

The Situation of Women Human Rights Defenders in Kuwait

*Submission to the 68th Pre-session of the UN Committee on the Elimination of All Forms of
Discrimination against Women to inform the List of Issues for Kuwait.*

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A. Introduction & background information on women human rights defenders

This is a joint submission made by the **International Service for Human Rights (ISHR) and the Gulf Centre for Human Rights**. This submission is made on the occasion of the consideration of the List of Issues for Kuwait at the Pre-Sessional Working Group of the 66th session of the UN Committee on the Elimination of Discrimination against Women (the Committee) and it addresses the issue of **women human rights defenders (WHRDs) in Kuwait**.

Section A of this report provides general background arguments as to why the Committee should continue to assess the situation facing women human rights defenders in States under review. **Section B** focuses on the particular risks facing WHRDs in Kuwait. **Section C** meanwhile, contains specific information on the relevant UPR recommendations made recently to Kuwait. Finally, our suggested questions feature in **section D**.

We contend that the issue of WHRDs should be prominent on the List of Issues and that the undue suppression of WHRDs and civil society who work to prevent the violation of, and seek to advance, Women's rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women, is a corollary violation of those rights.

This submission illustrates the risks and obstacles facing WHRDs in Kuwait. This submission highlights defenders working on *freedom of expression* both on-line and off-line as being particularly at risk and inadequate conditions of detention and fair trial processes for those defenders arrested. The government of Kuwait must do more to support civil society and engage with WHRDs if it is to guarantee the respect, protection and fulfilment of women's rights.

a. The definition of women human rights defenders

The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, (Declaration on Human Rights Defenders), defines a human rights defender as anyone working for the promotion and protection of human rights. This broad definition encompasses professional as well as non-professional human rights workers, volunteers, journalists, lawyers and anyone else carrying out, even on an occasional basis, a human rights activity.

The UN Special Rapporteur on the situation of Human Rights Defenders has articulated that women who act to promote or protect human rights and all individuals who defend the human rights of women or work for gender equality are collectively known as 'women human rights defenders' or WHRDs. These defenders can be representatives of civil society and non-government organisations, grassroots activists, lawyers, journalists, parliamentarians, members of the judiciary, and service providers who often help ensure that women can exercise their rights.

b. The importance of promoting and protecting women human rights defenders

The Declaration on Human Rights Defenders, as well as numerous Human Rights Council resolutions and reports by Special Procedures, have underlined the importance of HRDs in contributing to the implementation of human rights law. The effective protection and realisation of Women's rights relies upon the valuable contribution of civil society and WHRDs. Civil society and WHRDs play a vital role by monitoring and evaluating State compliance with the Convention, providing input into policy formulation and program and service design, raising the alarm on rights violations and holding decision-makers

accountable for the consequences of their actions. Without civil society and WHRDs the effective protection and realisation of women's rights protected by the Convention would be seriously undermined.

Therefore, States must ensure that WHRDs can play this vital role, by providing an enabling environment and respecting and protecting the rights of WHRDs, so that defenders can voice their concerns and critiques of government action without fear of reprisals.

General Assembly Resolution 68/181¹ details key issues facing WHRDs:

- “women human rights defenders are at risk of and suffer from violations and abuses, including systematic violations and abuses of their fundamental rights to life, liberty and security of person, to psychological and physical integrity, to privacy and respect for private and family life and to freedom of opinion and expression, association and peaceful assembly, and in addition can experience gender-based violence, rape and other forms of sexual violence, harassment and verbal abuse and attacks on reputation, online and offline, by State actors, including law enforcement personnel and security forces, and non-State actors, such as those related to family and community, in both public and private spheres” (preamble)
- “information-technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights” (preamble)
- “in some instances, national security and counterterrorism legislation and other measures have been misused to target human rights defenders, including women human rights defenders, or have hindered their work and endangered their safety in a manner contrary to international law” (preamble)
- It recognized “the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders, including women human rights defenders, to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with States’ obligations and commitments under international human rights law (preamble)
- It called upon States “to ensure that human rights defenders, including women human rights defenders, can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law, and in this regard to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts” (para 8)
- Furthermore, the Resolution urges States to put in place gender-specific laws and policies for the protection of women human rights defenders and to ensure that defenders themselves are involved in the design and implementation of these measures.

