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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2019]

* Issued as received, in the language(s) of submission only.



Report on Human Rights' Status in Kuwait

On the 11th of September 2018, Mr. Anwar Al Rasheed attended the Human Rights Council as an advocate for human rights and he delivered a speech on behalf of the Kham Rehabilitation Center for Victims of Torture about the status of human rights in Kuwait. As a consequence of this speech, he was imposed to a direct threat from the Kuwaiti government, through the first deputy Minister of Social Affairs and was published in the local newspapers. That was a clear violation of my right to speak before the HRC regarding the right of human rights activists and civil society organizations to the participation in HRC events.

Human Rights Council's Recommendations

However, the state of Kuwait hasn't yet implemented the Human Rights Council recommendations, as 71 ones were rejected, most of which focus on women, the persons of undetermined nationality, and the International Criminal Court, according to the 6th clause of the Twenty-ninth Session Report. Though some of the recommendations were achieved, such as the establishment of the Human Rights Office, which we consider as a good and positive step for the government, but it must be pointed out that it encountered shortfalls and corruption in the implementation; the office was supposed to be fully independent, but it was not, as its chairman and members were appointed by the government, which will accordingly act as the plaintiff and the judge at once.

Kuwaiti Women and Their Rights

Undoubtedly, the Kuwaiti women have made significant leaps to obtain their rights fully and equally with the man. These are positive steps we highly commend for the government. News was leaked that the Kuwaiti women will hold the post of judge this year; this step- if taken- would be a quantum leap, yet the Kuwaiti women will keep suffering from some problems, to name but a few, they cannot rent their own house and cannot transmit their nationality to their children.

The Kuwaiti Parliament is continuing to postpone changing the laws that imprison opinion-makers.

We launched a campaign named "Tweeting is not a crime" that was also adopted by the Kuwait Liberal Organization. We submitted to the parliament, the legislative institution responsible for endorsing, amending and canceling the legislations, six laws that included violations of the constitution and the International Declaration of Human Rights, and were signed and ratified by the state of Kuwait as the following:

- Amendment of certain Provisions of the Law Decree No. 19 of 2012 concerning the protection of national unity.
- Amendment of certain Provisions of the Law Decree No. 63 of 2015 concerning the combat of cybercrimes.
- Amendment of certain Provisions of the Law Decree No. 3 of 2006 concerning Prints and Publications.
- Amendment of article 69 of the Law Decree No. 35 of 2016 by amending certain provisions of the Penal Code and the Criminal Procedure. (Law No. 17 of 1960).
- Amendment of certain sanctions Provisions No. 31 of 1970 by amending certain Penal Code provisions No. 16 of 1960.
- Amendment of some provisions of Law No. 1 of 2007 concerning audio-visual media.

It is, hence, supposed that no law would be issued that is incompatible with article 36 of the constitution and the International Declaration of Human Rights. Regardless, the Kuwaiti courts apply these laws, as the imprisonment sentence reached more than 5 centuries. Despite this fact, we addressed the speaker and the deputies of the National Assembly on the 29th

April 2018 calling for the amendment of these laws. The parliament didn't respond, though we met with many deputies, among who are Khaled Al-Otaibi and Al-Humaidi Al-Subaihi, ex-Chairman of the Legislative Committee that is entitled to conduct studies on the laws and submit them to the National Assembly to be endorsed. In addition, we readdressed the speaker and deputies of the National Assembly through an official letter annexed to our previous official letter to remind them about the importance of amending these laws that violates the constitution and the International Declaration of Human Rights, yet these amendments haven't been heeded.

In accordance to the implementation of these laws, the Kuwaiti courts are still issuing their provisions against the opinion-makers, as thousands of complaints had been filed, something which necessarily led to the case of many people seeking asylum, many opinion-makers imprisoned and migrants abroad, according to our observation in this table.

Political Asylum Requests

As a result to the arbitrary acts in endorsing laws incompatible to article 36 of the constitution and the International Declaration of Human Rights, several activists requested political asylum abroad (as justified in the table above) due to judicial provisions against opinion-makers with imprisonment years ranging from 5 to 70, and this number is still going up along with each provision issued by the Kuwaiti courts. Moreover, several MPs sought asylum abroad such as the former MP and Kuwaiti opposition leader Musallam Al-Barrak, Dr. Abdul-Hamid Dashti, Dr. Jamaan Al-Harbash, Dr. Fahed Al-Khannah, Dr. Waleed Al-Tabtabaie, Dr. Bashar Al-Baghli and many others.

Withdrawal of Citizenship (Withdrawal of National Identity)

During the political conflict and what is known as the socio-economic mobility, the Kuwaiti government has consistently been withdrawing the citizenship of several citizens as a punishment to them and their roles in that mobility. This created a deep gap and humanitarian misery, in addition to the Bedoun issue, for the punishment will include the dismissal, deprivation from medical treatment and education, and withdrawal of private housing granted to them, which caused real catastrophes to entire families. Besides, the system forbids access to justice to judge whether the procedure of citizenship withdrawal is legal or not.

Human Trafficking

Kuwait issued the law No. 91 of 2013 to combat trafficking in persons and the smuggling of migrants. The government is appreciated for this good and positive law, but the reality is different, as human trafficking continues through trafficking with a labor and residence permit that reached around 3000 dollars for who is interested to work in Kuwait, in addition to the annual royalties reaching more than 1000 thousand dollars. Despite the government's knowledge about this case, yet it is not taking any measures to prevent it, for so far as we know, the number of trafficked persons is at least one million workers.

The International Criminal Court

In 2000, the state of Kuwait signed Rome Convention of the International Criminal Court and hasn't ratified it till this moment, like many world countries, particularly our countries in the Gulf, which argue that this Convention impinges on the state sovereignty. This is completely incorrect. In the absence of a certain mechanism or deadline that commits signatory States of the Convention to ratify it, the state continues to postpone and delays submitting it to the parliament. Additionally, in light of the importance of ratifying Rome Convention of ICC, we believe that there should be a movement on this matter that turned to be highly important, as 18 years are enough to confirm the Kuwaiti government's reluctance to ratify that convention.

International Human Rights Tribunal

From 1947 when the International Declaration of Human Rights was issued, to 1989 when the Rome Convention of the International Criminal Court was issued, till 2008 when the Human Rights Council was founded, there were millions of victims of human rights violations. Besides, many war criminals in various places around the world have enjoyed impunity, thus we suggest that the HRC should continue its humanitarian path and take a decision to establish an international court for human rights, so that each person whose rights are violated can resort to it, as stated in the International Declaration of Human Rights.

Bedoun: Undetermined Nationality

The Bedoun issue, in fact, isn't less important than the above-mentioned problems, which distorted the reputation of Kuwait in the international human-rights forums.

Therefore, according to our legal and humanitarian responsibilities, we extend our hands for cooperation in order to find a settlement that raises Kuwait reputation on the international sphere, following the problems it passed through, and restore its past international rank in the fields of freedom that was ensured in article 36 of Kuwait constitution.

Gulf Civil Society Associations Forum NGO(s) without consultative status, also share the views expressed in this statement.