



**INTERNATIONAL COUNCIL SUPPORTING
FAIR TRIAL & HUMAN RIGHTS**

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

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AND HUMAN RIGHTS**



3RD CYCLE UNIVERSAL PERIODIC REVIEW NATIONAL

PRE-SESSION

KUWAIT



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The International Council Supporting Fair Trial and Human Rights is a non-governmental organization established in 2012 with the consultative status of the Economic and Social Council. The organization monitors human rights violations, especially in the Gulf states, after a deterioration that is being paid for today by thousands of people in the region.

In light of the third session of the Universal Periodic Review of the State of Kuwait, the organization submitted two parallel reports on the human rights situation in Kuwait: one was individual and the other in conjunction with the International Association of Democratic Lawyers (IADL). There were no national consultations in the preparation of reports, as the President of the Organization is a former member of parliament in the National Assembly and is aware of the mechanisms taken by the State of Kuwait in the protection of human rights, which has deteriorated significantly resulting in the President becoming one of the victims of this decline.

The report will address three important issues, some of which are marginalized in the reports and will list recommendations under the comprehensive review mechanism:

1 .The Bidoon

2 .Democracy and freedom of expression and opinion

3 .Corruption and the plunder of wealth



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1. Bidoon “Stateless Nationalities”

Sixty years ago, the State of Kuwait has eluded its commitments to some 120,000 stateless people. To date, there has been no serious effort to pass a national law regulating the civil and social rights of the Bidoon in order to avoid catastrophic violations of the Central Agency for the Treatment of Bidoon, which was unlawfully established by the Amiri Decree No. 467 of 2010, making it unaffected by legislative and regulatory authority by the National Assembly. Today, on the pretext of dealing with the situation of this group, they conspire against the descendants of the founders of Kuwait and the opposition through their lack of intention in establishing a nationality system, and that is a major disaster.

Regardless, the State of Kuwait in the last universal periodic review confirmed its determination to provide a decent life for illegal residents. Unfortunately, there is a serious deterioration in this issue, considering Kuwait witnessed suicide cases due to the inability of surviving the pressures being enforced. In addition to depriving Bidoon children of education in public schools, stripping the judicial system of the power to settle private citizenship cases for the Bidoon, freezing of bank accounts and cancelling their cultural activities, many other violations pushed this group to carry out a peaceful assembly to claim their rights, which was also denied by the State of Kuwait. Repression and arrest are the only answer for the security services to this deteriorating reality.

More than 20 recommendations were addressed to the State of Kuwait on the issue of the Bidoon, including the need to ratify the 1954 Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness of 1961, and to enable the Bidoon to have full rights along with many other recommendations that Kuwait categorically refused to respond to and take note of.



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Recommendations:

1. Expand the principle of equal treatment set forth in article 29 of the Constitution in line with article 26 of the Covenant, and take concrete measures to end discrimination against the Bidoon.
2. Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
3. Empower the judicial system to decide on private citizenship cases for the Bidoon in order to facilitate the submission of evidence and plead their cases for citizenship.
4. Enable children who have acquired Bidoon status by inheritance to register them and give them the right to acquire citizenship in accordance with article 24 of the ICCPR.
5. Giving the stateless persons a civil document enabling them to exercise all their civil and political rights.
6. Removing the Central Agency from addressing the situation of illegal residents because of its ineffectiveness in dealing with the Bidoon case and replacing it with a law guaranteeing all their civil and social rights.



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2. Democracy and freedom of opinion and expression

Within the second cycle of the Universal Periodic Review of Kuwait in 2015, several countries including the United States of America, Estonia and Italy recommended the state of Kuwait to ensure the full right of freedom of opinion and expression, especially through social media. Press and laws were reviewed and published to guarantee the independence of the media.

Freedom of opinion and expression is declining in Kuwait after being the most respected democracy in the Gulf. However, this decline occurred after Kuwait signed the Gulf Security Agreement in 2012 and despite the ratification by Parliament, it was implemented against the Kuwaiti people's will.

