

The Kuwaiti society for Human Rights was established in 1988 and officially verified by Ministerial Resolution 157 in 2004. It has been awarded the consultative status of the Economic and Social Council (ECOSOC) in 2018. The society works to implement human rights understanding nationally and to promote awareness of international human rights instruments and defend all Individuals whose human rights are violated, and through their interest to protect and promote these rights, the society highlights in this report its most important observations and recommendations on the extent to which the State of Kuwait has fulfilled its voluntary commitments and recommendations accepted by the Human Rights Council at its 21st session in January 2015 through the universal periodic review mechanism, as well as Kuwait's international human rights obligations arising from its ratification of the relevant international conventions.

### **- Stateless individuals :**

1-The stateless individuals' situation has become more complicated than before. The Kuwaiti government is not serious about resolving their case. As the majority of stateless people are not entitled to Kuwaiti nationality and that they entered the country illegally and hid documents proving their original nationalities.

2-The central bureau concerned with monitoring and supervising stateless individuals conditions has become a tool of pressure through its arbitrary procedures and pressure on the vast majority of stateless people not to renew the security cards they hold, except after being forced to sign a declaration that they have other nationalities.

3- On 13 January 2019, a number of stateless activists staged sit-ins in front of The central bureau concerned with monitoring and supervising stateless individuals conditions in front of the building demanding right to judiciary if they falsified or concealed their nationalities, as the Central Organ claims.

4- The Kuwaiti authorities banned the carrying out of the cultural week of the stateless , which was scheduled for March 30 until April 2, 2019.

5- a protest has been organized by stateless people and a group of human rights activists demanding civil and political rights for stateless people , and to stop the arbitrary procedures taken by the bureau against them , after a suicide incident has taken place by a young stateless man due to the arbitrary treatment by the bureau .

6 -The central bureau concerned with monitoring and supervising stateless individuals conditions is working to impede the enactment of a law granting stateless people civil and social rights.

### **Recommendations**

7-Urgent measurements should be taken to resolve the legal status of stateless people and ensure that all their rights are implemented in accordance with international standards.

8- The need to put an end to the policy of discrimination and arbitrary measures exercised by The central bureau concerned with monitoring and supervising stateless individuals conditions.

9- Urge the Government of Kuwait to develop effective mechanisms to deal with the nationality applications submitted by stateless people.



10- We urge the Government to expedite the passage of a law guaranteeing the civil and social rights of all stateless people.

**- National Human Rights Foundation:**

11- We affirm that Law No. 67 of 2015 on the establishment of a National Human Rights foundation is not yet operational, and therefore no national human rights foundation has yet existed.

12- The KSHR is concerned that the National Human Rights foundation has not yet commenced its work, and that Law 67 does not require that institution comply with the Paris Principles on matters involving structural independence from the council of ministries

13- Despite the formation of a board of directors of the National Human Rights foundation by Amiri Decree 269 of 2018, the Bureau is still without a headquarters and no internal regulation, no budget exists.

**Recommendations:**

14- The necessity of activating Law 67 of 2015 and amending it to consolidate the independence of the Court in accordance with the Paris Principles.

15- urging the Kuwaiti government to continue the measures aimed at activating an independent national human rights foundation in accordance with the Paris Principles.

16- Urgent completion of all necessary procedures for the commencement of the work of the National Human Rights foundation.

- Freedom of speech and expression:

17- The Kuwaiti Constitution guarantees freedom of opinion and expression through Article (36), but the existing laws restrict them and sometimes completely abolish them.

18- According to the law, freedom of opinion and expression is restricted by public order and public morals. However, the law itself fails to define the nature of the act or conduct which is considered a violation of public order and public morals. Therefore, this term remains elastic applied according to the whims of the executive authority in Kuwait.

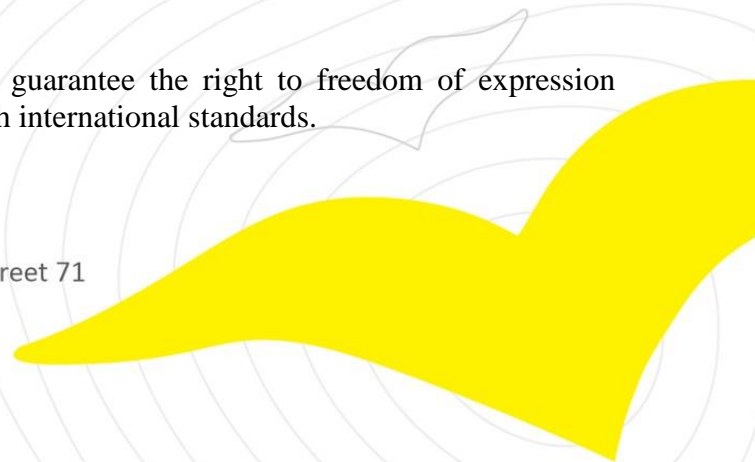
19- A number of bloggers have been prosecuted for publishing their political views, revealing the lack of freedom of opinion and expression.

20- Recently, a political asylum case has occurred for a Kuwaiti citizen since she was criminally prosecuted for contempt of religion due to of her posting to a tweet via the social network sites(Twitter)

21- The Ministry of Information in Kuwait, through the Department of Publications Supervision, has banned many books and articles of Kuwaiti writers under the pretext of violating public order and morals.

**Recommendations:**

22- We recommend that the Kuwaiti government guarantee the right to freedom of expression without excessive restrictions and in conformity with international standards.





23- We urge the Government of Kuwait to protect and respect the right to freedom of opinion and expression in accordance with the Constitution.

24- The need to revise the relevant laws through the definition of public order and morals.

