

KUWAIT Annex: Assessment of implementation of civic space recommendations under the 2nd cycle

<i>Right or area: 5.2. Institutions & policies</i>				<i>Status of implementation</i>
157.61. Establish an independent national human rights institution in accordance with the Paris Principles which complements the role of civil society organizations (Hungary); Source of position: A/HRC/29/17/Add.1	Hungary	Supported	5.2. Institutions & policies Affected persons: - general	Not implemented. Kuwait established a National Human Rights Institution (NHRI) by Act No. 67 of 2015. However, it was later amended by Act No. 15 of 2018, which restricted the NHRI's powers. It is currently not in line with the Paris Principles and has been granted Status B by the Sub-Committee on Accreditation of the GANHRI
<i>Right or area: 6. Human rights education and training</i>				
157.52. Strengthen training on human rights for non-governmental organizations (Morocco); Source of position: A/HRC/29/17/Add.1	Morocco	Supported	6. Human rights education and training Affected persons: - general	Not implemented. Legal and policy limitations placed on the rights to the freedoms of association, peaceful assembly and expression put HRDs at a continuous risk of detention, defamation campaigns, citizenship revocation and other forms of reprisals as a direct result of their work.
<i>Right or area: 7.1. Context, statistics, budget, cooperation with civil society</i>				
157.88. Enhance the cooperation with civil society (Austria); Source of position: A/HRC/29/17/Add.1	Austria	Supported	7.1. Context, statistics, budget, cooperation with civil society Affected persons: - general	Not implemented. See above.
<i>Right or area: 14.3. Freedom of opinion and expression</i>				
157.174. Guarantee the right to freedom of expression and allow the use of social media without undue restrictions and limitations (Italy); Source of position: A/HRC/29/17/Add.1	Italy	Supported	14.3. Freedom of opinion and expression Affected persons: - general	Not implemented. HRDs, journalists, bloggers and writers face arbitrary detention, interrogations, judicial harassment, prison sentences (including in absentia), travel bans, defamation campaigns, torture and other forms of inhumane and degrading treatment, as well as stripping of citizenship. The Cybercrime Law adopted in June 2015 restricts the freedom of expression and online activism. In April 2016, the national police force arrested WHRD Rana Al-Sadoun for reciting a speech by opposition leader containing a critique of the electoral law. She was sentenced in absentia to three years in prison with hard labour. In December 2016 she was acquitted on the condition that she sign a "pledge of good conduct" and pay bail of 1,000 dinars (approx. US\$3,280).

157.181. Ensure the realization of freedom of the press and the media, in line with ICCPR standards (Mexico); Source of position: A/HRC/29/17/Add.1	Mexico	Supported	14.3. Freedom of opinion and expression Affected persons: - media - general	Not implemented. See above. Additionally, in December 2017, journalist Abdullah Al-Saleh was sentenced in absentia to five years' imprisonment and hard labour for "abusing Saudi Arabia and insulting the United Arab Emirates (UAE)" under the Cybercrime Law. After a separate trial in January 2018, he was given a further 10-year sentence for "insulting Bahrain, Saudi Arabia and the UAE."
157.177. Ensure that media and internet laws fully comply with Kuwait's obligations to protect freedom of expression under international agreements (United States of America); Source of position: A/HRC/29/17/Add.1	United States of America	Supported	14.3. Freedom of opinion and expression 5.1. Constitutional & legislative framework Affected persons: - general - media	Not implemented. The Cybercrime Law adopted in June 2015 restricts the freedom of expression and online activism. Article 7 provides for up to 10 years in prison for "the publication of incitement to overthrow the regime in the country." Article 13 allows the authorities to close down news and media outlets and cybercafes if any of the acts criminalised under the law are committed there. It also denies bloggers and other internet users the means to disseminate opinions or access information.
157.179. Review existing laws including the Law on Press and Publication to ensure freedom of expression in accordance with international standards (Austria); Source of position: A/HRC/29/17/Add.1	Austria	Supported	14.3. Freedom of opinion and expression 5.1. Constitutional & legislative framework Affected persons: - general - media	Not implemented. See above regarding the Cybercrime Law. In addition, in 2016, the 2006 Press and Publications law was amended to also cover online publications.
157.180. Protect and respect the right to freedom of expression and introduce legislation and institutions to ensure the independence of the media, prevent censorship and promote transparency in public affairs (Norway); Source of position: A/HRC/29/17/Add.1	Norway	Supported	14.3. Freedom of opinion and expression 5.1. Constitutional & legislative framework Affected persons: - general - media	Not implemented. See above.
157.175. Fully guarantee the right to freedom of expression online/offline by revising relevant laws, including by repealing arrest, trial and imprisonment of persons exercising their freedom of opinion through media and Internet (Estonia); Source of position: A/HRC/29/17/Add.1	Estonia	Supported	14.3. Freedom of opinion and expression 13.3. Arbitrary arrest and detention 5.1. Constitutional & legislative framework Affected persons: - general - media	Not implemented. See above.
157.173. Legislate to guarantee the freedoms of expression, of assembly and of opinion (Australia); Source of position: A/HRC/29/17/Add.1	Australia	Supported	14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly Affected persons: - general - human rights defenders	Not implemented. See above on the freedom of expression. The right to peaceful assembly without prior authorisation or notification is guaranteed by Article 44 of the Constitution. However, the 1979 Public Gatherings Act has been arbitrarily used to ban public assemblies. Unauthorised gatherings have been dispersed by police forces using excessive force, including with

			- media	the indiscriminate use of teargas and sound bombs against peaceful protestors.
157.182. Guarantee in law and in practice, without any abusive restrictions, freedom of peaceful assembly and freedoms of opinion and expression, on the internet and in the traditional media, in line with the International Covenant on Civil and Political Rights ratified by Kuwait (France); Source of position: A/HRC/29/17/Add.1	France	Supported	14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly Affected persons: - general - media	Not implemented. See above.
157.183. Guarantee the right to freedom of expression, association and peaceful assembly of journalists, activists, human rights defenders and those who take part in demonstrations (Uruguay); Source of position: A/HRC/29/17/Add.1	Uruguay	Supported	14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly 14.5. Freedom of association Affected persons: - general - media - human rights defenders	Not implemented. See above. Law No. 24 of 1962 on Clubs and Public Welfare Societies gives the executive excessive powers to restrict the work of CSOs. CSOs must register with the Ministry of Social Affairs and Labour, but the Ministry has full discretionary power to deny registration without reason to CSOs considered to be “critical” of the state.
<i>Right or area: 42. Follow-up to UPR</i>				
157.87. Engage civil society in the implementation process of the accepted UPR recommendations (Poland); Source of position: A/HRC/29/17/Add.1	Poland	Supported	42. Follow-up to UPR Affected persons: - general	Not implemented.