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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Kuwait*

The present report is a summary of 17 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. A number of organizations³ recommended that Kuwait ratify/accede to ICCPR-OP1, ICCPR-OP2, OP-ICESCR, OP-CAT, ICRMW, the Rome Statute of the International Criminal Court, the 1954 and 1961 Conventions on Statelessness⁴, as well as the ILO Conventions that it had not yet ratified to date, including the ILO Convention No. 189.⁵

2. Alkarama Foundation (Alkarama) recommended that Kuwait make declarations under articles 21 and 22 of CAT.⁶ It also reiterated UPR recommendation 80.7 for the withdrawal of reservations to CAT and accession to OP-CAT.⁷

3. Human Rights Watch (HRW) recommended that Kuwait ratify the ICC Statute and align national legislation with all obligations therein.⁸

4. Kuwaiti Association of the Basic Evaluation of Human Rights (KABEHR) recommended that Kuwait withdraw its reservation to Article 25(b) of ICCPR, as well as its reservation to CEDAW.⁹ Joint Submission 1 (JS1) also recommended that Kuwait lift the reservations to Article 7 of CRC and Article 9 (2) of CEDAW.¹⁰

2. Constitutional and legislative framework

5. A number of organizations recommended that Kuwait adopt a comprehensive law for the children's rights in accordance with CRC.¹¹

6. Q8Citizens and KABEHR recommended that Kuwait amend the law combating the trafficking of persons and the smuggling of migrants so as to be consistent with the provisions of the United Nations Convention on Transnational Organized Crime and its protocols.¹²

3. Institutional and human rights infrastructure and policy measures

7. A number of organizations noted the absence of a national human rights institution and recommended that Kuwait establish one, according to the UPR recommendations¹³ that it had accepted in 2010.¹⁴

8. KABEHR, Kuwait Society for Human Rights (KWHR) and Q8Citizens recommended that Kuwait develop a national human rights action plan.¹⁵ KWHR also recommended that Kuwait develop a national action plan to implement Security Council resolution 1325 on women, peace and security.¹⁶

9. KABEHR recommended that Kuwait make efforts to promote education and awareness of human rights within the society.¹⁷ Freedom Organization for Human Rights (FOHR) recommended that Kuwait include the subject of human rights in the training for the military and the police.¹⁸

B. Cooperation with human rights mechanisms

Cooperation with special procedures

10. Alkarama noted that Kuwait had issued a standing invitation to the special procedures on 12 May 2010, however, that no mandate holders had visited the country

since the visit of the Special Rapporteur on Racism in 1996. Alkarama recommended that Kuwait invite particularly the Special Rapporteurs on Torture and Minority Issues and the Working Group on Arbitrary Detention.¹⁹

C. Implementation of international human rights obligations

1. Equality and non-discrimination

11. HRW noted, as encouraging reforms, several developments with regard to the rights of women. For example, a 2013 judicial decision granted women the right to apply for posts as prosecutors, allowing them to enter the career path to become judges eventually. In 2012, an administrative court cancelled a ministerial order that had barred women from entry-level jobs at the Ministry of Justice. Also in 2012, an administrative court ordered Kuwait University to cancel a policy requiring female students to achieve better results in exams than male students in order to enrol in certain departments like medicine and architecture.²⁰

12. A number of organizations, however, remained concerned at the Nationality Law which still denied Kuwaiti women the right to grant their children citizenship unless they divorced or became widowed as well as their right to pass on their citizenship to her foreign husband.²¹ According to Kuwait Society of Anti-Racial Discrimination (KSARD), the General Directorate of Nationality had issued more obstacles for a Kuwaiti woman married to a non-Kuwaiti man. For example, in order to pass on her Kuwaiti nationality to her children, seven years must elapse after she obtained an irrevocable divorce, or five years after she became a widow.²²

13. HRW, KABEHR, and Joint Submission 2 (JS2) recommended that Kuwait amend the Nationality Law to recognize Kuwaiti women's right to confer nationality on spouses and children on par with the right enjoyed by Kuwaiti men and ensure that women had equality before the law.²³

14. According to HRW, foreign husbands of Kuwaiti women had no legal right to remain in the country without a residency permit. Such permits were granted only to non-Kuwaiti men who were employed. In contrast, foreign women married to Kuwaiti men were granted residency automatically and qualify for citizenship after ten years of marriage.²⁴ Rawasi indicated that, in case of the death of a Kuwaiti woman, her husband and children should find a Kuwaiti sponsor or leave the country.²⁵

15. HRW furthermore informed that Kuwait's Personal Status Laws – both the codified law no.51 of 1984 which applied to Sunni Muslims and the uncodified Ja'fari interpretation of personal status matters which applied to Shi'a Muslims – discriminated against women. In particular, women's testimony was given lesser weight than men's; they were afforded lesser inheritance rights; and spouses were assigned unequal rights and responsibilities as to marriage, during marriage and at its dissolution.²⁶

