



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
20–31 January 2020

Summary of Stakeholders' submissions on Kuwait*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 30 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. ICSFT observed that Kuwait was party of several international human rights instruments, amongst them, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture. However, the State has not ratified the Additional Protocols, and has not made declarations under articles 21 and 22 of the Convention against Torture. As such, ICSFT recommended that Kuwait ratify the above-mentioned protocols and issue declarations under articles 21 and 22 of the Convention against Torture.⁴

3. Al Karama noted that Kuwait has not ratified the Optional Protocols to the International Covenant on Civil and Political Rights and has not ratified the Optional Protocol (creation of national preventive mechanism) to Convention against Torture, nor accepted the individual complaint procedure of the UNCAT (article 22).⁵

4. Al Karama also noted that Kuwait has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, nor has it ratified the Convention relating to the status of stateless persons and the Convention relating to the reduction of statelessness despite the many calls to that end previously made by UN Member States during previous UPR cycles.

* The present document was not edited before being sent to United Nations translation services.



5. KABEHR recommended Kuwait to accede, among others, to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness, the Convention on the Status of Stateless Persons, as well as the ILO Conventions which Kuwait has not yet ratified.⁶
6. KBM also recommended that Kuwait accede to the 1954 and 1961 Conventions on the Reduction of Statelessness.⁷
7. Al Karama recommended the government of Kuwait to ratify the abovementioned treaties and conventions and align its Constitution and national laws in conformity with the provisions of international law and treaties.⁸
8. Alkarama observed that, although Kuwait has extended a standing invitation to Special Procedures, several requests by Special Rapporteurs have been pending for years without the authorities formally approving their request despite many reminders. For instance, this is the case of Special Rapporteur on freedom of expression (pending since 2014), the Special Rapporteur on minority issues (pending since 2013), and the Special Rapporteur on human rights defenders (pending since 2015).⁹
9. WPPIKW stated that while Kuwait has ratified the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention was not being enforced with the required level in terms of direct implementation and its prevalence over the national laws and its widespread publishing.¹⁰
10. WPPIKW urged Kuwaiti to take actual steps towards the implementation of all the provisions of the Convention in a systematic and continuous way; to ensure that priority is given to the Convention over the national law and that it should be directly enforced within the national legal framework; and to withdraw its observations regarding the Convention.¹¹
11. Alkarama said that Kuwait was not a party to the Rome Statute.¹² JS6 noted that Kuwait signed the Rome Statute of the International Criminal Court in 2000 and has not yet ratified it. JS6 believed that the move further on this file has become very important.¹³
12. ICAN noted that Kuwait participated in the negotiation of the UN Treaty on the Prohibition of Nuclear Weapons and voted in favour of its adoption on 7 July 2017, despite Kuwait not having signed the treaty.¹⁴ ICAN recommended Kuwait to ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.¹⁵
13. KABEHR called on Kuwait to withdraw reservations to certain provisions of human rights conventions and instruments in a manner that does not contravene Islamic law.¹⁶

B. National human rights framework¹⁷

14. KABEHR called on Kuwait to prepare a national strategic plan for the protection and promotion of human rights; and to include in the provisions of the Kuwaiti Penal Code the definition of the crime of torture in full conformity with articles 1 and 4 of the Convention against Torture and article 7 of the International Covenant on Civil and Political Rights.
15. KABEHR further called on Kuwait to work to amend national legislation in line with international human rights conventions and instruments to which Kuwait is a party.
16. WPPIKW noted that Kuwait did not adopt a clear and specific legislation penalizing the family violence acts due to the victim's fear of filing a claim, and that there was no safe haven to protect the victim. Consequently, WPPIKW recommended Kuwait to approve a clear and specific legislation criminalizing all forms of family violence; provide legal, medical and psychological assistance and rehabilitation through rehabilitation programs and provide an adequate number of orphanages and care houses for the victims of family violence without discrimination or restrictions related to age or marital status.¹⁸
17. JS1 and JS5 recommended Kuwait to end all forms of harassment against defenders, including judicial and administrative harassment, and put an end to all acts of reprisals against those who engage or seek to engage with UN human rights mechanisms. It also recommended repealing all laws and policies that restrict HRDs' activities online and

offline, including the Cybercrime Law of 2015 and the Press and Publications Law of 2006; amending the National Security Law of 1970 to guarantee fully the rights to the freedoms of expression and opinion, in line with international standards, and the 1979 Public Gatherings Act and the 1962 NGO Law to guarantee fully the rights to the freedoms of association and peaceful assembly, in line with international standards.¹⁹