¹ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

c. The Committee's pronouncements on human rights defenders

The Committee has confirmed the importance of the State obligations to respect and protect WHRDs on numerous occasions including in the following Concluding Observations:

Bahrain (2014):

- **Women Human Rights Defenders:** Recommendation to “Ensure that **women activists** are able to exercise their rights to freedom of expression and association and that the July 2013 revision of the Law on the Protection of Society from Acts of Terrorism (2006) does not have a negative impact in this regard;” (paragraph 29)
- **Civil Society and Non-Governmental Organisations:** Recommendation to Ensure the representation of women and the inclusion of women’s issues in the continuing national dialogue and take specific steps, including through legal amendments, to create and ensure an enabling environment in which **women’s civil society groups and non-governmental organizations** working on gender equality and women’s empowerment may be freely established and can freely raise funds and operate. It also recommends that the State party strengthen its consultation with **civil society** in this regard;”

Syrian Arab Republic (2014):

- “The Committee expresses deep concern about the risks that **women human rights defenders and women humanitarian workers (women activists)** face since the outbreak of the conflict in the State party. It is particularly concerned at consistent reports indicating that **women activists** have been subjected to arbitrary detention, physical abuse and sexual violence by Government forces and consistent reports indicating that most of the **women activists** have been detained under terrorism charges, under the Law on Combating Terrorism. In this context, the Committee is further concerned at the broad definitions of acts of terrorism, terrorist organizations and financing of terrorism contained in Law No. 19/2012 in particular at the gendered impact of such broad definitions resulting in the exposure of **women activists** to gender-specific forms of abuse and harassment.
- The Committee urges the State party to guarantee the human rights of **women activists**; prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against **women activists** and adopt the draft law on Associations; ensure that there are no restrictions on the establishment of women’s and civil society organizations that are contrary to international human rights standards, and that women are able to freely participate in political and public life independent of the government and in an enabling environment in full respect of their freedoms of expression, association and assembly”.

Other examples can be found in the Concluding Observations on India, China, Uzbekistan, Venezuela, Poland, Gambia, Viet Nam, Uzbekistan, The Russian Federation, United Arab Emirates, Turkey, and Philippines. Nonetheless, so far, CEDAW has not explicitly acknowledged that the work of WHRDs is essential to the promotion, protection and realization of women’s rights and that attacks and restrictions against WHRDs amount to a violation of the CEDAW rights for which they advocate. The Committee on Economic, Social and Cultural Rights has adopted [a Statement](#)² in October 2016 which explicitly acknowledges that “any threat or violence against human rights defenders” can constitute “violations of States’ obligations towards the realization of Covenant rights” (para. 5). The CEDAW should interpret the Convention in a similar way.

² <https://goo.gl/fKcVKa>

B. Particular risks facing WHRDs in Kuwait

The Gulf Centre for Human Rights reports that since 2015, the situation for human rights defenders continued to deteriorate in the Gulf region and neighbouring countries. During peaceful public protests and uprisings in the region, women have taken leading roles in defending the human rights of their own and wider communities. 'The centrality that Women Human Rights Defenders (WHRDs) have played in each of these movements and protests cannot be understated. Their methods of activism have taken a variety of forms: research, direct action and activism, roles in public communication, direct assistance etc. that have all played crucial roles in holding governing bodies accountable as well as in demanding change'³.

