



Report of First National Shadow

For

The Kuwaiti Association For The Basic Evaluators Of Human Rights

State of Kuwait

2011

About the level of execution the international convention for civil and political rights in the  
state of Kuwait

Coordinator for Preparing the Report

The Kuwaiti Association For The Basic Evaluators Of Human Rights

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## Introduction and Preface

The Kuwaiti Association For The Basic Evaluators Of Human Rights was established in 2005 under official license No. 99/2005 issued from ministry of social affairs and labor, where for their activities a group of aims and objectives, and the association succeeded since its origination in attaining many achievements which have major effect on reinforcing and protecting human rights with reference Islamic Sharia, and from association aims and objectives it always seeks to achieve is to spread of awareness of human sharia rights, and protecting these rights and maintaining thereof and defend them against any infringement or violation or suspicion in relation to Islamic Sharia, and confirming that Islam is the religion of tolerance, justice, and fairness and this in coordination with authorities concerned with a method depending on wisdom, and working on cleaning Kuwaiti clothes from any infringement to human rights.

The Kuwaiti Association For The Basic Evaluators Of Human Rights aspires, through its societal message, to originating the case of human rights from a sharia point, and being keen to bridge communication with local and international human rights organizations and societies, and seeking to establish an official authority including all what is related human legitimate rights, and searching the ways of leveraging the level of coordination between governments and NGOs in the field human rights, and working on providing center a database and connecting them with authorities concerned with human rights locally and abroad, in addition to seek to cooperation with international bodies in preparing and executing training programs in the field of protecting human rights and reinforcing their freedoms. The association is still in the field in almost all changes occurred for right cases in the state of Kuwait, and hence coping with the track of right development and confirming its effective participation.

The most important achievements were in May 2010 for the 8<sup>th</sup> session of the conference of comprehensive periodic demonstration at human rights in Geneva, with presenting the government report prepared by state of Kuwait, which is preceded by the association sending its report about right for Kuwait to the secretariat of UN, and so the association in SEP from the same year attended and participated in a speech presented by Kuwait delegation in the council of human rights in the occasion of establishing the recommendation of state of Kuwait as to right cases, where the role of the association in

this international congregation since it's the only right association which participated by presenting a speech before council members.

These international participations of the association came from the point of deep faith in the necessity of solidarity of civil society institutions and international and national organizations for change and enabling human rights in a world overwhelmed with injustice and controlled with unfair policies and contradicting interests on the account of justice and law.

General Note about the extension of execution of the state of Kuwait to the international convention of civil and political rights:

1- Kuwaiti Association For The Basic Evaluators Of Human Rights confirms that there is unjustified margining for the role of civil society organizations in the field of human rights inside the state of Kuwait, especially in relation to process of preparing related national reports, where some civil society organizations were margined in the process of preparing government report, and so the report is not presented in the preparation phase or after preparation to concerned NOGs and hence they cannot comment and provide views about what is provided therein in terms of right suggestions.

2- As to public freedoms, the file of public freedoms witness significant retardation in 2010 compared to 2009, in which Kuwait acquired the first position in press freedom on the level of Arab states and the middle east according to report of Reporters Without Borders which issued during 2010 judicial decisions with financial fines against the a parliament senator and a journalist and two journals with 3000 KD for each of them on the ground of monetary subjects related to the prime minister, where these decisions were issued against senator Mohamed Haif Al-Muteri, due to declarations in which he criticized the prime minister, and a decision of fine on the writer and the journal of 3000 KD for each, yet the other two decisions, they are the most important during 2010 as to freedom of opinion and expression, first of which the decision of imprisonment issued against the opposition journalist Mohamed Abdul Qader Al-Jassim due to an article in which he criticized the prime minister, and the second of which is an imprisonment decision issued against the political activist Khalid Al-Fudala, and in this concern, Kuwaiti Association For The Basic

Evaluators Of Human Rights applied to the general deputy with a visit for Al-Jassim in his prison, yet it received no response, whether acceptance or refusal.

Yet, sending the opinion persons such as Al-Jassim and Al-Fudala for court is a clear example for real facts violations against freedom of opinion and expression, this issue erupted many criticism from many organizations and this led to severe discontent on the local and international levels, especially harsh treatment in terms of tying hands and legs, and this greatly demolishes the good name Kuwait continuously build long ago, as a respectful country respecting freedom of press yet there is a great hope in bringing matters to the right track.

