solve their problems.
6. Providing a hotline to receive emergency cases of those exposed to domestic violence calling for help.
7. Building facilities to give shelter to children that underwent abuse by their families to help them adapt and rehabilitate them to integrate with the society.
8. Creating a Supreme Council for Childhood, whose mission is to maintain the rights of children, and lay down public policies for protection children, and monitoring cases of violence against them.
9. Establishing legal entities concerned with Child Protective Services, which seek every means possible to inflict punishment on each person who assaults children, even if the children were living with their parents in one household.
10. Establishing a special court for families in each district of the country.
11. Providing Children and Family Court Advisory and Support Services, which would be authorized to file regular reports on the status of children, and the status of each parent with respect to behavioral, functional and sanitary aspects, collect adequate information about them, survey the views of others about them, and help the court choose the qualified custodian.
12. Allowing the voluntary Civil Society Organizations to outreach, spread awareness, and deal with cases of domestic violence through partnerships with GOs and NGOs of relevance.

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