The Gulf Centre for Human Rights' research based on documentation, missions and interviews, indicates that women human rights defenders face increased risks a result of their human rights work in the sub region. The conventional methods used against them include: extrajudicial killings, arbitrary arrests, trumped up charges, torture, exile and defamation campaigns. The unconventional, or rather more recent types of targeting include: online targeting and harassment, travel bans, revocation of citizenship, refusal to renew passport, refusal to issue birth certificates or official documentation for new-born children, denial of boarding, freezing of assets, denial of employment, targeting of spouses and threats of imprisonment without their infant children.

The UN Human Rights Committee, The Committee expressed concern in August 2016 about the possibility, under article 13 of Law No. 15 (1959) on nationality, to revoke Kuwaiti citizenship for "undermining the social or economic system" or "threatening the higher interests of the State or its security", which has increasingly been used arbitrarily for politically motivated reasons against governmental critics (para 47).

Women face particular challenges compared to their counterpart male activists; threats that take extreme forms of defamation, stigmatisation, social pressure, gender and sexual-based violence as well as marginalization and discrimination. Kuwait has several discriminatory laws and norms that WHRDs seek to address: discriminatory Nationality Laws and Personal Status Laws, laws governing access to finance and land; unequal rights over children; increasing reported violence against women; insufficient criminalisation of marital rape and so called 'honour killings'. The Human Rights Committee expressed concern in September 2016 about reports indicating that domestic violence is widespread and underreported and about the absence of legislation specifically protecting women.

Women are vastly under-represented in political and public life and domestic workers are particularly vulnerable and dependent, lacking legal and social protection. Independent media like Al Yawm have been closed while the issues related to the Bedoon community remain off the table. Sara Al-Drees' Trial Observation Report states that 'the crackdown on the Bedoon has been harsh, with prosecutions pursued against those attending protests. The effect has been plain: protests have effectively stopped. From regular gatherings running into the hundreds and thousands in 2011-13, the last significant protest was in 2015. Furthermore, Bedoon activists report a concerted attempt to ensure political loyalty through coercive administration. For example, family members of Bedoon activists have found the renewal of essential national identity cards blocked or postponed unless a declaration to cease political activity has been signed. "If you sign, then the documentation is renewed for a full year. If you don't, then you're only given a three-month card which you then have to keep going to back to renew," said one Bedoon activist.

³ Gulf Center for Human Rights: "BEFORE IT'S TOO LATE: A Preliminary Inquiry: Tangible Protection Mechanisms for Women Human Rights Defenders in the MENA Region and Beyond" 26 October 2016 available at <http://www.gc4hr.org/report/download/55>

The key restrictions affecting WHRD's who seek to defend and advance the rights of all women and work towards gender equality include:

- Freedom of expression continues to be seriously curtailed throughout the region and the exercise of this fundamental right has led to hundreds of arrests and judicial harassment throughout 2015. Rather than protecting human rights defenders and promoting their work at a time when their role in peacebuilding is so desperately needed, the authorities have passed new laws such as the Kuwaiti Cyber-Crime Law which came into force in January 2016.
- Human rights violations are committed and permitted under tactics of 'counter terrorism' and 'national security'.
- The Kuwaiti Cyber Crimes Law is used to target online activists including bloggers.
- Many prominent human right defenders and other activists remain in detention resulting in a strangle-hold on political activity.
 - Leading opposition MP **Musallam Al-Barrak** is serving a 2 year sentence for a speech critical of the Emir delivered in 2012. At least **15 others** (of a larger group of 67) charged with "repeating" the speech (and thereby also "insulting the Emir") by reciting extracts still have cases ongoing in the Court of First Instance over four years later.
 - Human rights activist **Rana Al-Sadoun** is also charged with "repeating" Barrak's speech of 2012, though in her case through a YouTube video. Her National Committee for Monitoring of Violations (NCMV) was at the forefront of holding state security to account for protest crackdown. She was sentenced to three years' imprisonment with hard labour in absentia on 21 June 2015. Upon her return to Kuwait on 16 April 2016, she was held in custody for one day before being granted bail, on condition of a travel ban.
 - Academic **Sheikha Al-Jassem** was charged in connection with an interview she gave on 8 March 2016 in which she addressed questions regarding religious extremism and the sources of constitutional law. On 14 April the prosecutor charged her for violations under Article 29 of Law 31 of 1970, Amending the Penal Code, and Article 11 of the 2007 Audio-visual Crimes Law
- Many detainees are subjected to inhumane prison conditions as well as ill treatment at the hands of prison authorities as detailed by the Committee on the Convention Against Torture in September 2016.
- Procedural and legal safeguards to ensure a fair trial fall below international standards.
- The National Human Rights Institution which has recently been established is not independent from government⁴, restricting its ability to properly challenge the government and monitor and improve conditions of detention.
- The government is also not engaging civil society fully to ensure a transparent and inclusive process of reform.

