



# General Assembly

Distr.: General  
28 January 2010

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighth session**  
Geneva, 3–14 May 2010

## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Kuwait\***

The present report is a summary of 10 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

---

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

## **I. Background and framework**

### **A. Scope of international obligations**

1. Organisation for Defending Victims of Violence (ODVV) informed that Kuwait was a party to several international human rights treaties.<sup>2</sup> AIKarama for Human Rights (AIKarama) suggested that Kuwait's own laws are not always consistent with the principles embodied in international treaties it has ratified.<sup>3</sup>

2. Kuwaiti Association for Basic Evaluators of Human Rights (KABEHR) recommended that the government ratifies human rights instruments; in particular the Convention on the Rights of Persons with Disabilities.<sup>4</sup> ODVV urged the government to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>5</sup> Human Rights Watch (HRW) recommended acceding to the Convention on the Reduction of Statelessness of 1961, and to the Convention Relating to the Status of Stateless Persons of 1954.<sup>6</sup> AIKarama recommended that Kuwait should make the declarations regarding articles 21 and 22 of the Convention against Torture and consider ratifying its Optional Protocol.<sup>7</sup>

### **B. Constitutional and legislative framework**

3. ODVV reported that Kuwait is a constitutional, hereditary Emirate ruled by the Al-Sabah family with a population of 3.39 million, of which 1.3 million are citizens.<sup>8</sup> AIKarama added that the Constitution of 1962 allows the Emir to choose the crown prince and appoint the Prime Minister. The latter constitutes a cabinet, which must however be approved by the Emir. It reported that Parliament is not consulted during the formation of the Government, but may challenge the elected ministers or dismiss them on an individual basis, and motions of censure may be passed against the government.<sup>9</sup>

4. According to Institute on Religion and Public Policy (IRPP), freedom of religion is defined in Article 35 of Part 1. The freedom of belief is absolute and the freedom to practice ones religion is only protected "in accordance with established customs, provided that it does not conflict with public policy or morals." Thus one has the right to believe whatever he or she desires, but may not be able to openly practice their religion.<sup>10</sup>

5. AIKarama noted that the Codes of Penal and Criminal Procedure were issued in 1960 under the protectorate and that the first text was amended in 1970, in particular the provisions relating to threats to the State's internal and external security.<sup>11</sup>

### **C. Institutional and human rights infrastructure**

6. KABEHR stated that one of the most important demands of civil society organisations is the establishment of a National Human Rights Institution which will monitor all human rights issues and violations and which should be composed of governmental and non-governmental members. In this regard, KABEHR recommended: the speedy adoption of the draft law it has prepared in consultation with CSO's, for the establishment of an NHRI with large prerogatives and; in the meantime, the inclusion, at the earliest, of CSO's in the composition of the High Commission for Human Rights within the Ministry of Justice.<sup>12</sup>

## **D. Policy measures**

7. AIKarama recommended implementing policy reforms towards the genuine participation of citizens, through the election of members of Parliament, the choice of cabinet members and by giving legal status to political parties that actually exist in fact.<sup>13</sup>

8. KABEHR recommended: involving CSO's in the planning and examination of development policies and in the preparation of human rights related laws and activities; launching, in cooperation with CSO's of awareness raising campaigns to promote a culture of human rights in the society and, raising the level of governmental responsiveness to complaints received by CSO's.<sup>14</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

N/A

### **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

9. HRW stated that Kuwait's nationality law denies Kuwaiti women married to non-Kuwaiti men the right to pass their nationality on to their children and spouses, a right Kuwaiti men married to foreign spouses have.<sup>15</sup>

10. HRW informed that there are two distinct family laws in Kuwait; one for Sunnis and one for Shi'a. In both family laws, a husband may marry more than one wife without the prior approval of the first wife. The latter may not petition for divorce based on these grounds. It noted that Sunni family law grants divorced woman, provided that she does not re-marry, custody of her sons until they reach 15 and of her daughters until they are married. If the woman remarries, she forfeits her custodial rights.<sup>16</sup>