18. JS2 called on Kuwait to comprehensively review and amend the Nationality Law to ensure that Kuwaiti women, regardless of marital status, have equal rights with men to transfer citizenship to their spouses and children; repeal Article 182 of the Kuwaiti Penal Code that pardons rapists and perpetrators from punishment when they marry their victims; and abolish Article 153 of the Kuwaiti Penal Code that provides reduced sentences for men who kill women in the name of so-called honor.²⁰

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*²¹

19. AIPD stated that despite Kuwait having ratified a number of international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination by Law No. 33/1968 and the Convention on the Elimination of All Forms of Discrimination against Women, certain laws continued to discriminate between men and women on the basis of gender, including such as citizenship law No. 15/1959 which excluded Kuwaiti women from naturalizing their children or her foreign husband.²²

20. AIPD stated that Kuwait's Personal Status Law No. 51/1984 did not give women the right of guardianship and custody over their children wherein article 209 asserted that guardianship belonged to the father then grandfather according to inheritance system.²³

21. JS2 expressed concern that the Kuwaiti nationality law of 1959 did not recognize the right of Kuwaiti women to transmit their nationality to non-Kuwaiti spouses and children on equal terms with Kuwaiti men. Article 2 of the law stated that "any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be Kuwaiti national himself".²⁴

22. ADHRB stated that Religious persecution remains problematic, as does a lack of sufficient legal and judicial provisions for protecting the rights of minority groups. Shia Muslims, for example, report experiencing discrimination at the hands of the Kuwaiti government and fellow citizens. Some religious groups claim they must practice "discreet self-censorship" to avoid attracting attention and causing conflict with the State.²⁵

2. Civil and political rights

*Right to life, liberty and security of person*²⁶

23. Alkarama provided that cases of torture and ill-treatment were rarely investigated in the country and that prisons were lacking sufficient and independent complaining mechanisms of torture.²⁷ Statistics issued by the Kuwaiti authorities showed that most of the complaints of torture were either pending or dropped due to "lack of evidence". Only in three cases officers have been fired, while in other cases officers only received a decrease in their salaries as a penalty for having subjected detainees to torture and other forms of ill-treatment.²⁸

24. AlKarama recommended Kuwait to ensure the effective respect of legal safeguards for detainees in accordance with international standards; and create a national independent preventive mechanism against torture and establish independent complaint mechanism in prisons.²⁹

25. ICSFT observed that Kuwait maintains the death penalty for non-violent offenses. It resumed death penalty in 2017 by executing 7 people in one day which is a clear display of disregard for the right to life and willingness to weaken human rights standards. ICSFT

recommended Kuwait to reinstate a de facto moratorium of the death penalty and move towards complete abolition.³⁰

26. JS7 observed that arbitrary detention was prohibited under article 31 of the Constitution.¹ However, in practice, lengthy pre-trial detention remained a problem with detainees being held beyond the maximum detention period of six months. This situation was partly due to an insufficient number of judges and prosecutors working at the Ministry of Justice in a country where pre-trial detention was ordered quasi-systematically.³¹ JS7 recommended Kuwait to ensure that administrative detention for deportation purposes is a measure of last resort and that judicial remedies are in place to review its lawfulness.³²

27. JS3 reported that there have been worrying reports regarding the use of coerced confessions in Kuwait, particularly against people detained for drug-related offences. According to a 2018 report on the human rights situation in Kuwait by the US Department of State, six foreign nationals held at the detention centre managed by the General Department of Drug Control reported cases of ill treatment during interrogation. The detainees described “being bound by the hands and feet and suspended by a rope while an interrogator beat their legs and feet with a wooden stick to coerce confessions or encourage them to give up information”.³³

28. IFOR noted that Kuwait has reintroduced obligatory military service on 10th May 2017. With effect from that date, all male Kuwaitis reaching the age of 18 must register for the obligatory 12 months (the first four of which are devoted to training) of military service within 60 days. Those who failed to do so faced a travel ban and extensions to the duration of military service when they were eventually conscripted. Those who evaded conscription until the maximum age might be punished by a sentence of imprisonment of up to three years and a fine of KD 5,000.³⁴ IFOR expressed concern over the absence of provisions for the exemption or allocation to civilian duties of conscientious objectors to military service.³⁵