16. HRW continued that, among the most discriminatory provisions in the Personal Status Law No.51 of 1984 were those regarding contracting marriage. Unlike a man, a woman was not free to conclude her marriage contract but must have a male guardian (wali) do so on her behalf, regardless of her age. While she might appeal to the courts, she still could not marry if the court ruled against her. In addition, the minimum age for a marriage was 15 for women, and 17 for men in contravention with international standards that recommended a minimum age of marriage at 18. Witnesses to the marriage must be Muslim men for the marriage to be valid. In addition, a man might legally have up to four wives simultaneously, without the permission or even the knowledge of his first wife/wives.²⁷ JS2 indicated that, although the law required the consent of a woman for marriage, it did not stipulate hearing her direct verbal approval or having her signature on

the marriage contract, which might lead to marrying her off without her knowledge or consent.²⁸

17. JS2 furthermore indicated that divorce procedures in the Ja'fari code were difficult on wives as they allowed women to give up their right to custody in order to get a divorce, which might have a social or psychological effect on the child. In the case where custody was not granted to a mother, this right passed to a series of relatives as stipulated by the law without considering the best interest of the child. A non-Muslim woman was prohibited from having custody over her child on a discriminatory basis once s/he turned seven years.²⁹

18. According to Rawasi, when a Kuwaiti woman, who was married to a non-Kuwaiti man and who possessed a property, passed away, under the Housing Care Law No. (47/1993), her children were not entitled to transfer the title deed to their names based on the argument that foreigners were not entitled to own a property.³⁰ KABEHR indicated that the Housing Act 2/2011 and the Credit and Savings Bank Law 3/2011 were also discriminatory against Kuwaiti women, in terms of their status as being divorced or widowed from foreigner spouses versus Kuwaiti spouses.³¹ KWHR recommended that Kuwait remove all discriminatory provisions in the housing law.³²

19. National Society for Protection of Children (NSPC) stated that children might be deprived of the right to education if their mothers were divorced or widowed, as divorced women were not entitled to enrol their children in school without the prior consent of their father or guardian.³³

20. HRW indicated that, as non-Kuwaitis, the Bidoun (stateless persons) faced restrictions in employment, health care, education, marriage and founding a family. They had no right to residency in Kuwait, and might be subject to deportation if found guilty of committing certain crimes.³⁴ FOHR recommended that Kuwait abolish all forms of discrimination against the Bidoun and integrate them in the society.³⁵

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

21. HRW stated that, in 2013, Kuwait had executed several men convicted of murder, abduction and rape. These cases were the first applications of the death penalty in Kuwait since 2007.³⁶ HRW recommended that Kuwait reinstate a *de facto* moratorium of the death penalty and move towards complete abolition.³⁷

22. Alkarama, KABEHR and Q8Citizens recommended that Kuwait include, in the Penal Code, a clear definition of the crime of torture that corresponded to CAT.³⁸

23. KABEHR was deeply concerned about the high rate of cases of torture in places of detention.³⁹ Alkarama indicated that those responsible for torture of non-Kuwaitis or political opponents had complete impunity. It gave an example of a Kuwaiti citizen, Mohamed Ghazi Al-Maymuni Al-Matiri, who had been arrested for the sale of alcohol and tortured to death by the police. His death had caused uproar and led to the resignation of the Minister of the Interior. However, when it relates to the torture of the Bidoun or political opponents, the same rigorous standards were not observed in the investigation.⁴⁰

24. KABEHR and KWHR expressed concerns at the use of excessive force and repression against demonstrations of stateless persons,⁴¹ especially in the Taima region.⁴²

25. FOHR indicated that arbitrary arrests and detentions had increased after the "Arab Spring".⁴³ Alkarama stated that, although there were no recommendations related to arbitrary detention in the last UPR on Kuwait, it continued to be a common practice. Arbitrary arrests and detentions were used in particular to repress the exercise of freedom of peaceful assembly and freedom of opinion and expression.⁴⁴

26. KABEHR noted the Parliamentary Commission on Human Rights had confirmed in April 2014 that the conditions in police stations and places of detention did not meet humane standards, as they were crowded and poorly ventilated.⁴⁵ KABEHR recommended that Kuwait allow human rights organizations to have access to places of detention by conducting both regular periodic and unannounced visits⁴⁶ and ensure full respect of the United Nations Standard Minimum Rules for the Treatment of Prisoners.⁴⁷

27. KABEHR stated that the practice of physical, verbal, and psychological violence against women was widespread.⁴⁸ HRW noted that Kuwait had no laws prohibiting domestic violence, sexual harassment or marital rape.⁴⁹ JS2 indicated that Article 153 of the Penal Code reduced sentences for “honour killings” for men, while women who committed equivalent crimes did not benefit from similar reductions. JS2 also stated that the procedures for reporting cases of domestic violence did not afford confidentiality.⁵⁰