3- As to cancelling capital punishment, the international approach in this concern, lacks in its view, to recommendation compromise with hypotheses of different natures of societies and their religions and cultures from one country to the other, and from one territory to the others and from one continent to the other, and if the international society wants, due to an international resolution, its circularity and internationality, and urge countries to adopt thereof, so it shall, with no doubt, consider what the countries in accepting this approach and hence submit thereto.

Let's suppose, that there is an international approach towards urging and encouraging countries to permit trading, manipulating and drinking alcohols, it will not be logic, to direct this approach to Islamic countries, whose religious traditions cannot provide this permission, and if an international resolution with this permission, so there will not be effectiveness facing countries whose laws are based on Islamic sharia and creed.

Appreciation: here Kuwaiti Association For The Basic Evaluators Of Human Rights would like to show appreciation with the official position of state of Kuwait refusing to cancel the capital punishment as an Islamic sanction, despite international pressures to cancel thereof especially with the campaign led by Amnesty International since many years, which sees that execution, in its discretion, is the maximum deprivation from the right of life, and it's the method of making death a means of death, yet this campaign is accepted by more than

90 countries and so cancelled the decision of execution which suspended capital punishment, and so the total of two thirds of the world cancelled execution legally or practically with the end of 2008.

4- Opposing Torture and rights of prisoner and captives. Kuwaiti Association For The Basic Evaluators Of Human Rights still feels anxious towards situations of police stations and detention centers in Kuwait, especially when most of them do not comply with human standards where huge numbers are piled in small and bad ventilated rooms, and the association detected during 2010 two cases of torture one for an Egyptian worker at the police station of Nuqra and the other for a Syrian worker at police station of Medan Hawally, and a rape for a Saudi juvenile by a police officer, it's notice worth also the event which shock Kuwait is the death of the Kuwaiti citizen Mohamed Al-Maimony Al-Muteri due to torture performed by security forms, and this denotes that the file of police stations and detention centers needs reconsideration from ministry of interior to oppose human right violator from persons affiliated to the ministry, and the association met assistant undersecretary of Interior for affairs of reformatory institutions, major general Anwar Al-Yassin, and during the meeting it applied for a visit for reformatory institutions and no response was received, and so the association applied to deputy undersecretary of interior to allow for a delegation from the association and committee of women and child to visit reformatory institutions men and women yet not response is received.

The association later managed to visit one of the detention centers under ministry of interior in July 2010, and it's found through the visit the piling of prisoners and offenders and denoted that he is detained since more three months, and so it's found that the center lacks enough ACs in addition to lack of water coolers and the cells condition is bad and needs reformations that cope with the basic standards defined by law and related international charters, in addition to denoting that less WCs existing in the center with reference to the big number of detained persons, and detained persons are prevented from using phone to communicate and feel assured with his relatives and there is no cafeteria to meet needs of detained persons, and so it's noted that the medical clinic is set in an improper place, and there is no Qurans, library nor places for praying, in general, it's found that the detention building in general is old and semi-collapsed and not equipped or prepared for such numbers.

And so the association visited the central prison according to a permission from Mr. General Prosecutor with aim of assuring the human condition for dr. Ebied Al-Wasamy, imprisoned subject to investigation in opinion case as to events of 8 SEP, and it's found that through the visit, there are humanitarian infringements and constitutional and legal violations, and submitted a report about these violations to competent authorities and was published in media means and succeeded in these violations in the following:

- Not allowing security services for the detainees to wear special clothes and forcing him to wear clothes of the central prison
- The security services shaved his head with justification of health issues
- The detainee is treated as a convict despite he is temporarily detained, in terms of tying his hands when transferred to prison
- Security services refused the request of the detainee to have the food he wants and obligated him with foods of central prison
- No doors for WCs in central prison, and this is violation to privacy of the human being

5- As to Human Trafficking, the association noted the default of Kuwaiti government, for issuing law of anti human trafficking and immigrant smuggling, where no tangible and real procedural steps in this track, despite the state of Kuwait accepted recommendation directed to it upon its comprehensive periodic report about conditions of human rights, as to preparing and issuing law of human trafficking and immigrant smuggling.