29. JS7 stated that gender discrimination in the nationality law results in a range of other human rights violations, impacting children, women and their foreign male spouses. This discrimination also exacerbates the issue of statelessness over generations.³⁶

30. JS3 noted that the death penalty for drug-related offences constituted a violation of international law. Not only did it severely undermine human dignity, it is also a clear violation of the right to life.³⁷ Nevertheless, Kuwait remained one of only 35 countries that retained the death penalty for drug offences in its domestic law. While no executions for drug offences have been reported in the past ten years, at least 19 individuals have been convicted for drug offences since 2010.³⁸

*Administration of justice, including impunity, and the rule of law*³⁹

31. ICSFT stated that Kuwait lacked an independent judiciary. The emir appointed all judges, and the executive branch approved judicial promotions. Minister of Justice (who belongs to the administrative branch) is lawfully vested with the power to supervise the judiciary system. The 1990s saw a decree limiting the independence of the judiciary, prevented the Courts from considering acts of sovereignty. The decree is not repealed to this day.⁴⁰

32. IADL further noted that Kuwait’s judiciary is only partially independent as judges are appointed by the Emir acting on the advice of the Supreme Judicial Council and as the executive has broad powers over the judiciary.⁴¹

33. ICSFT stated that the judiciary system is used as a tool to silence dissent where activists who criticize the emir and allied neighboring countries are sentenced following coerced admission of guilt and unfair trials; and as such recommended Kuwait to repeal legislative limitations that compromise the independence of the judiciary; amend legislation

¹ Article 31 of the Constitution states that “No person may be arrested, imprisoned, searched, have his residence restricted or be restrained in liberty of residence or of movement save in conformity with the provisions of the Law.”

to ensure the absolute financial and administrative independence of the judiciary; and amend legislation to increase the efficiency of supervisory mechanisms over the judiciary.⁴²

34. Alkarama stated that despite the repeated calls by the Human Rights Committee and UN Member States to abolish the death penalty, Kuwait still applies the death penalty in cases which are not considered “most serious crimes” in international law, such as drug crimes.⁴³ Despite a de facto suspension of death penalty since 2013, Alkarama has documented several cases in which death sentences were implemented, such as in 2017 as seven persons were executed in one day.⁴⁴

35. IADL noted that the Kuwaiti Code of Criminal Procedure has serious gaps with regard to the necessary safeguards to protect fair trial rights. For example, Article 75 of the Code allows a lawyer to be present during the preliminary investigation, but the lawyer may only speak if allowed to by the investigator, thereby significantly restricting an accused’s right to counsel. IADL stated that Article 60 bis of the Code limits the right to counsel, stating that “police officers must permit the accused to communicate with his lawyers or to inform a person of his choosing of his situation”.⁴⁵

36. IADL observed that in many cases, accused individuals have been prevented from contacting their lawyers, and/or lawyers have not been allowed into police stations where investigations have been held. Non-Arabic speaking defendants are also often not provided with interpreters, contrary to what is required by law.⁴⁶

37. NPWJ recommended Kuwait to undertake a full review of its judicial system in accordance with international best practices – including the independence and competence of the judiciary; and provide training for judges and lawyers to ensure that procedural rights are understood and upheld in the future, particularly but not exclusively in the criminal justice context.⁴⁷

38. JS4 claimed that corruption began to spread very clearly in the corridors of government institutions, a situation that negatively affected civil society and all political, economic and social dimensions.⁴⁸

*Fundamental freedoms*⁴⁹

39. JS1 and JS5 stated that Human Rights Defenders, journalists, bloggers and writers faced arbitrary detention, interrogation, judicial harassment, prison sentences (including those imposed by trials in absentia), travel bans, defamation campaigns, torture and other forms of inhumane and degrading treatment, as well as being stripped of citizenship.⁵⁰ JS1 and JS5 noted that in November 2017, the Court of Appeal sentenced 67 people to prison for allegedly “storming the Parliament” during a peaceful protest in 2011.⁵¹

40. MAAT stated that, although Kuwait has accepted the recommendations on freedom of expression, it remained deeply concerned about restrictions on freedom of expression since the last review in 2015, as prosecutions against State critics and political opponents continued. The Information Technology Crimes Act of 2015, which came into force in 2016, included severe restrictions on freedom of expression on the Internet, such as prison sentences and fines for insulting religion, religious figures, and the emir.⁵²