11. HRW mentioned that the government grants low-interest housing loans only to Kuwaiti men. It stressed that upon divorce, married women lose their claim to homes purchased through this program, even if they made payments on the loan and that a single mother can claim rent only if she intends not to remarry.<sup>17</sup> HRW recommended: amending the nationality law to grant Kuwaiti women the right to pass on her nationality to her non-Kuwaiti husband and their children, and remove discriminatory clauses that deny basic rights to the non-Kuwaiti husbands of Kuwaiti women and their children; amending personal status law to ensure that wives are informed when their husband enters into subsequent marriages and that they have a right to divorce in such cases and; ending all forms of discrimination against women found in Kuwait's housing program, particularly in their access to low-interest loans and rent allowances.<sup>18</sup> CABEHR recommended further: reviewing laws and decisions that violate women's rights and; speeding up the adoption of the draft law on the civil rights of women.<sup>19</sup>

12. Refugees International (RI) stated that Kuwait passed a Nationality Law in 1959 which defined nationals as persons who settled in the country before 1920 and maintained normal residence there until enactment of the law. At that time, a third of the population was classified as Bedun. It noted that in Kuwait, Arabic word "Bedun," meaning "without" and short for "bedun jinsiya" (without citizenship) is used to denote longtime residents who

are stateless. It informed that the current number of Bidun ranges from 80,000-140,000; that they live in squalid housing projects and; that they are nevertheless indistinguishable from citizens.<sup>20</sup>

13. RI stressed that after 1985; Kuwait dismissed Bedun from their jobs, barred their children from schools, and revoked their driving licenses.<sup>21</sup> According to RI, following the liberation of Kuwait from occupation by a neighbouring country in 1991, the government stepped up its efforts to strip the Bedun of their rights. They were fired en masse from positions in the military and police, and only a small fraction was rehired.<sup>22</sup> Similar information was provided by Kuwaiti Society for Human Rights (KSHR).<sup>23</sup> RI mentioned that those dismissed could not collect their severance pay unless they produced a passport, either Kuwaiti or foreign, or left the country. Tens of thousands of Bedun who had fled the country or were forced to leave subsequently were not allowed to return.<sup>24</sup>

14. RI noted that the 1959 law has been amended 14 times and with almost every amendment, it has become more restrictive.<sup>25</sup> HRW added that the state does not recognize the right of the Bidun to Kuwaiti nationality and that their children are also stateless.<sup>26</sup> RI mentioned that courts in Kuwait are barred from hearing cases that touch on matters relating to citizenship and that as a consequence, Bedun can not have citizenship claims adjudicated.<sup>27</sup> Similar information was provided by AlKarama.<sup>28</sup> RI indicated also that because of not being able to register officially the birth of a child, a marriage, or a death, Bedun are relegated to a bureaucratic no man's land.<sup>29</sup> AlKarama noted that the Kuwaiti authorities have over the years created different categories of Bedun who are all treated differently by the government: some are granted certain rights while others are treated as aliens.<sup>30</sup> KSHR stated that Court rulings in favour of members of the Bedun, including regarding the issuance of birth and marriage were not implemented by the State.<sup>31</sup>

15. HRW stressed that as a consequence of their statelessness, the Bidun cannot freely leave and return to Kuwait, neither participate in elections. They face restrictions in employment, health care, education, marriage and founding a family, have no right to residency and may be subject to prosecution and deportation for being out of residency status.<sup>32</sup> Similar information was provided by AlKarama<sup>33</sup> and KABEHR.<sup>34</sup> The latter referred to the increased levels of criminality among this category.<sup>35</sup> KSHR considered as a single positive development, the financial support received by Bedun's children from a Fund governed by the Education Ministry, to join private schools.<sup>36</sup> HRW noted that the Kuwaiti government pressures the Bedun to sign affidavits renouncing any claim to Kuwaiti nationality when they attempt to renew their identity cards. It indicated that in 2007, the National Assembly drafted a law granting the Bedun civil rights, but as of November 2009, it had not passed. The National Assembly unanimously rejected granting the Bedun nationality.<sup>37</sup>

