

Kuwait Pre-session Statement – UPR February 2025

Gulf Centre for Human Rights

On behalf of the Gulf Centre for Human Rights, please accept our thanks for this opportunity to raise issues of concern at this stage of Kuwait's UPR process. This presentation is based on a [Joint Submission](#) by the Committee to Protect Journalists and GCHR.

The Gulf Centre for Human Rights (GCHR) is an independent NGO that works to provide support and protection to human rights defenders (HRDs) in the MENA region by promoting freedom of expression, association, and peaceful assembly.

This presentation will cover six topics: the newly de-nationalised since our report was submitted, the stateless Bidoon community, Freedoms of, Expression, and Peaceful Association and Assembly along with the silencing of civil society including human rights defenders. On each associated slide, you will see a general recommendation along with specific ones that support the general recommendation. The full recommendations are in our submission.

Regarding the Legal Framework (Slide)

Kuwait's Constitution provides protection for important rights only "... in accordance with provisions of law..." and many of these laws provide no protection or worse facilitate abuses by the state. We urge recommendations to adopt the 4 international legal instruments listed above.

Regarding the Newly Stateless, (Slide)

Kuwaiti authorities recently amended the Nationality Law and revoked the nationality of 30'000 previously naturalised persons. The state claims that the move is due to concerns about national unity and national security. Those concerned are mainly the foreign wives of Kuwaiti citizens, who obtained their nationality since 1980, and which required giving up their former nationality, and have thus been left stateless. They found themselves without access to documentation for basic travel or services, the ability to maintain employment, banking services, or the ability to own their property or run their businesses. Some were

disabled individuals in need of proper medical care, or patients who needed to travel for care.

Although not in our submission urge you to recommend

The suspension and reversal all decisions to strip naturalised people of their Kuwaiti nationality.

Regarding the Bidoon

The Bedoon community face tremendous challenges due to their purported statelessness to the point that they are denied access to the basic necessities for daily life. In many instances, they are unable to obtain identification documents from the government, which, in turn, leaves them unable to access government services and benefits, including education, employment, medical care, and civil documents, such as birth, marriage, and death certificates. Since the government treats them as illegal residents, the Bedoon community members do not have property rights and frequently have difficulty opening or maintaining bank accounts. Despite assurances in 2010 to provide nationality to the 34'000 members who could prove they resided in Kuwait in 1965, this has not been done. Many of the remaining 60'000 members of the community are their descendants. The UN Human Rights Committee has urged Kuwait to grant them, and any other stateless persons in Kuwait, citizenship.

We urge recommendations

To grant citizenship to the Bedoon community members who reside in Kuwait.

And to ensure that equal access to education, health care and employment for the Bedoon population is enshrined in legislation.

Regarding Freedom of Expression (Slide)

Despite Article 36 of the constitution, which guarantees freedom of expression, Kuwait has arrested, convicted and imposed arbitrary restrictions on civil society activists and others who have criticised the authorities since its last UPR.

We urge a general recommendation to (1) allow journalists and writers to work freely and without fear of retribution, and specifically to (2) Amend the 2015 Cybercrime Law, and the 2006 Press and Publications Law to protect expression. In particular, Article 6 of the Cybercrime Law restricts online expression by criminalising any content that could be interpreted by authorities as insulting Islam, the Emir, the Constitution, public prosecution, or public morals and a recommendation to (3) Reform defamation legislation in conformity with ICCPR article 19, "to decriminalise defamation and free speech.

Regarding Freedom of Association **(Slide)**

Law (24) of 1962, which regulates civil society organisations, was designed, and has been used, to prevent the emergence of civil society organisations that have views differing from the government. The requirement of ten Kuwait nationals as founders acts as a significant barrier, particularly for foreign workers and residents, to establish their own associations. The Minister of Social Affairs and Labour may reject the registration by not responding within 90 days. The minister's decision is final and may not be appealed before the judiciary.

We suggest recommendations to have Kuwait:

Establish a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.

Bring legislation, notably the aforementioned law 24 of 1962, into full compliance with the ICCPR, and adopt measures to ensure that all associations, including NGOs, are able to operate freely and independently.

Regarding peaceful assembly

Article 44 of the Kuwaiti Constitution states that (1) Individuals have the right of private assembly without permission or prior notification, and the police may not attend such private meetings. (2) Public meetings, demonstrations, and gatherings are permitted in accordance with the conditions and manner specified by law, provided that their purpose and means are peaceful and not contrary to morals. However, there is no law protecting the

right to public assembly. Attempted demonstrations against the Israel assault on Gaza were initially allowed, but then a second round of demonstrations were stopped.

We urge general recommendations to decriminalize unlicensed public gatherings.

Specifically, to Adopt the best practices as put forward in 2012 by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association,

To Amend Law 65 of 1979 (Public Gatherings law) to allow peaceful assembly, and at a minimum eliminate the requirement for prior authorisation. And to allow judicial review and effective remedy.

Regarding harassment, intimidation and attacks against human rights defenders, civil society activists and journalists **(Slide)**

Despite accepting all five recommendations to protect HRDs, journalists, and civil society representatives, the government has failed to implement these recommendations effectively as human rights defenders continue to be targeted. The submission's authors have documented thirteen cases of HRDs being targeted by the state security apparatus using arrest, incommunicado detention, removal of identity documents, travel bans, disproportionate sentencing following unfair trials, and other arbitrary measures.

We urge general recommendations to provide civil society members, HRDs and journalists, especially women, with a safe and secure environment in which to carry out their work.

Specifically, to repeal or amend legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders. And to end the practice of using the judicial system to try HRDs, journalists and anyone else for peacefully exercising their rights to freedom of expression, assembly, and or association.

Thank you for your attention. The full recommendations are in our submission.