28. Joint Submission 3 (JS3) stated that almost all households employed domestic workers, the majority of whom were women. According to JS3, many were viewed as sex objects and considered to be slaves. There was no Kuwaiti legislation that protected female domestic workers from discrimination and sexual harassment in the workplace.⁵¹

29. NSPC indicated that there were also many cases of domestic violence against children, however, reporting such cases was limited, especially cases involving sexual assault. Mothers often did not disclose acts of child abuse committed by fathers based on a misconception that, by not doing so, they would be maintaining their family unity.⁵² Due to the lack of shelters, the abused children returned to the same environment, where they had first been exposed to violence.⁵³

30. According to JS2, in the case where a child decided to file a legal complaint against his/her guardian or caretaker due to incurring physical or sexual violence, investigation bodies would refrain from accepting his/her complaint owing to him/her being under the legal age of 21 years and thereby requiring the prior consent of his/her guardians to file the complaint. Even if a case was registered against a guardian, there were no mandatory procedures for separating a child from his/her guardians until the case was settled because of the absence of appropriate shelters for assaulted children.⁵⁴

31. Association of Kuwaiti Social Workers (AKSW) noted the absence of a national institution competent to handle domestic violence. Educational curricula creating awareness about domestic violence were rare.⁵⁵ JS3 recommended that Kuwait actively monitor and gather data on the incidence of all crimes against women including rape, sexual and domestic violence and discrimination.⁵⁶ HRW recommended that Kuwait raise awareness about gender-based violence, create accessible complaints mechanisms for reporting sexual and domestic violence, including hotlines, and ensure that complaints are investigated, prosecuted when warranted, and that judgments are enforced.⁵⁷

32. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment of children was lawful despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and during the 1st UPR on Kuwait in 2010. GIEACPC noted that Kuwait had accepted the UPR recommendation⁵⁸ on this subject.⁵⁹ GIEACPC expressed hope that the UPR Working Group would make a specific recommendation that the draft new Child Act under discussion include prohibition of all corporal punishment in all settings and repeal the right to discipline from the Penal Code.⁶⁰

3. Administration of justice and the rule of law

33. JS2 stated that the Legislative Decree Regulating the Judiciary (23/1990) deprived the judiciary of its administrative and financial independence, making it greatly dependent on the Ministry of Justice. The law granted the Minister of Justice the ability to influence appointing, promoting, and discharging judges and members of the prosecution service.

Many judges were non-Kuwaiti and required to renew their contracts every two years, which affected their autonomy since this matter was subject to the approval of the Ministry of Justice.⁶¹

34. Joint Submission 4 (JS4) indicated that serious concerns persisted about ongoing political interference in the judiciary as well as judicial abuse to silence government critics. In addition, under the Penal Code, police might detain a suspect without charge or access to legal counsel or family for up to four days.⁶²

35. JS2 stated that, according to the Legislative Decree 23/1990, some issues were excluded from litigation. For example, a number of disputes were excluded from being looked into by courts, such as granting of Kuwaiti nationality, its withdrawal and revoking and decisions on deportation and administrative removal, which denied some people any redress for abuses and injustices.⁶³ JS1 raised similar concerns.⁶⁴

36. KABEHR stressed the importance of expediting the enactment of a law to establish a Family Court, as pledged by Kuwait in its development plans for the years 2010-2011 and 2013-2014.⁶⁵ AKSW and Rawasi also recommended that Kuwait establish a court for family affairs in each district of the country.⁶⁶

4. Right to privacy

37. HRW stated that the Penal Code punished consensual intercourse between men. Moreover, an amendment to article 198 of the Penal Code criminalized “imitating the appearance of the opposite sex,” imposing arbitrary restrictions upon individuals’ rights to privacy and free expression.⁶⁷ According to HRW, in 2012, the police had arrested hundreds of young people on spurious grounds which included “imitating the appearance of the opposite sex,” engaging in “lewd behaviour” and “immoral activities,” prostitution, and homosexuality.⁶⁸

5. Freedom of movement

38. Alkarama noted that the majority of the Bidoun were deprived of identification documents or passports to travel.⁶⁹ HRW also indicated that the Bidoun could not freely travel in and out of Kuwait and that the Government issued them one-time travel documents at its discretion.⁷⁰ FOHR recommended that Kuwait abolish the so-called security restrictions against the Bidoun and facilitate travel procedures by issuing them travel documents for a long-term or multiple entries.⁷¹