16. KABEHR reported about recent measures by the government, including the decisions to allow the Bidun to work in the education, military and health fields and to register marriage certificates.<sup>38</sup> RI noted that the Parliament's committee to address the issue of the Bedun has not resulted in concrete action and that the annual law granting citizenship to some 2,000 bedun is commendable but generally remains unfulfilled. It added that Bedun and sympathetic citizens formed the Popular Committee for Support of the Bedun and that in 2006; some 5,000 people attended "Bedun Speak", the first public event of its kind. RI stated that these signs would suggest that the time is right for the Kuwaiti government to take courageous steps, through legislative and judicial reform, to resolve this contentious issue, accepting the implications, financial, political and otherwise, that these would necessarily entail.<sup>39</sup> It proposed that in the interim, Kuwait should, at a minimum, address the humanitarian consequences of statelessness, guarantee the Bedun the right to work and earn equitable incomes, allow their children to enroll in public schools, provide

them healthcare free of charge, and issue all persons certificates that record births, marriages, and deaths.<sup>40</sup>

17. RI recommended that Kuwait must undertake transparent reviews of all Bedun cases toward providing naturalization as well as undertake a tolerance campaign to address discrimination in society at large.<sup>41</sup> HRW made similar recommendations and recommended further: upholding the rights of the Bedun to nationality; granting the Bedun and their children Kuwaiti nationality if they cannot establish the right to another nationality; not discriminating against them on the basis of their current statelessness in civil, economic, social, and cultural rights and in particular: issuing them travel documents at their request and ceasing deportation of Bidun based on refusal to renounce claims to Kuwaiti nationality.<sup>42</sup> CABEHR recommended that the Government should: speed up the passing of the civil and humanitarian rights law, that the Association has presented to the Parliament, as a beginning to solve the problem of statelessness and; develop an effective mechanism to allow this group to integrate in society and contribute to the development process and political participation, and in all activities and privileges enjoyed by others.<sup>43</sup>

## **2. Right to life, liberty and security of the person**

18. HRW reported that Kuwait, which retains the death penalty, voted in December 2008 against a UN General Assembly resolution calling for a worldwide moratorium on executions and that the last reported execution took place in May 2007.<sup>44</sup>

19. AIKarama mentioned that the Kuwaiti authorities say that the security services do not use torture, and that the few cases of abuses are brought to justice. It stressed that in several cases, some of which led to the death of the victim, no action was taken by the court and families have sometimes been threatened to prevent them from complaining.<sup>45</sup> AIKarama added that Kuwaiti law does not clearly define torture<sup>46</sup> and recommended that Kuwait should incorporate the crime of torture into domestic law as defined by Article 1 of the Convention against Torture.<sup>47</sup>

20. Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported on the legality of corporal punishment of children in Kuwait despite the recommendations of the Committee on the Rights of the Child and strongly recommended that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings, including under Islamic law.<sup>48</sup>

21. According to HRW, there exist no data on the prevalence of violence against women in Kuwait, making it difficult to ascertain the magnitude of the problem or the effectiveness of government response. Victims are often reluctant to file complaints with the police as domestic abuse is still largely regarded as a private family affair and they have little hope of redress through the criminal justice system. Perpetrators are rarely arrested even when women file with the police complaints that are supported by medico-legal evidence.<sup>49</sup> HRW recommended raising awareness about gender-based violence, creating accessible complaints mechanisms for reporting sexual and domestic violence, including hotlines, and ensuring that complaints are investigated, prosecuted when warranted, and that judgments are enforced.<sup>50</sup>

