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

Universal periodic review

Written statement* submitted by International Council Supporting Fair Trial and Human Rights, 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.

[30 January 2021]

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



Kuwait: Laws restricting freedom of expression

While the rights to freedom of expression, peaceful assembly and association are protected under the Constitution, these rights are restricted by law and in practice. The criminalization of defamation is a cause of concern, as well as “the application of restrictive, vague and broadly worded provisions” to target individuals who express critical views, including journalists and bloggers.

Freedom of expression in all its forms is undergoing a general decline due to numerous strict laws, including: Law No. 3 of 2006 regarding publications and publishing, Law No. 61 of 2007 regarding audio and visual media, Law No. 8 of 2016 regarding the regulation of electronic media, and Law No. 63 of 2015 on combating information technology crimes. These laws are restrictions on the right to expression that go far beyond those permitted under the International Covenant on Civil and Political Rights (ICCPR), which Kuwait has ratified.

In 2020, the Ministry of Interior’s cybercrime department interrogated or arrested at least five activists and human rights defenders for comments on their Twitter accounts. On July 2020, the Court of Appeal sentenced Nasser al Duwailah, a former member of parliament, to six months in prison and a fine of 2,000 Kuwaiti Dinars (US\$6,500) for insulting the United Arab Emirates on his Twitter account.

It has also been mentioned previously that the government adopted a new method to penalize critics - revoking citizenship. The nationality revocation process does not allow for an appeal or reconsideration before the courts.

The Law of Nationality, 15/1959, allows the authorities to revoke the citizenship of any Kuwaiti, and their dependents, and deport them under certain circumstances. For example, the authorities can revoke a person’s citizenship if they consider it in the “best interest” of the state or its external security, or if they have evidence that the person concerned has promoted principles that undermine the country’s wellbeing. It is not according to international or legal standards.

The outcome of Kuwait’s third universal periodic review (UPR) during the 44th session of the Human Rights Council resulted in a total of 302 received recommendations. Kuwait took note of 12 recommendations, partially accepted 6, and rejected 54 of them on the pretext of either or all’s contradiction to the constitution and Islamic law, the national identity, and or society’s overall values and culture. Iceland recommended that Kuwait amend its Cybercrime Law, Law on Press and Publication, and Communication Law, to put them in line with international standards on the right to freedom of expression. However, Kuwait did not support the recommendation, insisting that the aforementioned laws do not require to be amended. Although these laws were the reason for the displacement of more than 200 people and families abroad to seek political asylum in the face of the oppression of the authority.

The establishment of the National Office for Rights came in implementation of the United Nations (UN) recommendations in the first universal periodic review of the human rights situation in 2010, during which Kuwait agreed to establish a national institution for human rights, in implementation of UN General Assembly Resolution 48/134 regarding the principles relating to the status of national institutions for the promotion and protection of human rights. Human rights, known implicitly as the "Paris Principles", which regulate this matter. And based on the courageous initiative of members of the Kuwaiti Parliament and the Human Rights Committee, which was chaired in 2015 by the president of our organization (International Council Supporting Fair Trial and Human Rights (ICSFT)) Dr. Abdulhameed Dashti and before he was subjected to subsequent persecution and forcibly displaced after the issuance of a sentence of 73 years in prison.

It is worth noting that Kuwait’s rejection of these important recommendations will increase the number of prisoners of conscience, asylum seekers and suicides among the Bidoon. In fact, it will create an entire generation that will suffer from poverty, persecution and deprivation although Kuwait was seen as a country of humanity and democracy. The more

legislation passed in Kuwait which violate international protocols and treaties, the more violations of human rights arise. It is no longer acceptable for the authorities to continue hiding behind laws and legislation that they enforce to fight civilians and rob them away from their rights.

On October 25, 2020, the campaign “Twitter is not a crime” sent a letter to the Head of the Human Rights Office to inquire about the party responsible for implementing the recommendations of the Human Rights Council during the UPR and a letter corresponding to the President of the National Office for Human Rights, but it was ignored. This confirms the refusal of Kuwait to lift the restrictions on freedom of expression.

The International Council Supporting Fair Trial and Human Rights insists the need to follow up through the United Nations mechanisms and bodies responsible for the human rights situation of Kuwait in order to investigate the violations that were concealed and falsified during the universal periodic review, and to persuade Kuwait to ratify all the recommendations directed to it.

ICSFT also urges the authorities to: 1) End repression of peaceful demonstrations and allow peaceful gatherings at the Iradah Square; 2) Respect their obligations under international and national human rights instruments; 3) Immediately release all prisoners of conscience and issue a general amnesty for all charges related to freedom of opinion and expression during the period from 2010 to now, and compensating those affected.

ICSFT urges as well the concerned authorities in Kuwait and the Human Rights Bureau to start implementing the recommendations addressed to them within the universal periodic review, to take the necessary measures and make arrangements for that as soon as possible, and not to ignore the requests of non-governmental organizations that seek to guarantee human rights.

The next UPR of Kuwait will take place in 2025. Until then, ICSFT hopes that Kuwait will be responsible for adopting and implementing all accepted recommendations. We also hope that the recommendations rejected during the third periodic review will be accepted.