41. ADHRB stated that the government continued to restrict rights to freedom of speech and expression, with authorities using provisions in the constitution, national security law, and other legislation to prohibit lawful expression of dissent.⁵³ It stated that religious persecution remained problematic, as does a lack of sufficient legal and judicial provisions for protecting the rights of minority groups. Shia Muslims, for example, reportedly experiencing discrimination at the hands of the Kuwaiti government and fellow citizens. Some religious groups claimed they must practice “discreet self-censorship” to avoid attracting attention and causing conflict with the State.⁵⁴

42. ADHRB reported that internet freedom was limited within Kuwait, with authorities monitoring internet activity and social media sites to surveil and restrict those who publicly express anti-government ideology. Non-governmental organizations (NGOs) and religious denominations registration requirements remained in place, threatening citizens’ closely-linked freedoms of speech, expression and association and the flourishing of independent civil society.⁵⁵

43. ADHRB observed that limitations to full political participation still existed in Kuwait and that recent reforms to the State's election law, for instance, prevent those convicted for "insulting" God, the prophets, or the emir from running or voting in elections.⁵⁶

44. SLF stated that freedom of opinion and expression has been further compromised as the Kuwaiti authorities chased a number of bloggers across social networking sites who criticized the government and asked for political comments are not up to the level of incitement to violence.⁵⁷

45. SLF said that the government filed lawsuits against a group of them who have expressed see them claim to allow freedom of speech and writing, has also been withdrawn citizenship from a number of them.⁵⁸

*Prohibition of all forms of slavery*⁵⁹

46. AIPD reported that the Government demonstrated significant efforts to eliminate human trafficking by initiating more investigations and prosecutions; and operationalizing a government-run central recruitment company intended to reduce recruitment costs and combat illegal recruiting fees. The government reportedly established a specialized prosecutorial unit to expedite trafficking cases; and formally passed and funded its five-year national strategy to combat trafficking.⁶⁰

47. AIPD stated that in 2017, the public prosecutor's office created a specialized unit to manage, investigate, and expedite the processing of trafficking cases. During the year, the government investigated 60 potential trafficking cases. The government apportioned an annual budget of 2 million Kuwaiti dinar (\$6.6 million) for shelter operations and protection programs for trafficking victims. It also increased its efforts to prevent human trafficking. However, AIPD stated that some officials continued to use arbitration and administrative penalties to resolve grievances filed by domestic and other migrant workers, instead of investigating such cases as human trafficking crimes. Protracted litigation and subsequent appeals processes led most victims to decline to file court cases. Also, the Government has not regularly used formal procedures to identify victims.⁶¹

48. JS7 stated that domestic workers who left an abusive employment relationship were considered by the authorities and employers as "runaway" or "escaped" workers and were liable to imprisonment and deportation. In this regard, the 2013 anti-trafficking legislation did not provide protection from prosecution for victims who fled an abusive employer's residence without permission.⁶² JS7 recommended Kuwait to abolish the Kafala system in employment and replace it with a system of residency permits for all foreign workers.⁶³

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁶⁴

49. JS4 recommended Kuwait to amend its labour law to include coverage of domestic workers and ensure comprehensive protection, including effective follow-up mechanisms to ensure implementation, periodic rest days, legal working hours and payment of wages in full and on time, and the right to retain their passport.⁶⁵

50. JS4 called on the government to abolish the sponsorship system of domestic workers' residence permits organized and ensure compliance with international labour law; introduce a quota of work permits that grants workers the appropriate rights and tenure, including the freedom to change employers and leave Kuwait without the consent of employers; decriminalize domestic workers fleeing ill-treatment and bring perpetrators of employee rights to justice.⁶⁶

Right to an adequate standard of living

51. JS4 stated that inequality in income distribution in Kuwait reached 80.9% in 2018 according to the GINI coefficient to measure income distribution. Kuwait ranked third in the Gulf after the UAE as the largest external country in income inequality.⁶⁷