22. The abuse of domestic worker in Kuwait is rarely investigated or prosecuted and workers are typically deported or choose to go home when faces with the long, costly and uncertain prospects of winning their rights in court, according to HRW.<sup>51</sup> Similar information was reported by ODVV<sup>52</sup> which urged the government of Kuwait to start a real and severe Anti Trafficking reform to protect the rights of those who come to country to work and to try to decrease the number of deported workers by substituting this regular punishment with other forms of penalties.<sup>53</sup>

23. KABEHR reported that some individuals have been arrested for indefinite periods without charge or trials.<sup>54</sup>

24. AIKarama reported that among the long-term prisoners are people of various nationalities accused of collaborating with forces of a neighbouring country during their invasion of Kuwait in 1990. Some of them have served their sentence and have not been released. It indicated that despite several hunger strikes by certain prisoners in 2005 and 2006 requesting a release on humanitarian grounds, they were kept in detention. The authorities did not take into account the fact that these individuals were not given fair trials and that they had committed no crime.<sup>55</sup>

25. KABEHR mentioned that a large number of police stations and detention centres do not conform to international standards and suffer from a lack of healthcare and overcrowding. It informed that Kuwait accepted the launching of a rehabilitation training program for former Guantanamo detainees in order to integrate them in society.<sup>56</sup> CABEHR recommended: offering training programs to police officers and investigators on human rights in general and the rights of detainees, in particular, and on methods and norms to deal with them during and after the arrest; improving prisons and detention centers to conform to humane standards and; not allowing the publication of suspects photographs before charging and judging them by the judiciary.<sup>57</sup>

### **3. Administration of justice, including impunity and the rule of law**

26. AIKarama indicated that although Article 60 of the Code of Criminal Procedure provides that custody cannot exceed 4 days, the accused cannot during this period contact their families and that even if lawyers are able to begin judicial proceedings during this period, they are not permitted to visit their clients. It added that Article 69 of the Code of Criminal Procedure refers to the length of pre-trial detention that it may not exceed three weeks and that the accused must be brought before a judge before three weeks pass. According to AIKarama, the judge can then decide on the possibility of extending the detention for the purposes of investigation. This detention can not exceed six months from the date of arrest. If the judge responsible for the investigation requests detention, it can be extended for thirty days by the competent court after hearing the accused and examining the status of trial (art. 70). This legal provision does not however put a limit on the number of extensions of this detention, which could be considered a contradiction with article 69.<sup>58</sup>

27. AIKarama reported that the law provides for an independent and impartial judiciary to guarantee fair trials and that however, it should be noted that the Emir personally appoints the judges, and that the appointment of judicial personnel must be approved by the government. It noted that many judges are not Kuwaiti nationals and have renewable employment contracts of one to three years and that this vulnerability does not allow them to exercise their functions in a serene and independent way, and so may hinder the principle of tenure of judges.<sup>59</sup> AIKarama recommended enshrining the principle of tenure of judges by extending it to all judges in the country, including foreign judges on contract, in order to ensure real independence of the judiciary.<sup>60</sup>

### **4. Right to privacy, marriage and family life**

28. HRW stressed that foreign husbands of Kuwaiti women have no legal right to remain in the country without residency permit and that 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.<sup>61</sup>

29. According to RI, many Bedun are reluctant to marry, because they can not support a family and fear that their children would face the same hardships. Those who married were denied marriage certificates, though some go to unusual lengths to obtain one. Couples

must either bring lawsuits to prove in court that they are indeed married, or arrange to have their marriages registered in another Arab Gulf country. Some stateless couples use a legal resident's name. Other families are forced to live separately in their attempts to resolve their problem by changing their marital status or by traveling to countries where they think they can find alternative solutions.<sup>62</sup>

30. HRW stated that Kuwait continues to criminalize consensual homosexual conduct<sup>63</sup> and that Kuwait's National Assembly in December 2007 introduced restrictions on privacy and on a person's free choice of dress.<sup>64</sup> HRW recommended stopping the arrest of individuals based on their sexual orientation or gender identity or presentation and repealing articles 193 and 198 of the Kuwaiti Penal Code, criminalizing consensual homosexual conduct and imitating the appearance of a member of the opposite sex, respectively.<sup>65</sup> Similar information and recommendations were provided by ARC International/ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ARC/ILGA)<sup>66</sup> which added that Kuwait maintained criminal sanctions against sexual activity between consenting adults.<sup>67</sup>

