



General Assembly

Distr.: General
29 September 2020

English only

Human Rights Council
Forty-fifth session
14 September–2 October 2020
Agenda item 6
Universal periodic review

Written statement* submitted by International Council Supporting Fair Trial and Human Rights, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

GE.20-12710(E)



Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



Kuwait restricts civil, political, economic, social and cultural rights by rejecting some of the Universal Periodic Review recommendations

The outcome of Kuwait's third Universal Periodic Review (UPR) during the 44th session of the Human Rights Council resulted in a total of 302 received recommendations. Kuwait took note of 12 recommendations, partially accepted 6, and rejected 54 of them on the pretext of either or all's contradiction to the constitution and Islamic law, the national identity, and or society's overall values and culture.

Repeating such pretexts every time is confirms the intransigence of the Kuwaiti authorities, especially the legislative authorities as they do not look to improve their laws in line with Kuwait's international obligations and political interests. As a result, a large number of the Kuwaiti people suffer from those laws and legislations that contradict that of international legislations.

Though the authorities noted that they will look into ratifying the remaining international core human rights treaties, they rejected all recommendations on that end. In specific, Kuwait did not support the recommendations to ratify the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED), the Rome Statute of the International Criminal Court (ICC), the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW), the Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), nor the First and Second Optional Protocol to the International Covenant on Civil and Political Rights (OP1-ICCPR, OP2-ICCPR).

In response to several recommendations to grant stateless persons their full rights, Kuwait insisted that there were "no stateless persons" in the country but only "illegal residents". The authorities have long denied the right of 120,000 Bidoons to nationality among other public services provided to Kuwaiti citizens.

Kuwait also rejected member states' recommendations to grant women the right to pass on their nationality to their children. Though the authorities partially accepted Italy and Chile's recommendation to criminalize domestic violence, they rejected the recommendation to ensure full equality between men and women and to criminalize sexual violence and marital rape.

Finally, Kuwait did not support the recommendation to adopt measures to combat domestic violence, to recognize the legitimate role of women human rights defenders, and to provide full citizenship and rights to the Bidoon population.

ICSFT deplores the falsification of facts and marginalization of the accumulated violations of the rights of a large group of Kuwaiti people who went out in peaceful assemblies to express their rejection of corruption, restrictions on freedom, racial discrimination and many other social problems.

What was presented during the UPR was not issued by an independent party, and therefore the report submitted in the context of the periodic review is devoid of credibility as it was 100% issued by a Governmental Authority and does not represent civil society and violates the Paris principles.

It is worth noting that Kuwait's rejection of these important recommendations will increase the number of prisoners of conscience, asylum seekers and suicides among the Bidoon. In fact, it will create an entire generation that will suffer from poverty, persecution and deprivation although Kuwait was seen as a country of humanity and democracy.

The more legislation passed in Kuwait which violate international protocols and treaties, the more violations of human rights arise. It is no longer acceptable for the authorities to continue hiding behind laws and legislation that they enforce to fight civilians and rob them away from their rights.

ICSFT, through its follow-up of the human rights situation in Kuwait, and despite its appreciation of the recommendations that have been accepted, is deeply concerned by the

rejection of some recommendations that would deteriorate the human rights situation in an unfortunate state.

Therefore, ICSFT insist the need to follow up through the United Nations mechanisms and bodies responsible for the human rights situation of Kuwait in order to investigate the violations that were concealed and falsified during the universal periodic review, and to persuade Kuwait to ratify all the recommendations directed to it.

In regards to the issue of the stateless Bidoon, and with the continuous refusal to resolve their case and deny their existence as a persecuted human group, the ICSFT emphasize the need to hold a special session of the Human Rights Council to discuss the issue of the stateless "Bidoon" and to investigate the major violations regarding the rights belonging to this persecuted group, and to mandate the concerned special rapporteurs to assist Kuwait to find solutions, effective mechanisms, and determine a process to solve this problem. This should be actioned as far away as possible from the Kuwaiti government due to their procrastination and inability to resolve this issue for 60 years now.

The next UPR of Kuwait will take place in 2025. Until then, ICSFT hopes that Kuwait will be responsible for adopting and implementing all accepted recommendations. We also hope that the recommendations rejected during the third periodic review will be accepted.