a. Freedom of Expression

Issues of concern include:

⁴ See para 40-41 of the most recent Concluding Observations of the UN Committee against torture on Kuwait, CAT/C/KWT/CO/3

- The detention and conviction of activists (above) including **Rana Al-Sadoun**.
- In July 2015, the National Assembly approved a **Cyber-Crimes Law** which establishes criminal penalties for offences such as hacking and retrieving personal data without authorisation. However, articles 6 and 7 also expand the reach of existing prohibitions on print publications so that they encompass the dissemination of information on-line including the use of social media and blogs.
- **Sara Al-Drees** is currently facing prosecution for breach of the law under Article 25 of Law No. 1970/31 (amending some of the provisions of the Penal Code); and Articles 20, 2-1/27 of law No. 3 of 2006 relating to Printing and Publications; and Articles 15/1 and 1/70 of law No. 37 of 2014 relating to Communications and Information Technology; and Articles 1/6, 8, 9-10,11 of the Cybercrime Law 2015. She was first prosecuted by the authorities in 2013, receiving a 20-month sentence for “insulting the Emir”, Kuwait’s hereditary executive ruler, Sheikh Sabah al-Ahmad al-Sabah through four tweets which made reference to repression of Kuwait’s then nascent political movements. The Appeal Court upheld the sentence but Al Drees was subsequently pardoned. The current prosecution stems from four tweets posted on 7 September and she faces a maximum penalty of five years’ imprisonment which, according to a trial observation [report](#)⁵ by a Barrister of England and Wales, ‘on any reasonable view, constitutes a legitimate exercise in freedom of expression under international law’. The report also states that the various provisions of the law being applied against Al Drees
 - i. offend the principle of legality – the offences created by the law – in particular Article 25 - are ill-defined and, in the absence of restrained and judicious interpretation, constitute an inherently disproportionate interference with freedom of expression;
 - ii. seek to apply a law of criminal defamation as regards the Emir’s reputation without adequate safeguards and
 - iii. introduce a broad subjective evaluation of “insult” against his person and
 - iv. via the new Cybercrimes law, prohibit even mere “criticism” of the Emir, with no reference to a standard of accuracy or public interest as a defence to such a charge, rendering the Emir “untouchable” in online discourse, upon the threat of conviction and financial penalties’.

The report states that it is ‘all the more concerning that defamation is being alleged against a private citizen using social media, with no apparent requirement to prove harm or damage to the purported victim’.

The legal framework restricting freedom of expression in Kuwait was subject to significant criticism by the **UN Human Rights Committee** in the Third Periodic Review (August 2016; CCPR/C/KWT/CO/3):

Para 40: *‘The Committee is concerned about reports of arbitrary arrest, detention, trial, withdrawal of citizenship and deportation of persons who exercise their freedom of opinion and expression.*