## **5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

31. IRPP noted that while freedom of opinion, assembly, religion, speech and movement are all outlined in the Constitution, they are all subject to limitations and that these freedoms are guaranteed but can only be exercised "in accordance with the conditions and procedures defined by law." It stated that essentially, the government has the right to limit all the freedoms listed above if a person does not exercise that right in the proper manner.<sup>68</sup> According to IRPP, the official religion of Kuwait and the inspiration for its Constitution and legal code is Islam. With laws inspired by the Sharia, religious laws do not protect other religions as well as Islam. Religious freedom and practice are limited both in the Constitution and in schools and the public.<sup>69</sup>

32. KABEHR indicated that more than a hundred nationalities live in Kuwait and practice their different beliefs and religions in total freedom in accordance with applicable local laws.<sup>70</sup> IRPP considered that the state is biased toward the Sunni sect of Islam, funding their mosques and providing religious instruction in schools for their children. Shi'a Islam, Christianity and other religions are at a disadvantage because they are often prevented from practicing openly and are not supported by the government.<sup>71</sup> It reported that there are seven Christian churches which at least some level of official recognition and can worship openly. However, there is no official list of recognized religious institutions, which is another example of the lack of transparency within the government. It has been reported that Christian groups who are not registered believe it is impossible to gain that recognition, according to IRPP.<sup>72</sup>

33. IRPP indicated that education is one of the main realms in which religious discrimination exists. It noted that Islam is taught in all public schools and any private school that has one or more Muslim student and that the Catholic Church petitioned to be able to teach Catholicism to Catholic students, in private schools, during the time that Islam was being taught, but they were denied. It added that the National Evangelical Church applied for a license for their school that had been operating for many years and that they were also denied, reportedly on ideological grounds.<sup>73</sup>

34. IRPP concluded that the Constitution of Kuwait needs to be amended to provide for equal protection of all religions, without exceptions and that the current favoritism of Sunni Islam is limiting the religious freedom of all other groups. It added that citizenship laws need to be extended to members of all religions and ethnicities and that if the funding of mosques continues, the state must also provide funding for the construction of other

religious places of worship. The state needs to treat all religions equally and give them the same protection under the law, according to IRPP.<sup>74</sup>

35. According to HRW, Kuwait has a mixed record on the right to freedom of expression. Journalists in July 2009 formed an independent union, four years after a Kuwaiti court dismissed their attempt to do so. Reform of the press law in 2006 struck imprisonment as punishment for infractions of the law, but maintained high fines. Since then, the number of cases for defamation that the government has brought against journalists has risen.<sup>75</sup> IRPP noted that the 2006 Press and Publication Law put limitations on freedom of speech, with religious motivations.<sup>76</sup> KABEHR informed that Kuwait had ranked first in freedom of the press in the Arab and Middle East region in the 2009 report of the Organisation "Reporters Without Borders". It noted that the Ministry of Communications had closed down and spied on a number of electronic Blogs, although Kuwaiti laws ensure respect to the rights of individuals and groups to freedom of expression..<sup>77</sup>

36. KABEHR reported that there are no restrictions on the establishment of civil society organizations, associations and trade Unions.<sup>78</sup>

37. AIKarama mentioned that legislative power is exercised by the government and the national assembly and that as of 2006; the national assembly is elected from 5 constituencies of ten members. It added that the assembly is composed of 50 members who are elected for a period of 4 years and that the Emir can dissolve the national assembly by decree and a new election must then be held within two months.<sup>79</sup> IRPP mentioned that while the Amir has power to suspend the entire government, the people themselves have no right to change the government.<sup>80</sup> AIKarama indicated that political parties are not allowed, but the assembly is made up of different blocks, that only Kuwaiti citizens can vote and that the police and the army do not have the right to vote. Over the last three years, five cabinets have resigned and Parliament has been dissolved by the Emir three times - most recently in March 2009 - due to disputes between elected officials and the Government. New parliamentary elections were held in May 2009, according to AIKarama.<sup>81</sup>