It's notice worth that there are no law to criminalize human trafficking till now and this makes a big question mark before the situation of the government and how far it's serious in treating conditions of human rights and this is default from legislative and executive authorities before those benefiting from the current condition and this leads to recurrent humanitarian violations that may be detected through complaints of damaged people received by the association or through official and independent gazettes.

And so the violations of rights of expatriate workers in Kuwait represents a major problem and a great challenge for being one of the most complicated cases since establishment of the

state and till now, since Kuwait depends greatly on coming labor which forms about two thirds of population.

Year 2010 was one of the most years which witness radical developments as to rights of coming labor especially after approving labor law in the private sector No. 6/2010, yet there are some violations still exist against coming labor, due to weak controls of executing law, in addition to some vague texts that need explanation and demonstration from specialists, and the association has wide hopes on article 9 from labor law which provide for the establishment of a public administration for labor forces to be the initial core for cancelling the sponsorship system, despite government confirmations as to establishing the administration in FEB 2011, yet it didn't demonstrate till now any organizational structure or nature of it, or how it shall work and its new legal role in particular.

And so the association shows its great fears, as to the increase of trading in residences, it's clear that practices of trading in work visas bring about huge proceeds for traders, since the residence trader can sell the sponsorship for foreign worker who may from 500-1500 KD so as to have a work permit and hence can work illegally, and so employers may not pay labor salaries and their requests of longer work hours, and cancel vacations and forcing them to do works not provided in agreements made with them especially in the shadow of no law criminalizing trafficking in humans and so lack of deterrent penal procedures for them such as prosecuting them and preventing them from entering tenders and government auctions.

6- As to compulsory work, it's denoted the multiple works of human violations as to coming labor according to the nature and nationality of the worker, such as forcing workers to work in open places in temperatures reaching 50 degrees, and sometimes work places lack of rules and requirements of safety and occupational health, and force labor to sign white documents (promissory notes) to be used in suppressing them and bringing them to jail sometimes especially taxi companies, and many employers maintain the official documents of workers, and if those workers witnessed any abuse and tried to escape, sponsors may then accuses them with escaping from work and hence expatriate them pursuant to law and so the government left workers under the mercy of employers and hence leaving them suffer.

The few days before writing this report, and till writing thereof, witnessed what is described by the association as social massacre where ministry of Awqaf and Islamic affairs issued a resolution providing that the ministry and its administrations shall discharge about 35% from coming labor working therein under the item of assignment infringing international charters of labor, in addition to discharging two-shift workers (morning and afternoon) from one of them and this forms a material damage to the rights of about 1440 employee, and this without giving them any period to find proper alternative, and the association tries, till writing this report, to solve this humanitarian issue with all means and legitimate tools available where the number of damaged persons from this resolutions reached 4000 employee, most of them expatriates, and they include Kuwaiti employees and a somehow big number of non-nationality citizens who endure basically prevention from their civil and social rights.

7- As to right of domestic labor, domestic labor in Kuwait represent about 660000 person, third of labor force, and these workers are totally excluded from labor laws which insures protection for other workers, and the association sees that Kuwaiti lawgivers intensify this exclusion in the umbrella of protection since issuing in FEB 2010 new labor law for private sector No. 6/2010 which provisions excluded organization of conditions and cases of domestic labor who endure material violations for human rights, in addition to that there is no law protecting these vulnerable class.

In real facts, there are some maids, forced to work for free, and sometimes they are deprived from food and so endure inhuman treatment many times, and if they try to acquire their rights, they are expatriated to their countries, and the association considers that the government, as to maids enduring abuse, shall provide proper shelter protecting them from abuse and human infringements, and so the government shall remove all heavy legal impediments imposed by employers even on maids who endure abuse, and the association sees that government officials discuss reformation of sponsor system many years ago, yet it's the time to execute tangible and real steps to protect labor rights.

In this context, the association confirms that on the main problems faced by domestic labor, represented in abuse and non-enough and late salaries and forcing maids to work for longer hours up to 18 hours per day, from them some work 365 days a year with no vacation, and some of them have their passports secured and transportation limited, and this infringes

personal freedom greatly, and the case of labor and domestic labor is lied in a main problem that needs concentration, which is lack of labor law protecting domestic labor and defining work hours and vacation days and indemnification for vacations.