The Committee is particularly concerned about: (a) the adoption of new legislation to further curb the right to freedom of expression and opinion and extend State control and restrictions on Internet-based expressions under Law No. 37 (2014) on communications and Law No. 63 (2015) on cybercrime; (b) the criminalization of defamation and blasphemy and the application of restrictive, vague and broadly worded provisions to prosecute activists, journalists, bloggers and other individuals for expressing critical views or views deemed to “insult” the Emir or undermine his authority, defame religion or threaten the national security of Kuwait or the country’s relations with other States; (c) amendments made in June 2016 to

⁵ <http://www.gc4hr.org/report/view/60>

the electoral law barring persons convicted of defamation or blasphemy from standing for election; (d) the alleged termination of licences for audiovisual and print media critical of the Government; and (e) content control and denial of access to the Internet, and the revocation of service providers' licences without disclosing the reasons for doing so and without due process (arts. 9, 17-19 and 25).

The Committee recommends that (para41): *'The State party should: (a) repeal or revise laws containing provisions restricting the right to freedom of expression and opinion and repeal laws criminalizing blasphemy and insulting the Emir, among other acts, with a view to bringing them into conformity with its obligations under the Covenant; (b) clarify the vague, broad and open-ended definition of key terms in those laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted by article 19 (3) of the Covenant...'*

The United Nations Human Rights Committee has also stated in a General Comment on Article 19, General Comment No. 34, from 2011 that:

The mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties... [A]ll public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition... and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned.

The **UN Special Rapporteur** on the promotion and protection of the right to freedom of opinion and expression has repeatedly called for an end to the use of criminal defamation laws⁶ which 'are inherently harsh and have a disproportionate chilling effect on free expression. Individuals face the constant threat of being arrested, held in pre-trial detention, subjected to expensive criminal trials, fines and imprisonment, as well as the social stigma associated with having a criminal record.'

b. Detention and fair trial

The Barrister who authored the Sara Al-Drees' 'Trial Observation Report' also stated 'it is my view that in a number of respects the ongoing prosecution and trial of the Defendant falls short of fundamental fair trial standards. Those normative standards include rights embedded within the International Covenant on Civil and Political Rights (to which Kuwait has been a party since 1996), principally within article 14.

- Pre-trial detention in September and October 2016 was arbitrary and not necessary; an initial order for 21-day detention was disproportionate in the circumstances;
- Conditions of confinement in a police cell on 25-26 September 2016 constituted inhuman and degrading treatment⁷;
- The trial breached the absolute right to be presumed innocent until proven guilty according to law by effectively placing the burden on Al Drees to show that the tweets were neither insulting to, nor critical of, the Emir;

⁶ Report of the Special Rapporteur to the Human Rights Council, 2012.

⁷ Human Rights Committee, *General Comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment)*, para. 6; Committee against Torture Reports A/54/44, paras. 121 and 146; A/53/44, para. 135; and A/55/44, para. 182; and Inter-American Court of Human Rights, Judgment 29 July 1988, *Velasquez Rodriguez v. Honduras*, Series C No. 4, para. 156 and Judgment of 12 November 1997, *Suárez Rosero v. Ecuador*, Series C No. 35, paras. 90-91.

- The central charges brought against Al Drees act as a broad and unpredictable suppression of free speech and, by their wording, pose a significant obstacle to any Defendant being able to successfully mount a defence

The **UN Human Rights Committee** in its Concluding Remarks on the Third Periodic of Kuwait in August 2016 (CCPR/C/KWT/CO/3) expressed concern “that those who are arrested can be held in police custody for up to 10 days upon a written order of the investigator and may be presented before a judge only after that period (art. 9)” (para 26). “The State party should amend its legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours.” (para 27).

The **Committee Against Torture** in its review of the third periodic report in September 2016 expressed the same concern and recommendation, recording ‘consistent reports that some pre-trial detainees have not been brought before a judge for more than six months (art. 2)’ and made a number of other recommendations to ensure adequate detention and fair trial conditions.

