



# Human Rights in Kuwait

## Freedom of Opinion & Expression

**Done by:**  
**Khiam Rehabilitation Center for Victims of Torture**  
**&**  
**The Gulf Civil Society Associations Forum**

**Delivered by:**  
**Mr.Anwar Al Rasheed**



## **Ladies and Gentlemen,**

We are pleased to present this report which is a result of joint coordinated cooperation between: 1) Khiam Rehabilitation Centre for Victims of Torture, established in June 1999, a non-governmental organisation (NGO) working on the rehabilitation of victims of violence and torture and human rights protection, a credited/validated member of the International Rehabilitation Council for Torture Victims (IRCT/IRCTV), a member of the Geneva based International SOS, a member of Aman Network for Rehabilitation and Human Rights Protection, and gained Consultancy status in the United Nations in Summer of 2010; 2) The Gulf Civil Society Associations Forum (GCSAF), which I am pleased to chair, established in 2013 as a non-profit organisation based and officially licenced in France, working on promoting freedoms and human rights in the countries of Gulf Cooperation Council (GCC). Both mentioned institutions presented several rights reports to the Human Rights Council (HRC) of the United Nations (UN) in Geneva. This is in addition to the Tweeting is Not A Crime campaign.

### **Summary of the Contribution**

Our report is all about the Human Rights Council (HRC) recommendations approved by Kuwait amid the Universal Periodic Review (UPR), as well as Committee Against Torture (CAT) report and its recommendations to the Kuwaiti government in 2015, in addition to our proposed recommendations .

### **1- Freedom of Opinion and Expression in Kuwait**

During the second session of the Kuwait human rights status (UPR) in 2015, Italy, Australia, Estonia, Czechia, UK, Austria, Norway, France, Uruguay and the United States of America recommended Kuwait to respect freedom of opinion and expression – this is among other recommendations presented by other countries.

Nevertheless, freedoms declined dangerously in Kuwait after it was an oasis of democracy in the area.

Kuwait is facing a legal/rights crisis that has been developing day after day as an expected result of Kuwaiti government implementation of laws that violates and falls in contradiction to Article 36 from the Constitution, the Universal Declaration on Human Rights (UDHR), and both the International Covenants on Civil and Political Rights and Social and Economic Rights signed and approved by Kuwait.



For instance, accumulated number of prison sentences years for prisoners of thought/opinion reached a record number on a global scale – this is according to our observation and monitoring of verdicts and sentences issued by Kuwaiti courts which estimated to count more than 695 imprisonment/ years. This is a historical record; Kuwait is on top of the list of countries around the globe with the highest rate of thoughts prisoners and Microblog/Social Network Twitter users/bloggers. This is what we were able to monitor. We believe that the number of verdicts and thought prisoners is far more. This is due to the large number of cases registered with the Electronic Security/Intelligence Authority – which is estimated in thousands .

Unfortunately, Kuwait did not abide nor commit to relevant international rights agreements and conventions. Accordingly, the laws effective in the Kuwait courts which imprison thought and opinion prisoners – implemented and executed by the Kuwaiti government – represent a significant and explicit violation. Moreover, the verdicts given based on these laws are constitutionally and legally corrupt. The implementation and application of said laws resulted in social and family disasters. Not to forget the presence of more than 40 thought/opinion prisoners, some completed their sentences and other still serving sentence.

### **Recommendations:**

- Amended the laws that violates such as : 1- The provisions of Decree Law No. 19 of 2012 on the protection of national unity, 2- You have enacted Law No. 63 of 2015 on combating information technology crimes, 3- The provisions of Law No. 3 of 2006 on publications and publishing, 4- Article 69 of Law No. 35 of 2016 amending certain provisions of the Penal Code and Penal Trials Law No. 17 of 1960 5- Some Penal Provisions No. 31 of 1970 Amending Certain Provisions of Penal Code No. 16 of 1960. 6- Provisions of Law No. 1 of 2007 on the audio-visual media and falls in contradiction to Article 36 from the Constitution, the Universal Declaration on Human Rights (UDHR), and both the International Covenants on Civil and Political Rights and Social and Economic Rights signed and approved by Kuwait.
- Amendment of national legislations: National Unity Law, Criminal/Penal Code, Procedures Law, State Security Law.