The main aim of implementing the Penal Code and its amendments relating to state security crimes and other laws that have been enforced is to stifle or execute freedom of expression and opinion. This is evident through the vague provisions used to widen the charge against persons and to impose prison sentences and severe fines. Most newly enacted and criminalized laws criminalize online expression and social media, including criticizing government policies or controversial public figures despite widespread corruption and looting of wealth, without the aim of getting revenge on the people.



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Not only that, but the government went on to issue decisions to revoke citizenship and impose administrative sanctions that threaten the future of employment and eating bread, which led to the destruction and dismantling of several Kuwaiti families.

Arrests have been compounded by peaceful protests over the past few years, particularly among the Bidoon who have been systematically subjected to violent interventions by the security services.

The government has introduced new comprehensive powers to ban content, block access to the Internet, and revoke licenses for service providers without giving reasons under the new telecommunications law adopted in May 2015.

The Kuwaiti media has lost its appeal and status after the legislature passed the new Kuwaiti electronic media law to increase the suffering of journalists and frighten media professionals, and to highlight the suffering for the competent authorities to take the necessary action to address them. Today, this regulatory authority is unfortunately marginalized legally and is a victim of conflict between political leaders.

All of these factors have led to a significant increase in the number of prisoners of conscience and an increase in asylum seekers abroad although Kuwait's prisons were free of any prisoners of conscience before 2011.



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Recommendations:

RECOMMENDATIONS:

- 1. End repression of peaceful demonstrations and respect their obligations under international and national human rights instruments.**
- 2. Guarantee the right to freedom of opinion and expression, allowing the use of social media without undue restrictions or limitations, and stopping the authorities from abusing parliament and interfering in parliamentary elections.**
- 3. Regulate the freedom of the press and media and reviewing existing laws, including the press and publication law, in accordance with the standards of the International Covenant on Civil and Political Rights.**
- 4. Immediately release all prisoners of conscience and issue a general amnesty for all charges related to freedom of opinion and expression.**



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3 .Corruption and the plunder of wealth

In the last universal periodic review, the State of Kuwait received embarrassing recommendations on the need to establish an anti-corruption body submitted by Rwanda and Bhutan.

Inequality in income distribution in Kuwait reached 80.9% in 2018 and Kuwait ranked third in the Gulf after the UAE as the largest external country in income inequality.

Corruption has become very prevalent in the corridors of government institutions, a situation that has negatively affected civil society and all political, economic and social dimensions, in addition to its commitments to achieve the UN Sustainable Development Goals.

After the success of legislators in the enactment of laws that silenced mouths and restricted freedom of opinion and expression and suppressed the press and the media to avoid criticism or address the topics of corruption and theft and looting of the people's money, the next stage began. It involved plundering the nation's internal and external wealth and investments, the systematic fraud of the state and the desecration of citizens' funds.

As an example of the above, there have been billionaire robberies in the K-Dow case, oil projects and social insurance, all of which are the money of depositors and subscribers belonging to the common people. Moreover, the



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tampering is taking place with the general reserve funds and the reserve of future generations, investments in the Investment Authority and the Investment Office (KIO) in Britain, and the establishment of projects costing billions that are fake or inflated.

Kuwait's drift in participating in absurd wars and spending billions in it and providing support for the repression of peoples in the Gulf region, as illustrated in Bahrain as well as Yemen and the Arab region, negatively affect the living situation of the population since Kuwaiti people deserved these funds.

In addition to that, Kuwait was manipulated to cooperate with Saudi Arabia to close the oil fields in the areas of Khafji and Wafra. Losses from the cessation of production in the region of Khafji cost \$ 12.5 billion and in the Wafra region cost \$ 2.9 billion, a result of the Saudi occupation of these oil lands and its cooperation in funding Saudi on its war on Yemen.



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Recommendations:

- 1. Amending the Law of the General Authority for Combating Corruption and the relevant laws in tenders, development initiatives and RMB accounting.**
- 2. Adoption of the transparency law proposal and access to information.**
- 3. Expedite the development and implementation of a national strategy to combat corruption and general reform of state institutions.**
- 4. Allow civil society to work freely in support of efforts to promote integrity, combat corruption, stop wasting people's wealth and prosecute corrupt people.**