38. HRW indicated that in 2005, Kuwaiti women won the right to vote and to run in elections and that in May 2009, voters elected four women to Parliament. It added that in November 2009, Kuwait's Constitutional Court rejected an appeal by a Kuwaiti citizen urging two of the women parliamentarians to step down because they do not wear the Islamic headscarf.<sup>82</sup>

## **6. Right to work and to just and favourable conditions of work**

39. HRW mentioned that while migrants in sectors such as construction are covered by the private sector labor law, in practice they are unable to ensure its protections, in particular concerning wage and safety provisions. It noted that a major barrier to redress is the sponsorship (kafala) system by which their legal residence in Kuwait is tied to their employer, who serves as a "sponsor".<sup>83</sup> KABEHR reported similar information and added that the sponsorship system currently in place is a clear violation of human rights, due to the abuse of the system as a whole and the apparent lack of relevant legislation. It informed that many civil society organizations called for revoking the sponsorship system and developing an alternative system that preserves the rights of all parties in a legal and humane manner.<sup>84</sup> HRW stressed that sponsors must consent to the worker leaving the country and that the employer often holds inordinate power to force workers to remain in abusive situations.<sup>85</sup> Similar information was provided by AIKarama<sup>86</sup> which added that in 2007 and 2008, migrant workers organised several strikes to protest against working conditions and low wages and that the government subsequently ordered the arrest of the strikes' leaders and the deportation of numerous strikers.<sup>87</sup>



40. KABEHR recommended: that no administrative deportation is implemented unless there is a court ruling and after conducting a transparent investigation by an independent Committee; that the law on human trafficking is adopted and that vigorous sanctions are imposed on those who contravene to it and; that the sponsorship system is revoked and an alternative system that preserves the rights of all parties in conformity with legal, transparent, humane and clear grounds is adopted.<sup>88</sup>

41. HRW indicated that Parliament's May 2009 draft revision of the Labor Law would incorporate more protective wage, working hour, and safety provisions, but does not elaborate monitoring mechanisms for workers' rights. It informed that the draft continues to exclude domestic workers from its protections which deprive them of protections afforded other workers, such as a weekly rest day or limits on working hours, thus leaving the conditions of employment subject to an employer's whim.<sup>89</sup> Similar information was reported by ODVV which added that most vulnerable were the many thousands of women employed as domestic servants, mostly nationals of south and south-east Asian countries and that women domestic workers commonly worked excessive hours for little pay and alleged that they were subject to physical and other abuse, including sexual abuse, at the hands of their employers, against which, in practice, they often had no remedy.<sup>90</sup> CABEHR reported similar information and referred to the increase in the suicide rates among domestic workers due to the high number of violations they suffer from.<sup>91</sup>

42. HRW noted that domestic workers must obtain their employer's consent to leave the country or to transfer employment unless they have completed three years of service. This system provides no exit option for workers with abusive employers, and instead contributes to trapping them in situations of labor exploitation, physical and sexual abuse, and forced labor.<sup>92</sup> Similar information was provided by AlKarama.<sup>93</sup> HRW mentioned that the requirement of sponsor's consent to leave the country often leaves many domestic workers who fled their workplace stranded at their embassies, at deportation centers, or at recruitment agencies. It added that workers who escape situations of abuse may also be arrested and detained before they can obtain any form of assistance, since their passport is often kept in employers' custody, and they fall out of legal status when they leave their employer.<sup>94</sup>