In the **CEDAW** 2011 Concluding Observations, the Committee recommended that the State Party ensure that women are under the supervision of female guards in all places of detention, a recommendation echoed by the Committee against Torture in September 2016.

C. Freedom of association and civil society and the NHRI

In the last CEDAW Concluding Observations on Kuwait of 2011 (CEDAW/C/KWT/CO/3-4), the Committee noted the “lack of a participatory process in the preparation of the report, which was coordinated by the inter-ministerial International Liaison Committee and involved various Ministries, as civil society organisations were not consulted despite the Committee’s previous recommendation” (para 3). It also recommended that the State take systematic measures to engage media and NGOs in combatting negative stereotyping and societal attitudes (para 29).

The Committee requested “the wide dissemination in the State party of the present concluding observations in order to make the people, including Government, officials, politicians, parliamentarians and women’s and human rights organisations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of the present observations “ (para 58).

The Committee requests the State party “to ensure the **wide participation of all ministries and public bodies in the preparation of its next periodic report**, and to consult a variety of women’s and human rights organisations during that phase”. (para 62).

The **UN Committee Against Torture** September 2016 Concluding Observations refer to the National Human Rights Institution (Diwan Huquq Al Insan) and recommends that the State Party ensure its independence in full compliance with the principles relating to the status of NHRIs for the promotion and protection of human rights (the Paris Principles, para 40-41). In view of overcrowded prison conditions, it recommends that the State Party should enable the Diwan to effectively monitor and inspect all places of detention by making regular and unannounced visits (para 23.e) and should publish the reports containing its findings and that detained persons can complain about their conditions of detention to an independent complaints mechanism.

The above mentioned August 2016 Concluding Observations of the **UN Human Rights Committee** to Kuwait insisted on freedom of association. The Committee expressed concern

(para 44) “that articles 2, 3, 6 and 22 of Law No. 24 (1962) on clubs and public welfare societies place restrictions on the establishment and operation of civil society organizations, including by prohibiting them from engaging in political or religious advocacy and limiting their fundraising activities. In addition, the Committee remains concerned at reports that the State party imposes undue restrictions on the exercise of freedom of association, including arbitrary application of the law and its terms to limit dissent and the full participation of non-governmental organizations in civil society (art. 22)”. The Committee recommends that Kuwait (para 45) “should:

- a. repeal or revise laws restricting the right to freedom of association to bring them into conformity with the Covenant;
- b. clarify the vague, broad and open-ended definition of key terms in those laws and ensure that they are not used as tools to curtail freedom of association beyond the narrow restrictions permitted in article 22 (2) of the Covenant; and
- c. ensure that civil society organizations can operate free of undue government.

C. Kuwait pledges regarding the protection of human rights defenders and women’s rights

In the **2015 UPR cycle**, Kuwait accepted:

- a recommendation by Australia to ‘Legislate to guarantee the freedoms of expression, of assembly and of opinion’ (157.173) and
- a recommendation by Uruguay to ‘Guarantee the right to freedom of expression, association and peaceful assembly of journalists, activists, human rights defenders and those who take part in demonstrations’ (157.183).
- a recommendation by Austria to enhance cooperation with civil society and NGOs in the follow up to the review (157.88).
- several recommendations to intensify efforts to increase the participation of women in public life (157.84-87)
- several recommendations to strengthen efforts to combat violence against women.

However, Kuwait **rejected** a recommendation by Czech Republic to ‘Revise the compliance of relevant existing laws, in particular articles 25 and 111 of the Penal Code, with international standards of freedom of expression and protect human rights defenders, journalists and bloggers against persecution and harassment’ (157.176). Kuwait’s rejection of such a recommendation is incompatible with Kuwait’s obligations under the ICCPR, as clarified by the Human Rights Committee in 2016 (see para 40 of their Concluding Observations mentioned under B.a) above).

Kuwait also **rejected** several recommendations to amend **legislation regarding gender equality** (157.96-97), stating that there is no distinction between the sexes in the application of laws.