6. Freedoms of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

39. According to JS2, law 5/2005 concerning Kuwait Municipality granted the Municipality Council the capacity to license places of worship for non-Muslims. JS2 indicated, however, that there were no licensed places of worship for religions other than Christianity and that no license had been issued in the past years to build any new places of worship.⁷²

40. JS2 continued that the Nationality Law prohibited naturalizing non-Muslims. Naturalization would be rendered void if the person naturalized renounced Islam. Non-Muslims were also prohibited to work in the General Department of Investigations, the Public Prosecutors Office and the Judiciary, while the Personal Status Law denied apostates from Islam the right to get married. JS2 recommended that Kuwait amend legislation to eliminate discrimination based on religion.⁷³

41. National Committee of Monitoring Violations (NCV) stated that freedom of expression had been deteriorating in Kuwait. Affected by the Arab Spring, the Government

was showing growing anxiety towards political dissent. This anxiety had been augmented by increasing allegations of corruption by the ruling family members at an unprecedented scale, as well as feuds by the competing ruling family over power and control.⁷⁴ Reporters Without Borders International (RSF-RWB) indicated that, since the Arab Spring, the Government had been using all means at its disposal to control media and stifle dissident voices. No criticism of government leaders, or even of the Constitution, was tolerated.⁷⁵

42. KABEHR expressed serious concern at the prosecution of several bloggers and tweeters due to their opinions and political orientations as well as monitoring and blocking by the Government of some websites and closing down some newspapers, such as Al-Watan and Alam Al-Youm, in violation of Article 36 of the Constitution.⁷⁶ RSF-RWB raised similar concerns.⁷⁷

43. A number of organizations expressed concerns that many provisions, scattered through the country's statutes – Constitution, Press and Publication Law, Penal Code, the National Security Law – amounted to serious threats to freedom of information.⁷⁸

44. RSF-RWB stated that prison terms (up to one year) were included in the 2006 Press and Publication Law.⁷⁹ However, if some information providers were prosecuted under this law, judges mainly invoked the Penal Code, which provided for up to one year in prison and a heavy fine for a conviction on blasphemy towards “God, the prophets, their wives or Islam” (Article 111). Article 25 provided a term of up to five years in prison for a person who “objects to the rights and authorities of the Emir or faults him.”⁸⁰ The Law on National Security could also be used to hamper freedom of information. Dissemination of statements that could be interpreted as endangering national security could be punished by up to three years in prison. Consequently, social media users risked prosecution for expressing their opinions in blogs or on Twitter.⁸¹ HRW and JS4 raised similar concerns.⁸²

45. Alkarama stated that, since the last UPR on Kuwait, the Press and Publication Law was expanded by another “law on the protection of national unity.” This law had instituted additional restrictions and extensively criminalised a series of acts relevant to the exercise of freedom of expression.⁸³ RSF-RWB indicated that the law was enacted in May 2013 proposing **Error! Hyperlink reference not valid.** It would leave officials free to interpret it broadly, a power that would enable use of the law to stifle peaceful criticism of government policies.⁸⁴

46. NCV indicated that the Lese-Majeste law had been challenged in the constitutional court, but without success. The challenges were based on the fact that the language in the law was too vague and gave a lot of room for interpretation. In its response, the constitutional court had further broadened the scope of this law to include living and deceased monarchs as well as their ancestors and offspring.⁸⁵

47. RSF-RWB reiterated the previously formulated recommendation of the Human Rights Committee⁸⁶ concerning freedom of information and also recommended that Kuwait undertake a comprehensive reform of media laws and immediately release all persons presently imprisoned for exercising freedom of expression and opinion.⁸⁷ HRW recommended that Kuwait only pursue criminal charges against those exercising speech that amounted to incitement to violence or hatred and not seek prison sentences for speech alleged to be defamatory.⁸⁸

48. NCV reported that a number of demonstrations and rallies had been organized in order to protest the unilateral change of the election law in November 2012. However, these protests had resulted in a number of politically motivated prosecutions.⁸⁹ After the Emir had accepted the resignation of his nephew and Prime Minister, the authorities had taken a heavy-handed approach towards the opposition in what seemed like a retaliation move that had resulted in a huge number of politically motivated prosecutions, especially on charges of unlicensed assembly and blasphemy of the Emir (Lese-Majeste).⁹⁰

49. JS4 stated that, in 2011, the failure of the Government to introduce substantive democratic reforms in the wake of a deepening political crisis precipitated the largest public protests in Kuwait's history. In response, in October 2012, the Government invoked the Public Gatherings Law (No. 65 of 1979) banning all public assemblies of more than 20 people. However, protestors routinely defied the ban, leading to the use of mass arrests and excessive force by security forces.⁹¹