*Right to health*⁶⁸

52. JS3 provided that an estimated 3,510 people inject drugs in Kuwait, and that the prevalence of HIV (0.77%) and HCV (12.28%) among this population are higher than those observed among the general population. Injecting drug use is the main route of transmission for hepatitis C in Kuwait, with prison population and those in closed settings particularly at risk. According to JS3, local media reported that 115 people died of drug overdoses in 2018, while research published in 2015 revealed that drug overdose was the third highest cause of accidental deaths in the country between 2003 and 2009.⁶⁹

53. JS3 noted that the right to health as applied to drug policy includes access, on a voluntary basis, to harm reduction services, goods, facilities and information, and that harm reduction services and interventions are life-saving, evidence-based, and cost effective.⁷⁰

54. JS3 observed that there is currently no explicit supportive reference to harm reduction in any national policy in Kuwait. There is one known harm reduction service in the country, and one OST programme, which commenced in 2015, and which provides buprenorphine. There are no needle and syringe programmes, no drug consumption rooms, no overdose prevention programmes and no provision of OST or NSP in prisons and other detention settings.⁷¹

4. Rights of specific persons or groups

*Women*⁷²

55. HRW noted that during Kuwait's second UPR cycle in 2014, the country accepted 28 recommendations regarding women's rights, including on taking "legislative steps to ensure gender equality" and adopting "measures to combat domestic violence." Since then, however, HRW observed that the government has taken few meaningful steps to implement these recommendations.⁷³

56. HRW stated that major gaps in Kuwait's laws allow for continued discrimination against women. Kuwait's nationality law denies Kuwaiti women married to non-Kuwaiti men equality in passing on their nationality on to their children and spouses, which Kuwaiti men married to foreign spouses have. Foreign husbands of Kuwaiti women have no legal authority to remain in the country without a residency permit. Such permits are granted only to non-Kuwaiti men who are employed. In contrast, foreign women married to Kuwaiti men are granted residency automatically and qualify for citizenship after ten years of marriage.⁷⁴

57. HRW noted that Kuwait's Personal Status Laws – both the codified law no.51 of 1984 which applies to Sunni Muslims and the uncodified Ja'fari interpretation of personal status matters which applies to Shi'a Muslims – discriminate against women. In particular, women's testimony is given lesser weight than men's; they are afforded lesser inheritance rights; and spouses are assigned unequal rights and responsibilities in both marriage and divorce.⁷⁵

58. HRW also noted that Kuwait still has no laws prohibiting domestic violence, sexual harassment, or marital rape. A 2015 law establishing family courts also set up a center to deal with domestic violence cases, but the law requires the center to prioritize reconciliation over protection for domestic violence survivors or prosecution of perpetrators. Under article 153 of Kuwait's Penal Code, "anyone who surprises his wife in a state of adultery, or surprises his daughter or mother or his sister in the presence of a man and kills her immediately or kills him or kills them together is punishable by imprisonment for a period not exceeding three years and a fine of not more than 3,000 Dinars or one of these two punishments."⁷⁶

59. NHRD noted that Kuwait has endeavored to empower women in the public, military, judicial and diplomatic functions, integrate them into national strategies, policies and plans and push for more by supporting their political rights and enhancing their role in decision-making positions.⁷⁷

60. NHRD recommended the government to promote more societal empowerment of women by supporting their political rights and enhancing their role in decision-making

positions; review all legislation that guarantees their civil and social rights; increase accessibility of women to leadership positions; develop and strengthen the role of civil society institutions in the field of the advancement of women; and create special legislation to protect women from all forms of violence and establish a special shelter for battered women.⁷⁸

61. JS6 commended the positive steps taken by Kuwait to help women achieve their rights, but expressed concern over the fact that women have not yet achieved equality with men. For example, women are still not allowed to rent a private home to their names.⁷⁹

*Children*⁸⁰

62. GIEACPC noted that Kuwait's Child Rights Act No. 21 of 2015 provided in article 3 for the "protection of children from all forms of violence, harm and physical, mental or sexual abuse, including neglect, failure of care and other forms of ill-treatment or exploitation;" and that Article 6 of the Acts allowed for "basic" chastisement that is not "harmful" (according to unofficial translation), hence providing a justification for the use of so-called "light" corporal punishment in childrearing.⁸¹

63. GIEACPC stated that Law No. 9/2010 on the protection of children from violence and exploitation protected children from all types of abuse but may not explicitly prohibit all corporal punishment in childrearing.⁸²