## **2- Guarantee the right to freedom of expression and allow the use of social media without undue restrictions and limitations**



As for the social media usage related recommendation presented by Italy, the United States of America, Britain and France – Kuwait has become according to international rights organisations reports the 1st among the world countries in prosecuting social media networks activists. Years of imprisonment of Tweep Masa'ad Al-Misealiem prison sentence reached 140 years as punishment for his tweets on his Twitter account. With this in mind, you can imagine the status of social media in Kuwait amid the implementation of laws that violate the constitution and relevant agreements and conventions.

As a result of arbitrary approval of laws that violate: Article 36 of the Constitution, the Universal Declaration on Human Rights (UDHR), and the International Covenants on Civil and Political Rights (ICCPR) – all of which Kuwait has approved and signed –, several activists requested outside political asylum due to court verdicts on persons with opinions varying from 2 months sentences to 140 years sentences. The numbers are continuously increasing upon issue of verdict from the Kuwaiti courts. These persons subjected to legal court verdict based on their thoughts and opinions include several National Assembly members such as opposition National Assembly member and others. Moreover, Fatima Al-Matar who requested political asylum in the United States of America along with her daughter as the youngest political asylum seeker. There are a lot of more political activists who seek asylum out of Kuwait due to government arbitrary prosecution – the mere summoning procedures for investigation are alone punishment.

### **Recommendations:**

- We pledged to the government and the National Assembly to amend the following laws:
- Law 19/2012 regarding the national unity.
- Law 63/2015 relating to combatting crimes of information technology
- Law 3/2006 regarding printing and publication.
- Article 69 of the law 35/2016 regarding penal laws and penal prosecutions number 17/1960
- \_Penal law 31/1970 and the penal law 16/1960
- \_law 1/2007 relating to visual and audio media.

The aforementioned amendments should be in line with article 36 of the Kuwaiti constitution and compatible with the international declaration of the human rights as well as the international civil and political rights ratified by the Kuwaiti government.

These above laws are a flagrant violation of the treaties which the Kuwait government is a signatory to and had agreed to abide by



- .Eliminate all verdicts imposed upon Twitter users and persons of opinions Facilitate the return of political refugees and provide them with suitable compensation because they were sentenced to prison based on constitutionally corrupt laws. The immediate release of all thought and opinion prisoners is urgently recommended.

### 3- Freedom of Press

As for the freedom of press recommendation presented by France, Norway, Australia, Czechia and Estonia – we are sure that Kuwaiti journalism declined severely, it does not represent the popular opinion due to the control of corrupt capital over the majority of daily newspapers. This is in addition to the overseeing the running of the majority of audio-visual mass media. Moreover, the implementation of the Audio-Visual Law, which limited freedom of press not only in traditional paper-type newspapers but also extended its influence on all means of social media without exceptions. This has led to thousands of complaints to the electronic/cyber crimes directorate and media court. What is worse is that a “mafia” of lawyers and advocates has been developed and established to go after to prosecute persons with opinions, whether in social media, the press, or by using financial blackmailing.

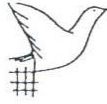
#### Recommendations:

- Amendment of national legislations as well as constitutional articles related or relevant to freedoms in accordance to the relevant said agreements and conventions. According to our monitoring, include:
  - The Audio-Visual Law
  - Publications and Publishing Law
  - Information Technology Law

#### Conclusion:

Despite the Kuwaiti government approval of most of the UPR Recommendations, we believe that:

- .1 There was no implementation agenda nor specific implementation timeframe for the Human Rights Council (HRC) Recommendation that were not implemented yet.
- .2 The national reports prepared by the Kuwaiti government were prepared with no due consideration towards the relevant stakeholders such as the Bidoon/Stateless persons, women as well as issues of freedom. For our



informations that the government conduct consultations with some parts of the civile society and not cover all stakeholders.

**Thank you**

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