50. JS4 continued that Article 12 of the Public Gatherings Law prohibited non-Kuwaitis from taking part in public demonstrations.⁹² NCV indicated that many defence lawyers had challenged the constitutionality of this law, however, some of the judges had neglected these challenges. In response, the constitutional court had ruled that the right to assembly was restricted to Kuwaiti citizens only.⁹³ According to JS4, in 2013, the Bidoun staged a number of public rallies and demonstrations calling for citizenship rights.⁹⁴ Alkarama noted that arrests due to peaceful protests had multiplied during the last few years, in particular among the Bidoun.⁹⁵ HRW raised similar concerns.⁹⁶

51. JS4 expressed concerns at legislative and extra-legal measures taken to curtail the legitimate work of civil society organizations (CSOs), in an apparent attempt to suppress criticism and pluralistic debate of government policy.⁹⁷

52. According to JS4, Law 24 of 1962 was the primary legal instrument regulating the operations of civil society. Its articles 2 and 3 provided that all CSOs must register with the Ministry of Social Affairs and Labour. However, the process was reportedly severely politicized, with the Government frequently denying registration permits to independent organizations it deemed critical of government policy.⁹⁸

53. JS4 furthermore stated that human rights defenders advocating for greater protections of the rights of the Bidoun had been disproportionately targeted by the Government.⁹⁹ A number of human rights defenders had also reported being subjected to torture and other inhuman or degrading treatment while in custody.¹⁰⁰

54. KWHR stated that the participation of women in political life was limited. There were only two female ambassadors out of 82 Kuwaiti diplomatic missions abroad.¹⁰¹

7. Right to work and to just and favourable conditions of work

55. JS2 reported that the new 2010 labour law limited the freedom of association that was granted by the previous law and that non-Kuwaiti workers were denied from declaring their unions.¹⁰²

8. Right to social security and to an adequate standard of living

56. JS2 indicated that, during 2009-2013, the price of residential areas and lands had increased significantly, which was believed to be a result of the increase in wages of Kuwaitis in the government sector. Consequently, migrant workers were the largest segment harmed, in addition to the Bidoun, who were of low income and not able to own property. The State did not provide adequate residential lands and did not enforce strict regulations controlling land speculation in the absence of an independent body to regulate the price of real estate.¹⁰³

9. Right to health

57. NSPC noted that health problems resulting from low levels of breastfeeding, heavy reliance on fast food and hyper-consumption of manufactured foods had led to the skyrocketing of obesity rates among children and the youth. Furthermore, there was insufficient data about their health, especially with respect to the issues related to sexual and reproductive health.¹⁰⁴

58. JS2 stated that Kuwait lacked the minimum standard of laws required to regulate the procedures for treating and admitting people living with mental illnesses to the hospital. Some patients suffered unjustified detention because their families refused to receive them, and there were no substitute shelters to accommodate them. This problem was prevalent among children due to the absence of legislative frameworks. JS2 recommended amending necessary legislation to regulate mental health according to WHO standards.¹⁰⁵

10. Right to education

59. JS1 stated that the Bidoun were deprived from equal opportunity in free and obligatory primary education. Bidoun children were only accepted in government schools if the mother was Kuwaiti and the father had a valid card. Other Bidoun children received their school education in low quality private schools, with very crowded classes and underqualified teachers. The delay in issuing birth certificates had also prevented some children from being officially registered in school.¹⁰⁶ KWHR stated that migrant workers were also still deprived of education in the public schools.¹⁰⁷

60. NSPC indicated that there was high failure rate (14.5 per cent) and drop-out rate (11.5 per cent) among students of public education for many social and familial reasons.¹⁰⁸

61. JS2 reported that tuition fees of private universities exceeded the financial ability of middle class income families. Consequently, the Bidoun who were of a lower income status were not able to enrol in private schools. Furthermore, the only public and free university, Kuwait University, accepted no more than 100 Bidoun, after meeting specific conditions and attaining percentages that surpassed those required of citizens.¹⁰⁹

11. Persons with disabilities

62. AKSW stated that persons with disabilities still encountered difficulties in following the governmental formalities, especially long administrative procedures in the government institution, Public Authority for the Handicapped Affairs. AKSW recommended that Kuwait create effective mechanisms for the government formalities and administrative procedures for persons with disabilities and provide a building furnished with all the services.¹¹⁰

12. Migrants

63. JS3 stated that foreign workers comprised two-thirds of the total population of Kuwait.¹¹¹ While these workers generally did not leave their employer unless they experienced abuse, migrants who decided to leave might be charged with absconding which was a criminal act. Workers who absconded were forced into an illegal status and might be punished by imprisonment and fines. If convicted of absconding, the migrant worker was not protected by Kuwaiti labour laws and was often deported. Migrant workers could report abuse, however, upon doing so, the police often notified the employer of the whereabouts of the worker instead of pursuing the migrant worker's case. When police did investigate cases of abuse or exploitation, there was often no other option but to deport the migrant as a result of absconding charges. Moreover, when the employer faced allegations of abuse or exploitation, they often filed counter charges against the migrant worker, typically of theft.¹¹² HRW and JS2 raised similar concerns.¹¹³