64. ESFA claimed that Bedoon children and youth were not accounted for in national statistics on education participation reported to UNESCO, such as the 'education for all' and 'children out of school' programs. ESFA stated that the State merely reports on expenditures on education for the Bedoon.⁸³

*Migrants*⁸⁴

65. JIA positively noted that the Kuwaiti government has attempted numerous reforms regarding their labour laws which have led to the International Labour Organisation removing the country from the list of countries violating human rights through employment laws. These reforms included the introduction in 2015 of a standard contract for migrant workers which guarantee the right to a day off every week, 30 days of annual paid leave, a minimum wage and end-of-service benefit. Subsequent administrative decisions allowed for migrant workers to transfer their existing sponsorship to a new employer without their current employer's consent, after 3 years of work.⁸⁵

66. JIA observed, however, that the majority of these provisions only applied to migrant workers, and that protections for domestic workers were still severely lacking. JIA noted that despite these developments, migrant workers continued to lack adequate legal protections with forced labour being a norm and them risking deportation for minor infractions.⁸⁶

67. HRW noted that migrant workers made up around 2 million of Kuwait's population of 4.1 million, including more than 660,000 domestic workers. HRW observed that, in 2015, Kuwait passed a law on domestic workers extending labor protections for the first time, including a right to a weekly rest day, a 12-hour working day with rest periods, annual paid leave, and overtime compensation.⁸⁷

68. HRW called on the government to amend Kuwait's labor law in order to include coverage of domestic workers and ensure comprehensive protections including a weekly rest day, timely payment of wages in full, limits to working hours, and the right to keep possession of one's passport; replace the current *kafala* system with domestic worker residency permits overseen by the government, permits that would allow workers to change employers and to exit Kuwait without obtaining consent from a private individual or entity; and to redouble efforts to investigate and prosecute abuses against domestic workers as well as their salary claims.⁸⁸

69. MAAT stated that foreign workers in Kuwait remained vulnerable to exploitation and abuse under the sponsorship system, which required employer permission to change jobs or travel.

70. JS7 observed that two-thirds of Kuwait's population is comprised of migrant workers who are exposed to arbitrary arrests for deportation purposes. There have been numerous reliable reports that police carried out arbitrary arrests of foreigners as part of a sustained action against individuals without legal status. In particular, in January 2015, the government launched a crackdown on "illegal residents," with more than 100,000 people reportedly arrested.⁸⁹

71. JS7 stated that administrative deportation is increasingly used to deport non-nationals for minor offences, including minor traffic violations.⁹⁰

*Stateless persons*⁹¹

72. ADHRB stated that the Bedoon have been reportedly subjected to torture and abuse at the hands of Kuwaiti police and security forces, particularly the Bedoon report the Kuwaiti government's routine prohibition of their gathering in public space under Article 12 of the 1979 Public Gatherings Law.⁹²

73. ADHRB provided that the problem of stateless persons can be exacerbated by existing legal and cultural norms in Kuwait, including prohibiting non-citizens from transferring citizenship to their children. Nor can female citizens transfer citizenship to children born to non-Kuwaiti fathers. There are also reports of prevalent societal discrimination towards non-citizens in Kuwait in the housing, employment, education, and healthcare sectors.⁹³

74. ADHRB further stated that discrimination against Bedoons in healthcare, employment, and education was also prevalent, with issues arising from lack of citizenship and proper documentation. Foreign or non-citizen workers report rampant employer abuse of the *kafala* sponsorship system and participation by employers in visa trading practices.⁹⁴

75. BOKS BBS recommended Kuwait to pay full compensation for all physical and psychological damages endured by members of the Bedoon in the course of the past six decades; complete the naturalization process for the Bedoon including those covered by both the 1965 and 1985 censuses; establish an impartial truth commission, and reinstate article 5 of 1959 which ensures the naturalization of members of the Bedoon.⁹⁵

76. ESFA stated that Kuwait has refused to refer to the Bedoon as 'stateless' for decades, and that doing so would be perceived as an admission the state had deprived Bedoons of citizenship intentionally.⁹⁶

77. GICJ recommended the government to restore the Bedoons' rights to reside lawfully in Kuwait; release those who are detained without trial only on the basis of their immigration status; revoke the deportation or removal orders against around 24,000 Bedoons; allow Bedoons to petition the courts for redress without discrimination; permit the return of those who had Bedoon status before the Iraqi invasion and encourage family reunification.⁹⁷