Some sort of big number of domestic labor offices in Kuwait, is the cornerstone of violations endured by domestic labor especially when many of these offices are involved in trading in maids and especially the returns, by way of inciting or forcing them to escape from houses of sponsors to use them in immoral works, especially when some of these offices are managed by persons other than licensees and this situation is used by gangs of trafficking in humans and women abuse.

Kuwaiti Association For The Basic Evaluators Of Human Rights is deeply concerned to confirm its refusal, in part and in full to the idea and system of sponsor, and out of its deep faith that this system or labor sponsorship system, represents one of the clear and comprehensive manifestations of right and humanitarian violations, due to its bad implications in terms of huge wasting to humanity, and endless violations for their dignity and basic freedoms, and this is deemed by the association in total violation to all conventions and charters and traditions of territorial, semi-territorial and international human rights, and since the state of Kuwait approved most of these international right conventions, and adopted them nationally, which in their totality oppose monopoly and compulsory works and aggressing labor rights and freedom of transportation and choice of work, till the end of human and basic rights, yet the government still adopting this aggressive system, which made work agreement in most cases just submission and compulsion agreements, that lack mutual agreement supposed to be in agreements, and for the human dignity that needs reinforcement.

8- Regarding the right to appeal against administrative deportation resolutions, although the legislature has, under Article 166 of the Constitution, ensured the right of litigation for all; however, there is a significant defect in the proceedings for appealing on the administrative resolutions issued for deportation of foreigners; whereas the provision of Article 1 of Law No.: 20 of 1981 on establishment of the administrative department, excludes resolutions

regarding issues of nationality, residence and deportation of non- Kuwaitis and licenses for publishing magazines and newspapers and building worship places from the jurisdiction of the administrative department; thus, it is not permissible by law to appeal such administrative resolutions, in violation of the original constitutional freedom to resort to the judiciary.

9- Regarding the religious intellectual freedom, 2010 has witnessed events that have contributed in one way or another to fueling the conflict between the spectra comprising the Kuwaiti society, upon which the Association along with many human rights activists felt concerned about the social fabric of Kuwait; since the consequences of what was broadcasted, in December 2009, by Al Soor channel led, in one way or another, to the tearing of the social fabric as challenging dignities is a heinous crime against the rights of the homeland particularly that Sharia, Constitution, and Charters on the human rights ensure the human dignity.

The Association believes that there was an apparent unjustified slackening by the government in such events, especially in the presence of the Press and Publications Law and the Law of the audio and visual which give the government broad powers to monitor those who seeks to tear the social fabric, and to bring him to justice; since it is the duty of the government to use its full powers in dealing with any person, who goes beyond the scope of religious freedom and of the freedom of opinion, attempting to violate the human rights and dignity of the human being. It is important to apply the Law to everyone, especially since the application of justice to one without the other develops a crack in the national unity. Furthermore, the National Assembly has its own significant role to play, and responsibilities to bear in the enactment of legislations that prevent the abuse of the Nation, its people and \* without prejudice to the human right to express his opinion freely in a responsible manner controlled by the legitimate and constitutional controls; such role which was not played by the legislative power.

10- Regarding the public gatherings, the year 2010 witnessed a tragic conclusion with regard to the freedoms as the satellite channels broadcasted, on Wednesday 8, 2010, scenes, that Kuwait has never been accustomed at any of its official or public levels, when security forces used excessive force, without any justification, or threats by visitors of the house of member of parliament Jamaan Al Harbash during a seminar called “Except the Constitution” which led to the assault by the security forces on a number of parliament members, citizens, doctors and constitutional experts headed by Dr. Obeid Al Wasmy, who

was arrested later on the ground of Article XV of the first Chapter of “State Security Crimes” of the Penal Code.

In the course of our discussion on the constitutional violations of encountered by some members of the National Assembly by the Executive Authority, it can be argued that what happened cannot be described, constitutionally or legislatively adopted, except on the basis that it is a national serious violation of the provisions of the Kuwaiti Constitution, especially the provision of Article No.: (108) of the Constitution which stipulates that “ The member of the National Assembly represents the entire nation, maintains the public interest and not subject to any authority while implementing his work in the Assembly or any of its committees. Further, Article No.: (110) of the Constitution confirmed the intellectual freedom of the National Assembly member by stipulating that “Members of the National Assembly are free to express opinions and ideas at the Assembly or its committees, and he may not be liable for that under any circumstances.”