64. JS3 continued that, although it was illegal to withhold travel documents under Kuwaiti law, this was rarely enforced. The exploitation and abuse that occurred through the sponsorship system (Kafala) might amount to forced labor for migrant workers.¹¹⁴

65. HRW stated that the Parliament had passed a new private sector labour law in 2010. However, the law excluded migrant domestic workers, mainly women who came chiefly from South and Southeast Asia and worked and lived inside employers' homes. Their

exclusion under the current labour law deprived them of protections afforded to other workers, thus leaving the conditions of employment subject to the whim of their employer, who served as a “sponsor”.¹¹⁵

66. JS3 stated that the Ministerial Decision 200 of 2011 mitigated some of the negative effects of the sponsorship system by affording migrant workers the right to change their residence permit without permission from their employer, however this only occurred under very limited circumstances. Domestic workers that transferred to an employer in the private sector are liable to be charged with violating the immigration laws in Kuwait.¹¹⁶

67. JS3 recommended that Kuwait abandon the Kafala sponsorship system; protect the rights of domestic workers under the Private Sector Labour Law; reduce the vulnerability and dependency of female migrant workers on their employers; and improve and augment the resources available for migrant workers seeking justice.¹¹⁷ HRW, KABEHR, KWHR, and JS2 made similar recommendations.¹¹⁸

68. HRW stated that, in March 2013, Kuwait had announced its intention to reduce the number of expatriate workers by 100,000 every year for the next 10 years. Kuwait had since adopted a number of mechanisms facilitating quick, non-judicial deportations in order to reach its goal.¹¹⁹ KABEHR recommended that Kuwait allow for appeals to administrative deportation rulings.¹²⁰

69. A number of organizations raised serious concerns about the situation of the Bidoun.¹²¹ JS1 noted the establishment of the Central Bureau for Remediating Illegal Residents’ Status (Central Bureau) in 2010 to be the only officially recognized body to deal with the Bidoun, however, stated that the name of this body was the first indication that the State did not recognize the Bidoun as stateless, accusing them of an illegal status.¹²²

70. HRW indicated that, despite significant reforms announced in 2011 to increase welfare benefits and access to work for the Bidoun, the Government had not fulfilled promises to grant nationality to all those with legitimate citizenship claims.¹²³ In 2013, the Parliament passed a law to naturalize 4000 “foreigners”, but activists within the Bidoun community said that this measure did not benefit their community, but had functioned instead to facilitate citizenship for children born to Kuwaiti mothers and foreign fathers. The Central Bureau had confirmed to HRW in November 2013 that no Bidoun benefitted from the law that year.¹²⁴

71. KABEHR expressed concerns at the lack of clarity in the scope and mechanisms of the work of the Central Bureau and the time frame within which it was supposed to reach a solution to the problem. In view of KABEHR, the Central Bureau had increased Bidoun’s suffering through the security restrictions placed on them, preventing them from exercising many of their rights.¹²⁵ HRW recommended that Kuwait implement a strategic plan to remedy its longstanding problem of statelessness, in accordance with international legal standards and in consultation with UNHCR and local civil society organizations, and publish a timetable for ending statelessness and dedicate adequate resources to expediting resolution.¹²⁶

72. HRW recommended that Kuwait grant temporary legal residency to the Bidoun pending resolution of their claims to Kuwaiti nationality and cease treating them as “illegal residents”; grant nationality to children born in Kuwait who would otherwise be stateless; grant nationality to long-term residents with strong claims to nationality; continue to register all children born in Kuwait upon birth and issue them birth certificates, do not return to previous position of non-registration; issue travel documents, marriage registration, death certificates, and drivers’ licenses to all Bidoun.¹²⁷

73. KABEHR recommended that Kuwait ensure that applicants for citizenship receive notification as to reasons for denial and establish a review procedure for such applications.¹²⁸

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:*

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| AKSW | Association of Kuwaiti Social Workers, Kuwait (Kuwait); |
| Alkarama | Alkarama Foundation, Geneva (Switzerland); |
| FOHR | Freedom Organization for Human Rights, Sabah Alnasser (Kuwait); |
| GIEACPC | Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland); |
| HRW | Human Rights Watch, Geneva (Switzerland); |
| KABEHR | The Kuwaiti Association of the Basic Evaluators of Human Rights, Kuwait (Kuwait); |
| KSARD | Kuwait Society of Anti Racial Discrimination, Kuwait (Kuwait); |
| KWHR | Kuwait Society for Human Rights, Kuwait (Kuwait); |
| NCV | National Committee of Monitoring Violations, Kuwait (Kuwait); |
| NSPC | National Society for Protection of Children, Kuwait (Kuwait); |
| Q8Citizens | Q8Citizens: the national initiative to solve the Bedoun issue, Kuwait (Kuwait); |
| Rawasi | Rawasi (National Association of Familial Security), Kuwait (Kuwait); |
| RSF-RWB | Reporters Without Borders International, Paris (France). |