78. GICJ also recommend the government to ensure that Bedoons recognised as legal residents prior to the 1985 change in regulations the ability to travel within and outside the country with a right to return; ensure permission to obtain driver's licenses; and provide Bedoon children to right to education and health.⁹⁸

79. According to KBM, the Bedoons have been exposed to verbal, physical, legal, societal, and ethnic discrimination and the alleged refusal by the Government to provide national identification documents to all the Bedoon has deprived many of its members of their right to education, health, work, driving permits, travel and receipt of money from banks.⁹⁹

80. KBCT recommended Kuwait to grant citizenship to long-term residents of Kuwait who have strong claims of citizenship, as well as those whose main place of residence is Kuwait and who have family, social or economic ties with Kuwait; grant citizenship to children born in Kuwait who are born stateless; expand the principle of equal treatment enshrined in article 19 of the Constitution and stop racism against the Bedoon; withdraw the ban that prohibits Bedoon children from entering public schools; and amend laws and legislation relating to children to include stateless children, especially children of poor

parents, and provide physical and social stability to their families to ensure that child labor is prohibited.¹⁰⁰

81. KBNTR claimed that it is common for Bedoon to remain unemployed for as many as two years after leaving secondary school or college. KBNTR held that the normative for Bedoons to never work after they leave secondary school, while whole families dependent on the incomes of just one or two members who are employed, become very strained by such dependence, leading to relationship break-down. Bedoons appear to have few options for social participation after school or university. They may join the popularised human rights social movement, which enables them to assert their identity but at the risk of detection by the security Apparatus, which conducts constant surveillance in the suburbs with a large concentration of Bedoon.¹⁰¹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADHRB	Americans for Democracy and Human Rights in Bahrain, Washington (USA);
AIPD	The International Alliance for Peace and Development, Geneva (Switzerland);
Alkarama	Alkarama Foundation Geneva (Switzerland);
BOKS BBS	Boks Stateless Bedoon of Kuwait, London (UK);
ESFA	End Statelessness Foundation Balaclava (Australia);
GICJ	Geneva International Centre for Justice (GICJ) Vernier (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (UK);
HRW	Human Rights Watch, Geneva (Switzerland);
IADL	International Association of Democratic Lawyers, New York (USA);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland)
ICSFT	International Council Supporting Fair Trial and Human Rights, Grand-Saconnex (Switzerland);
IFOR	International Fellowship of Reconciliation, Grand Saconnex (Switzerland);
JAI	Just Atonement Inc. (USA);
KABEHR	The Kuwaiti Association of the Basic Evaluators of Human Rights, Kuwait City (Kuwait);
KBCT	Kuwaiti Bedoun Community in Turkey, Ankara (Turkey);
KBM	Kuwaiti Bedoons Movements, London UK);
KBNTR	Kuwait Bedoon Non-tribal Representatives, Balaclava (Australia);
KWHR	Kuwait Society for Human Rights, Kuwait City (Kuwait);
MAAT	Maat Foundation for Peace, Development and Human Rights, Cairo (Egypt);
NPWJ	Non c'è pace senza giustizia - No Peace Without Justice, Rome (Italy);
SLF	Support Law firm, Alreqqai (Kuwait);
WPIKW	Women Peace Pioneers Initiative, Hawali (Kuwait).

Joint submissions:

JS1	Joint submission 1 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa)
JS2	Joint submission 2 submitted by: Equality Now, Nairobi (Kenya);

JS3	Joint submission 3 submitted by: Harm Reduction International, London (UK);
JS4	Joint submission 4 submitted by: ICSFT, International Council Supporting Fair Trial and Human Rights, Grand-Saconnex (Switzerland);
JS5	Joint submission 5 submitted by: ISHR, International Service for Human Rights, Geneva (Switzerland);
JS6	Joint submission 6 submitted by: Khiam Rehabilitation Center for Victims of torture, Beirut (Lebanon);
JS7	Joint submission 7 submitted by: MENA Rights Group, Chatelaine (Switzerland).

National human rights institution:

NHRD NATIONAL DIWAN HUMAN RIGHTS, Kuwait (Kuwait).

² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.73–157.80, 157.82–157.87, 157.208, 157.277, 157.278.

⁴ ICSFT, page 1.

⁵ Alkarama, para 5.

⁶ KABEHR, page 1.

⁷ KBM, page 21.

