



Kuwait

Working Group on the Universal Periodic Review

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Human Rights Council

GCNJ

Geneva Council
For Rights & Liberties

Kuwait was reviewed by peers twice in May 2010 and January 2015. The third report of Kuwait is considered within the 35th session of the Working Group on the Universal Periodic Review.

During the third reporting cycle, Kuwait has achieved considerable progress. Geneva Council for Rights and Liberties (GCRL) warmly welcomes its accession to nine core international human rights instruments and establishment of several national mechanisms on human rights promotion and protection. Kuwait has reviewed and developed legislation to ensure protection and promotion of human rights and fundamental freedoms.

However, we recommend further improvements on issues related to human rights of specific persons and groups, particularly women, children, migrants and Bidoon stateless minority, torture and ill-treatment, abolishment of death penalty.

*Gulnoz Saydaminova, GCRL Vice-President
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Human Rights Concerns

Geneva Council for Rights and Liberties welcomes that Kuwait continues to take measures to empower **women** and ensure respect for their human rights. Particularly, the constitutional provisions on equality between men and women, the national development plan 2015–2020 that includes a goal to eradicate discrimination against women and its medium-term development plan for the years 2015/16–2019/20 are praiseworthy. However, we are concerned that the scope is limited to Kuwaiti women. Moreover, the Private Sector Labour Act should prohibit direct and indirect discrimination in compliance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). GCRL is concerned about sincerity of Kuwait's intentions to ensure implementation of core provisions set forth by these covenants, especially women's rights and gender equality. Women in Kuwait are subject of discrimination in law and in practice.

We are doubtful that the government intends to amend laws on personal status, marriage, divorce, inheritance, child custody and guardianship, nationality, "honour" crimes, freedom of movement, polygamy and child marriage. The government have not yet criminalized domestic violence, including sexual violence and marital rape. Article 197 of the Criminal Code regarding so-called "honour" crimes carried out by a husband against his wife who had committed adultery, the mitigating circumstances and exculpatory extended to other male members of her family but not to women remains implemented.

GCRL is troubled about protection of **child rights** in Kuwait. The drop-out rates of girls from schools due to early marriage remains high. However, the children of refugees, asylum seekers and stateless persons are subject to domestic servitude and the worst forms of child labor despite the legal prohibition on employment of children under the age of 15 years.

The members of **Bidoon minority**, descendants of nomadic groups in the Arabian Peninsula remain stateless individuals and considered as "illegal residents" by Kuwaiti government. Even if some Bidoons are granted citizenship is extremely slow. Moreover, they lack access to adequate healthcare, education and employment, their freedom of movement, peaceful assembly, opinion and expression are restricted. * *See more on Bidoon minority in our report on side event during the 42nd session of the Human Rights Council at <http://genevacouncil.com/en/2019/09/18/side-event-on-human-rights-violations-of-bidoon-minority-in-kuwait-uae-and-other-minorities-in-libya/>*

We take note the adoption of Law No. 68 (2015) regarding domestic workers and that the domestic labour-related cases are now exempted from legal fees. However, we are concerned about **migrants** in Kuwait. The existing *kafalah* system of sponsorship-based employment of foreign workers and exit permit remains troublesome. Workers cannot change their job without the current employer's written consent for the duration of their contract. This system puts at risk foreign workers in Kuwait to become victims of forced labour, exploitation and abuses.

Even if Kuwait maintains de facto moratorium on executions since 2007. The legislation maintains **death penalty** as punishment, the courts continue sentencing to it for vague criminal offences, including vague offences relating to internal and external security, and executions carried despite repeated recommendations made on its abolition during the last UPR cycle. **Torture and ill-treatment**, including the excessive use of force by police and security officers against again peaceful demonstrators is widespread, those responsible are not held accountable, prompt, impartial, thorough and effective investigations into allegations are not carried out. In Kuwait. GCRL considers that Kuwaiti **administration of justice** falls short of fulfilling the main criteria of judiciary such as independence, impartiality and transparency.

Recommendations

1. Bring the family law, the citizenship law and other relevant laws and procedures relating to the authority of guardians over women, inheritance, nationality and housing into full compliance with international human rights law standards;
2. Develop complaint mechanism for domestic workers in relation to sexual abuse and other ill-treatment;
3. Change the kafala sponsorship system to prevent forced labor of migrant workers;
4. Ensure independence of judiciary;
5. Lift or amend the reservations to ICCPR, ICESCR and CEDAW to ensure their compatibility with the object and purpose of the Conventions and ratify CEDAW Optional Protocol;
6. Legislation to prevent, combat and criminalize domestic and gender-based violence, including sexual violence and marital rape, as specific offences in Criminal Code with appropriate sanctions should be adopted;
7. Repeal legal provisions and address obstacles that prevent married women and girls from gaining access to high-quality education and from attending regular schools;
8. Speed up the process of granting Kuwaiti citizenship to Bidoon people;
9. Ratify the following international human rights instruments:
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
 - International Convention for the Protection of All Persons from Enforced Disappearance
 - Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 - Second Optional Protocol to the International Covenant on Civil and Political Rights
 - Convention relating to the Status of Refugees and its 1967 Protocol.