43. HRW recommended: including domestic workers in Kuwait's new draft labor law for the private sector and ensuring comprehensive protections including a weekly rest day, timely payment of wages in full, and limits to working hours; replacing the current sponsorship 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; investigating and prosecuting domestic worker abuse; creating and enforcing new legislation that requires employers to leave workers' passports in the possession of the workers themselves and; providing adequate shelter facilities, medical assistance, and counseling to workers fleeing situations of abuse, and staffing these centers with persons fluent in workers' native languages.<sup>95</sup>

44. KABEHR recommended further enacting a law regulating the relationship between the employer and the domestic worker; enforcing the laws relating to violations of the rights of domestic workers in accordance with international standards and; strictly overseeing the domestic labor recruitment offices which commit serious violations against domestic workers.<sup>96</sup>

## **7. Migrants, refugees and asylum-seekers**

45. ODVV indicated that migrant workers in Kuwait continue to suffer a wide range of abuses.<sup>97</sup> According to HRW, more than one million foreign nationals reside in Kuwait. These migrants constitute an estimated 80 percent of the country's workforce. Many of them experience exploitative labor conditions including private employers who do not pay

them the wages they have earned and who confiscate their passports. Most of the workers pay exorbitant recruitment fees to labor agents in their home countries, and must then work off their debt in Kuwait.<sup>98</sup>

### **III. Achievements, best practices, challenges and constraints**

46. HRW reported that in August 2009, article 15 of the Passport Law 11/1962 was repealed to allow married women to obtain a passport without their husband's permission.<sup>99</sup>

### **IV. Key national priorities, initiatives and commitments**

N/A

### **V. Capacity-Building and Technical Assistance**

N/A

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

*Civil society*

IRPP	The Institute on Religion and Public Policy, Washington, DC, United States of America;
ECLJ	European Centre for Law and Justice*, Strasbourg, France;
KODFHR	Kuwaiti Organization for the Defense of Fundamental Human Rights, Kuwait;
ODW	Organization for Defending Victims of Violence*; Teheran, Islamic Republic of Iran;
KWHR	Kuwait Society for Human Rights, Kuwait;
ARCI/ILGA	ARC International/ International Lesbian, Gay, Bisexual, Trans and Intersex Association; Geneva; Switzerland;
AHR	Alkarama for Human Rights, Geneva, Switzerland;
RI	Refugees International*, Washington, DC, United States of America;
GIEACPC	Global Initiative to End All Corporal Punishment of Children; London, United Kingdom;
HRW	Human Rights Watch*; Geneva; Switzerland.

<sup>2</sup> ODVV, p.2, para.6; See also CABEHR, pp. 2–3.

<sup>3</sup> AlKarama, p. 2.

<sup>4</sup> CABEHR, p. 3.

<sup>5</sup> ODVV, p.2, para. 11<sup>a</sup>.

<sup>6</sup> HRW, p.4.

<sup>7</sup> AlKarama, p. 6.

<sup>8</sup> ODVV, p.2, para.7.

<sup>9</sup> AlKarama, p. 1.

<sup>10</sup> IRPP, p. 3, para. 13; See also ECLJ, p.1.

<sup>11</sup> AlKarama, pp. 2–3

<sup>12</sup> CABEHR, p. 2.

<sup>13</sup> AlKarama, p. 6.

<sup>14</sup> CABEHR, p. 2.

<sup>15</sup> HRW, p. 1.

<sup>16</sup> HRW, p. 1.

<sup>17</sup> HRW, p. 1–2.

<sup>18</sup> HRW, p. 4–5.

<sup>19</sup> CABEHR; p. 5.

<sup>20</sup> RI, p.1, para. 7.

<sup>21</sup> RI, p.2, para. 11.

<sup>22</sup> RI, p.2, para. 12.

<sup>23</sup> KSHR, p. 2.

<sup>24</sup> RI, p.2, para. 12.

<sup>25</sup> RI, p.2, para. 10.

<sup>26</sup> HRW, p. 2.

<sup>27</sup> RI, p. 4, para. 27.

<sup>28</sup> AlKarama, p. 5.

<sup>29</sup> RI, p. 3, para. 16.

<sup>30</sup> AlKarama, p. 5.