25- Striving to ensure freedom of expression for bloggers in accordance with international standards.

- Women:

26- Many national laws still contain discriminatory materials against women such as the Nationality Law, the Housing Protection Act, the Personal Status Code, the Penal Code and the Labor Law. Many internal regulations do not give women the right to guardianship and custody of their children.

27- In the political and public life, Kuwaiti women continue to suffer from low representation in leadership positions, including executive positions, limited number of female ambassadors , 2 which represent 2% , 2 ministers which represent 13%, 3 deputy ministers and represent 7%, 38 assistant undersecretary and represent 13%, 5 director generals of a body or institution and represent 19% and one female member of the parliament.

28- The KSHR considers that the main problem faced by Kuwaiti women in running for parliamentary or municipal elections is a social problem. Most families and tribes in Kuwait (unofficially) hold illegal primaries in order to present a candidate either in the National Assembly or the municipal council, this led to the exclusion of a large number of women from the primary elections and therefore not supporting them if one of them wanted to run in the elections.

29- We regret that there are no clear statistics in Kuwait on cases of domestic violence against women because the majority consider them to be a private matter.

30- The curriculum still presents a traditional image of women that is different from its real role in society.

#### Recommendations:

31- We urge the Kuwaiti Government to take legislative and other measures to address gender inequality and ensure the legal rights of women.

32- We urge the Government of Kuwait to withdraw its reservations to articles 9 (2) and 16 (1) (f) of the Convention on the Elimination of All Forms of Discrimination against Women.

33- We recommend that the Kuwaiti Government adopt( special measures )at the national and international levels, such as quota system for Kuwaiti women, in order to increase their participation in public and political life and lead them to leadership positions.

34- The need to continue to encourage and facilitate the representation of women in Parliament and in ministerial posts, and to appoint them as public and judicial counsel and senior civil service positions.

35- We urge the Government of Kuwait to do more to assist women victims of domestic or sexual violence, such as providing legal, medical and psychological assistance and rehabilitation, including the provision of adequate and safe shelters.

- Migrant workers:



36- The kafala (sponsorship )system, which restricts workers to employers, weakens workers and facilitates exploitative work conditions leading to human trafficking in the domestic work sector and in other sectors.

37- The administrative deportation of 10 thousand workers during the 6 months from the country without being subject for judicial control, and without granting the expelled person the possibility of appeal against the decision since the legislator granted wide powers to the Ministry of Interior in this context within the concept of public interest and without the existence of specific and real controls as threat to public order.

38- The Association is concerned about obstacles in accessing justice and equity mechanisms for migrant workers.

39- The majority of employers (91.90%) hold the passport of their domestic employees

40- Lack of awareness programs on workers' rights as 71.59% of domestic workers have no knowledge of Law No. 68/2015.

#### Recommendations:

41- requesting the Kuwaiti government to cancel the Kafala system and to work on an alternative system that protects the rights of all.

42- Requesting the Kuwaiti government to cancel the administrative deportation.

43- The need to take measures to enable workers to access the mechanism of submitting complaints and punish violators of laws.

44- Reconsidering Law 68/155 on domestic labor, in terms of including deterrent penalties that prevent employers from confiscating passports of domestic workers.

45- Take additional measures to improve compliance with the law by implementing awareness campaigns aimed at changing attitudes and behaviors of employers to achieve decent work and clarifying the rights and duties of both parties (domestic worker and employer).

46- Consider imposing a monitoring mechanism that works on contacting the employers and domestic workers and conducts periodical interviews to identify the work environment and conditions and the level of compliance with the law so as to grant rights to both parties.

#### - Peaceful assembly and formation of associations:

47- The Ministry of the Interior warned of the gathering or sit-in without prior permission at the beginning of 2019. This warning came as a comment on what was circulated on the social network sites. Some activists called for demonstration and assembly on 11/1/2019 in the area of Taima, which is inhabited by stateless people.

48. Law 24 of 1962, requires the formation of civil society organizations to obtain the prior approval of the Ministry of Social Affairs once wanting to establish an NGO.

49. The establishment procedure of an organizations is subject to lengthy procedures, complex routines and inconvenient conditions, and a prior commitment not to claim headquarters or any financial support from the State.



50. The ministry shall have discretionary power of refusal or acceptance without the right of the applicant to appeal before the courts in case of refusal.

Recommendations:

51. We urge the Government to take all necessary measures to ensure the right to peaceful assembly of all without discrimination including legislative or other forms of discrimination.

52. Facilitate and simplify the procedures that precede the publication of civil society organizations and grant the right to appeal in case of rejection.

53. Suspension of the prior commitment, which compels the persons wishing to form the organizations not to demand financial support or headquarters and to provide the premises and to provide the necessary financial support.

- Human Trafficking:

54. The association notes that the provisions under Law 91/2013 are very few, indicating that it is not operational at the required level.

55. Lack of capacity-building programs for investigators, prosecutors, judges and police officers in dealing with human trafficking cases.

56- no official statistics issued by the government regarding human trafficking situation in Kuwait

Recommendations:

57. We recommend that the Government of Kuwait implement Law 91/2013 on a bigger scale, redouble efforts to investigate and prosecute, and ensure impunity for the perpetrators of this crime.

58. We urge the media to play a pivotal role in raising awareness of the dimensions of this crime and raise awareness of the dangers and sensitization of the most targeted groups, especially migrant workers, in particular domestic workers.

59. The need for legal, medical, psychological and rehabilitation assistance for victims of the crime of trafficking.

60. We urge the Government of Kuwait to build the capacity of judges, prosecutors, investigators and police officers to deal with human trafficking cases through training, conferences and workshops.