Joint submissions:

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| JS1 | Joint submission 1 submitted by: International Coalition for the Rights of the Statelessness, Kuwait (Kuwait) submitting on behalf of Group 29; The International Observatory on Statelessness (IOS); Bedoon Rights; Kuwait Centre for Active Citizenship; Kuwaiti Bidoun Committee; National Association of Familial Security “Rawasi”; and National Committee for Monitoring Violations; |
| JS2 | Joint submission 2 submitted by: Kuwait Civil Alliance, Kuwait (Kuwait) submitting on behalf of Kuwait Graduate Society; The Human Line Organization; Kuwaiti Bedouns Congregation; Social Work Society of Kuwait Youth Association of Kuwait; and Musawah Group; |
| JS3 | Joint submission 3 submitted by: Centre for Migrant Advocacy-Philippine Alliance of Human Rights Advocates, Quezon City (Philippines); |
| JS4 | Joint submission 4 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); and Gulf Centre for Human Rights (GCHR) (Lebanon). |

- ² The following abbreviations have been used in the present document:

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| 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 |
| 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 |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. |

- ³ Alkarama, p.1. and paras. 11.b. and 35/ KABEHR, p. 1. / KWHR, pp. 1-2. / HRW, p. 5. / Q8Citizens, recommendation 1. / JS1, recommendations 1 a) and b). / JS3, p. 11.
- ⁴ The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- ⁵ ILO Convention No. 189 concerning Decent Work for Domestic Workers.
- ⁶ Alkarama, para. 11.b.
- ⁷ Alkarama, para. 35. Recommendation 80.7: *Withdraw reservations to CAT and accede to its Optional Protocol (Switzerland)*. See A/HRC/15/15.
- ⁸ HRW, p. 5.
- ⁹ KABEHR, p. 4.
- ¹⁰ JS1, recommendations 2 and 3.
- ¹¹ KABEHR, p. 1 / NSPC, p. 5. / Rawasi, p. 6. / Q8Citizens, recommendation 3. / JS1, recommendation 8.
- ¹² KABEHR, p. 1. / Q8Citizens, recommendation 9.
- ¹³ See paras. 79.13 (Qatar), 79.14 (Algeria), 79.17 (Hungary), 79.18 (Azerbaijan), 79.19 (Iraq), 79.20 (Senegal), and 82.8 (France) in A/HRC/15/15.
- ¹⁴ AKSW, p. 3 / Alkarama, para. 19.a. / KABEHR, p. 1. / KWHR, p. 2. / JS1, pp. 1-2.
- ¹⁵ KABEHR, p. 1 / KWHR, p. 2 / Q8Citizens, recommendation 8.
- ¹⁶ KWHR, p. 5.
- ¹⁷ KABEHR, p. 2.
- ¹⁸ FOHR, p. 4.
- ¹⁹ Alkarama, paras. 20 and 21a.
- ²⁰ HRW, p. 1.
- ²¹ HRW, p. 1. / KSARD, pp. 1-3 / KWHR, p. 4. / NSPC, p. 4. / Rawasi, p. 3. / JS2, p. 5.
- ²² KSARD, p. 2.
- ²³ KABEHR, p. 5. / HRW, p. 4. / JS2, p. 5.
- ²⁴ HRW, p. 1.
- ²⁵ Rawasi, p. 3.
- ²⁶ HRW, p. 1.
- ²⁷ HRW, pp. 1-2.
- ²⁸ JS2, pp. 2 and 4.
- ²⁹ JS2, pp. 2-3.
- ³⁰ Rawasi, p. 3.
- ³¹ KABEHR, p. 4.
- ³² KWHR, p. 6.
- ³³ NSPC, p. 3.
- ³⁴ HRW, p. 2.
- ³⁵ FOHR, p. 4.
- ³⁶ HRW, p. 4.
- ³⁷ HRW, p. 5.
- ³⁸ Alkarama, para. 30. / KABEHR, p. 1. / Q8Citizens, recommendation 10.
- ³⁹ KABEHR, p. 4.
- ⁴⁰ Alkarama, para. 32.
- ⁴¹ KWHR, p. 3.
- ⁴² KABEHR, p. 3.
- ⁴³ FOHR, p. 2.
- ⁴⁴ Alkarama, paras. 36-38.
- ⁴⁵ KABEHR, p. 4.
- ⁴⁶ KABEHR, p. 5.
- ⁴⁷ KABEHR, p. 4.
- ⁴⁸ KABEHR, p. 4.
- ⁴⁹ HRW, p. 2.
- ⁵⁰ JS2, pp. 4-5.
- ⁵¹ JS3, p. 12.
- ⁵² NSPC, pp. 3-4.
- ⁵³ NSPC, p. 6.