Kuwait **took note** of recommendations to address concerns expressed by the Human Rights Committee and the Committee on Economic social and cultural rights relating to **minority rights and labour rights** (157.81).

Kuwait **rejected all recommendations** to uphold the rights of **Bidouns** to nationality and grant them access to social services (157.242-254).

Kuwait continues to hold its reservations to CEDAW, CAT and refuses to ratify OP-CAT, ICCPR-OP 1 and ICCPR – OP 2, ICRMW, ILO Conventions concerning decent conditions for domestic workers, the Rome Statute and the ICC.

D. Suggested CEDAW questions to Kuwait

The authors suggest that the following questions be posed to Kuwait in the LoI:

- What steps is Kuwait taking, in consultation with WHRDs, the NHRI and other civil society actors, to develop and implement a national law and mechanism on the recognition and protection of HRDs, including WHRDs?
- What steps is Kuwait taking to promote public awareness and support for the important, valid and legitimate work of WHRDs and to contribute to their destigmatization?
- What steps is Kuwait taking to ensure the effective designation and functioning of a standing National Mechanism for Reporting and Follow-up as recommended in the recent OHCHR [Practical Guide](#)⁸
- What steps are being taken to remove restrictions, amend laws and guarantee the right to freedoms of expression, association and peaceful assembly of journalists, activists, human rights defenders, women human rights defenders such as Sara Al Drees and Rana Al Sadoun, and those who take part in demonstrations' in line with the recommendations of the Human Rights Committee of August 2016.
- Please explain what steps have been taken to implement the Human Rights Committee's recommendations of 2016 (paras 18 & 19) and provide details of legislative and policy measures being taken to:
 - Criminalise domestic and sexual violence, including marital rape;
 - Ensure that victims of domestic and sexual violence have access to legal, medical and psychological assistance, reparation and rehabilitation and assist them in reporting incidents; and
 - Ensure that cases of domestic violence are thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions.
- Please explain what steps are being taken to amend Personal Status and Nationality Laws which discriminate between men and women with regards to: polygamy, the minimum age of marriage, the ability of women to conclude a marriage contract, divorce, parental authority, inheritance, the value of women's testimony before the courts compared to that of men and the ability of Kuwaiti women to pass on their nationality to their children and foreign spouses on an equal footing with Kuwaiti men and follow the recommendations of the Human Rights Committee 2016.
- Please provide information on what steps are being taken to implement the recommendations of the Committee Against Torture of September 2016, in particular :
 - To ensure that anyone arrested and detained is brought before a judge within 48 hours
 - To ensure that conditions of Detention and Trial meet the standards outlined by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
 - To ensure that women and girls are guarded only by women in all places of detention, including police stations.
- Please provide information on steps taken to increase the representation of women in public life, in particular at the highest levels of government, in parliament, in the judiciary and in decision-making positions in all other areas (Human Rights Committee, August 2016 recommendation, paras 16 & 17).

⁸ http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

- Please provide detailed information on the measures taken to ensure the independence of the National Human Rights Institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), its mandate in relation to women's rights and its human and financial resources.
- Please provide details the mechanisms to ensure the participation of non-governmental women rights' organizations in the review of legislation and implementation of UN human rights recommendations. In particular, please detail steps taken to follow the Human Rights Committee's 2016 recommendations to a) repeal or revise laws restricting the right to freedom of association to bring them into conformity with the Covenant on Civil and Political Rights; (b) clarify the vague, broad and open-ended definition of key terms in those laws and ensure that they are not used as tools to curtail freedom of association beyond the narrow restrictions permitted in article 22 (2) of the Covenant; and (c) ensure that civil society organizations can operate free of undue government influence and without fear of reprisals or unlawful restrictions on their operations (para 45).
- Can the State Party provide assurances that freedom of expression on the Internet will be protected in the country and the Cyber Crimes law won't be used to target online activists or citizen journalists?

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