<sup>31</sup> KSHR, p. 2.

<sup>32</sup> HRW, p. 2.

<sup>33</sup> AlKarama, p. 5.

<sup>34</sup> CABEHR, p. 3.

<sup>35</sup> CABEHR, p. 3.

<sup>36</sup> KSHR, p. 1.

<sup>37</sup> HRW, p. 2.

<sup>38</sup> CABEHR, p. 3.

<sup>39</sup> RI, p.5, Para. 28.

<sup>40</sup> RI, p.5, Para. 29.

- <sup>41</sup> RI, p.5, Para. 32.  
<sup>42</sup> HRW, p. 4.  
<sup>43</sup> CABEHR, p. 3.  
<sup>44</sup> HRW, p. 1.  
<sup>45</sup> AlKarama, p. 3.  
<sup>46</sup> AlKarama, p. 2.  
<sup>47</sup> AlKarama, p. 6.  
<sup>48</sup> GIEACPC, p. 1.  
<sup>49</sup> HRW, p. 2.  
<sup>50</sup> HRW, p. 5.  
<sup>51</sup> HRW, p. 4.  
<sup>52</sup> ODVV, p. 2, paras 9–10.  
<sup>53</sup> ODVV, p. 2, paras.9–10.  
<sup>54</sup> KABEHR, p. 4.  
<sup>55</sup> AlKarama, pp.3–4.  
<sup>56</sup> KABEHR, p. 4.  
<sup>57</sup> KABEHR, p. 5.  
<sup>58</sup> AlKarama, p. 3.  
<sup>59</sup> AlKarama, p. 3.  
<sup>60</sup> AlKarama, p. 6.  
<sup>61</sup> HRW, p. 1.  
<sup>62</sup> RI, p. 4, para. 23.  
<sup>63</sup> HRW, p. 2.  
<sup>64</sup> HRW, p. 3.  
<sup>65</sup> HRW, p. 5.  
<sup>66</sup> ARC/ILGA, pp.1–2.  
<sup>67</sup> ARC/ILGA, p. 1.  
<sup>68</sup> IRPP, p. 2, para. 7.  
<sup>69</sup> IRPP, p. 1, para. 1.  
<sup>70</sup> CABEHR, p. 5.  
<sup>71</sup> IRPP, p. 1, para. 1.  
<sup>72</sup> IRPP, p. 4, para. 15.  
<sup>73</sup> IRPP, p. 4, para. 17.  
<sup>74</sup> IRPP, p. 5, para. 23.  
<sup>75</sup> HRW, p. 1  
<sup>76</sup> IRPP, p. 4, para. 16.  
<sup>77</sup> KABEHR, p. 5.  
<sup>78</sup> CABEHR, p. 5.  
<sup>79</sup> AlKarama, p. 2.  
<sup>80</sup> IRPP, p. 2.  
<sup>81</sup> AlKarama, p. 2.  
<sup>82</sup> HRW, p. 2; See also CABEHR, p. 1.  
<sup>83</sup> HRW, p. 3.  
<sup>84</sup> CABEHR, p. 3.  
<sup>85</sup> HRW, p. 3.  
<sup>86</sup> AlKarama, pp. 5–6.  
<sup>87</sup> AlKarama, p. 6.  
<sup>88</sup> CABEHR, p. 4.  
<sup>89</sup> HRW, pp. 3–4.  
<sup>90</sup> ODVV, p. 2, para. 9.  
<sup>91</sup> CABEHR, p. 4.  
<sup>92</sup> HRW, pp. .3–4.  
<sup>93</sup> AlKarama, p. 5–6.  
<sup>94</sup> HRW, p. 4.  
<sup>95</sup> HRW, p. 5.  
<sup>96</sup> CABEHR, p. 4.

<sup>97</sup> ODVV, p. 2, para. 9.

<sup>98</sup> HRW, p. 3.

<sup>99</sup> HRW, p. 2; See also CABEHR; p. 5.

---