⁸ Alkarama, para 6.

⁹ Alkarama, paras 9 and 10.

¹⁰ WPPIKW, page 2.

¹¹ WPPIKW, page 2.

¹² Alkarama, para 6.

¹³ JS6, page 4.

¹⁴ ICAN, p.1.

¹⁵ ICAN, p.1.

¹⁶ KABEHR, page 1 and 2.

¹⁷ For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.15, 157.35–157.38, 157.43–157.52, 157.56–157.71, 157.98, 157.111, 157.220.

¹⁸ WPPIKW, page 3.

¹⁹ JS1, page 4; JS5, page 2.

²⁰ JS2, page 4.

- 21 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.89, 157.167, 157.168.
- 22 AIPD, pages 5 and 6.
- 23 AIPD, pages 5 and 6.
- 24 JS2, para 3.
- 25 ADHRB, para 15.
- 26 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.175.
- 27 Alkarama, paras 17.
- 28 Alkarama, paras 19.
- 29 Alkarama, paras 19.
- 30 ICSFT, pages 6 and 7.
- 31 JS7, page 11.
- 32 JS7, page 12.
- 33 JS3, para 15.
- 34 IFOR, page 1.
- 35 IFOR, page 1.
- 36 JS7, page 9.
- 37 JS3, para 11.
- 38 JS3, para 12.
- 39 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.157–157.163.
- 40 ICSFT, pages 6.
- 41 IADL, para 20.
- 42 ICSFT, pages 6.
- 43 Alkarama, para 11.
- 44 Alkarama, para 13.
- 45 IADL, para 15.
- 46 IADL, para 16.
- 47 NPWJ, page 10.
- 48 JS4, page 10.
- 49 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.173–157.175, 157.177, 157.179–157.183.
- 50 JS1, para 1; JS5 para 1.
- 51 JS1, para 2; JS5 para 2.
- 52 MAAT, page 3.
- 53 ADHRB, para 14.
- 54 ADHRB, para 15.
- 55 ADHRB, para 16.
- 56 ADHRB, para 18.
- 57 SLF, pages 2 and 3.
- 58 SLF, pages 2 and 3.
- 59 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.151–157.156.
- 60 AIPD, pages 4 and 5.
- 61 AIPD, pages 4 and 5.
- 62 JS7, page 11.
- 63 JS7, page 12.
- 64 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.188–157.190, 157.193, 157.237, 157.239.
- 65 JS4, page 7.
- 66 JS4, page 7.
- 67 JS4, page 10.
- 68 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.198, 157.199.
- 69 JS3, para 4.
- 70 JS3, para 6.
- 71 JS3, para 7.
- 72 For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.184–157.187, 157.91–157.95, 157.98, 157.99, 157.100–157.106, 157.141–157.145.
- 73 HRW, page 1.
- 74 HRW, page 1.
- 75 HRW, page 1.
- 76 HRW, page 1 and 2.
- 77 NHRD, para 2.
- 78 NHRD, para 7.
- 79 JS6, page 5.

- ⁸⁰ For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.72, 157.146–157.150, 157.166, 157.205, 157.206.
- ⁸¹ GIEACPC, pages 3 and 4.
- ⁸² GIEACPC, pages 3 and 4.
- ⁸³ ESFA, page 6.
- ⁸⁴ For relevant recommendations see A/HRC/29/17/Add.1, paras. 157.222–157.228, 157.230–157.235.
- ⁸⁵ JIA, page 2.
- ⁸⁶ JIA, page 2.
- ⁸⁷ HRW, page 3.
- ⁸⁸ HRW, page 3.
- ⁸⁹ JS7, page 11.
- ⁹⁰ JS7, page 12.
- ⁹¹ For relevant recommendations see 157.32, 157.34, 157.33, 157.120, 157.243, 157.254, 157.240, 157.242, 157.244, 157.241.
- ⁹² ADHRB, para 5.
- ⁹³ ADHRB, para 9.
- ⁹⁴ ADHRB, para 12.
- ⁹⁵ BOKS BBS, page 4.
- ⁹⁶ ESFA, page 2.
- ⁹⁷ GICJ, paras 18.
- ⁹⁸ GICJ, paras 19.
- ⁹⁹ KBM, page 21.
- ¹⁰⁰ KBCT, pages 9 and 10.
- ¹⁰¹ KBNTR, page 12.
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