- ⁵⁴ JS2, p. 2.
⁵⁵ AKSW, p. 2.
⁵⁶ JS3, p. 14.
⁵⁷ HRW, p. 4.
⁵⁸ *Take appropriate measures and introduce legislation which would prohibit corporal punishment of children (Slovenia)*. A/HRC/15/15, para. 79.10.
⁵⁹ GIEACPC, p. 1.
⁶⁰ GIEACPC, p. 1.
⁶¹ JS2, p. 5.
⁶² JS4, para. 3.2.
⁶³ JS2, p. 5.
⁶⁴ JS1, p. 7.
⁶⁵ KABEHR, pp. 1 and 5.
⁶⁶ AKSW, p. 2. / Rawasi, p. 6.
⁶⁷ HRW, p. 3.
⁶⁸ HRW, pp. 3-4.
⁶⁹ Alkarama, para. 26.
⁷⁰ HRW, p. 2.
⁷¹ FOHR, p. 4.
⁷² JS2, p. 9.
⁷³ JS2, p. 9.
⁷⁴ NCV, p. 4.
⁷⁵ RSF-RWB, p. 2.
⁷⁶ KABEHR, p. 3.
⁷⁷ RSF-RWB, p. 4.
⁷⁸ Alkarama, p. 4 / KWHR, p. 5 / NCV, pp. 3-4 / RSF-RWB, p. 1. / JS2, p. 8 / JS4, p. 6.
⁷⁹ RSF-RWB, pp. 1-2.
⁸⁰ RSF-RWB, p. 2. See also JS4, para. 4.2.
⁸¹ RSF-RWB, p. 2.
⁸² HRW, pp. 1-2. / JS4, para. 4.5.
⁸³ Alkarama, paras. 41-42.
⁸⁴ RSF-RWB, p. 2.
⁸⁵ NCV, p. 3.
⁸⁶ *The State party should revise the Press and Publication Law and related laws in accordance with the Committee's general comment No. 34 (2011) in order to guarantee all persons the full exercise of their freedom of opinion and expression. The State party should also protect media pluralism, and should consider decriminalizing defamation*. CCPR/KWT/CO/2, para. 25.
⁸⁷ RSF-RWB, p. 5.
⁸⁸ HRW, p. 4.
⁸⁹ NCV, p. 1.
⁹⁰ NCV, p. 2.
⁹¹ JS4, para. 5.2.
⁹² JS4, para. 5.3.
⁹³ NCV, p. 2.
⁹⁴ JS4, para. 5.3.
⁹⁵ Alkarama, para. 45.
⁹⁶ HRW, p. 3.
⁹⁷ JS4, para. 1.4.
⁹⁸ JS4, para. 2.2.
⁹⁹ JS4, para. 3.1.
¹⁰⁰ JS4, para. 3.2.
¹⁰¹ KWHR, p. 4.
¹⁰² JS2, p. 7.
¹⁰³ JS2, pp. 9-10.
¹⁰⁴ NSPC, p. 2.
¹⁰⁵ JS2, p. 11.

- ¹⁰⁶ JS1, p. 3. See also JS2, p. 3.
¹⁰⁷ KWHR, p. 3.
¹⁰⁸ NSPC, p. 3.
¹⁰⁹ JS2, p. 3.
¹¹⁰ AKSW, p. 3.
¹¹¹ JS3, p. 19.
¹¹² JS3, p. 5.
¹¹³ HRW, p. 3. / JS2, pp. 6-7.
¹¹⁴ JS3, pp. 5-6.
¹¹⁵ HRW, p. 3.
¹¹⁶ JS3, p. 10.
¹¹⁷ JS3, pp. 4-5.
¹¹⁸ HRW, p. 5. / KABEHR, pp. 1-2 / KWHR, p. 4. / JS2, pp. 6-7.
¹¹⁹ HRW, p. 3.
¹²⁰ KABEHR, p. 2.
¹²¹ AKSW, p. 4 / Alkarama, pp. 2-3 / FOHR, p. 5 / HRW, pp. 2-3 / KABEHR, p. 2 / KWHR, pp. 2-3 / Q8Citizens, pp 1-2 / JS1, pp. 1-10 / JS2, pp. 10-11 / JS4, pp. 4-5.
¹²² JS1, p. 1.
¹²³ HRW, p. 1.
¹²⁴ HRW, p. 3.
¹²⁵ KABEHR, p. 2.
¹²⁶ HRW, p. 5.
¹²⁷ HRW, p. 5.
¹²⁸ KABEHR, p. 5.
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