The Kuwaiti Association for the Basic Human Elements of Human Rights reminds of the ruling of the Supreme Constitutional Court, which was decided in the first of May 2005, where the Constitutional Court concluded in its ruling the unconstitutionality of Articles: (4) and (16) of Law No.: (65) of 1979 on public meetings and gatherings, on the basis that provision of Article (4) of Law considered that the general basis for holding public meetings is prevention, and that permitting the same to be upon an exception under one basis which is the absolute authority of the management about these meetings without being bounded to any limit, any restriction to go beyond, any controlled substantive criterion to be always considered; so that, the administrative department shall have, in this regard, unrestricted jurisdiction to estimate the approval on granting a license or not.

11- regarding the family and anti family violence, indicates that violence modified by the word domestic appears in its realistic connotation to be more extensive than family violence; since, the former- that is domestic violence- not limited by nature of the case to members of one family (spouses, their antecedent and their descendant); however, it logically extends to include all persons living in the house including the domestic labors.

Regardless of whether it is family or domestic violence, it is proven with certainty that that nature of the Easter Arab Societies, particularly the Gulf societies, still undermining the legislative attempts with regard to the legalization of the penal provisions for anti domestic violence or family violence in particular.

With regard to these obstacles and legislative considerations, we find that the Kuwaiti lawgiver, especially the lawgiver of the Penal aspect, is satisfied, regarding violence within

the house or family- with the enumeration of penal provisions against violence in general, and enforcement of the same with regard to any violations to be reported thereof, thus, ensuring the sensitivity of the legislative treatment of the explicit penal provisions against family and domestic violence, followed by a group of community considerations headed by the privacy of the Arab and Eastern domestic and family life which precluded- until now- the presence of a special legislative penal provision against the domestic and family violence.

It is often that the servants and domestic labors in the house remain silent and cease from expression their complaints fearing the violation of their rights or dignity, fearing oppression or losing their livelihoods they may be exposed to by their sponsors.

Regarding violence against women, a recent study issued by Ministry of Justice confirmed that the divorce rate will drop an average of 5 cases per 100 thousand of the population if the social awareness is promoted among young people and family awareness programs are intensified through mass media and the efforts of social and civil associations and institutions.

The study, prepared by Court of Appeal Judge Dr.\ Adel Failakawi on the phenomenon of the raise in divorce rate in Kuwait, indicates that the number of divorce cases in 2010 amounted to 5192 case, while the number was 5087 case in 2009 which means an increase of 138 divorce case, and the number amounted to 4920 in 2008.

The study draws attention to that divorce cases increasing year after another, and claims for separation of spouses is increasing; such cases are due to many reasons including lack of commitment of husband to his duties towards his wife such as not spending, neglect and failure to provide appropriate housing.

Regarding the phenomenon of spread of divorce, domestic and family violence, the study states that many societies experience such phenomenon as a result of the emergence of social, economic and psychological problems and changes.

The study indicates that the increase of divorce rates in any society by its turn increases the intensity of tension and anxiety “such problem has its impacts on society, and dislocates the social structure”, the study, further, indicates that divorce is considered among the cases of the disintegration of family which results in many negative impacts such as deviation of children and separation of families.

The study shows that the rate of claims of separation due to harm as a result of spousal violence amounted to 30% of the total cases of personal statutes. Regarding the phenomenon of wife beating, the study states that such phenomenon is not local or limited to one community without the other; it is public and universal.

The study also reported that 35 per cent of Kuwaiti women are exposed to be assaulted by beating and physical abuse, and that there many of working women who have reached a prestigious position are exposed to be assaulted by beating from their husbands; however, they are unable to disclose or complain fearing scandals.

The study added that the behavior of a husband beating his wife became socially accepted manner for some people because of fearing divorce or scandal, and that some men who beat their wives are mentally ill, should be treated and their behaviors should be modified.

Researches unanimously agreed- according to the study- which addressed the phenomenon of divorce that the children of divorced suffer psychological problems such as depression, anxiety, a sense of inferiority and low self-esteem, and rates of behavioral abnormalities are considered to be more widespread among them than children of stable families.

The Association, by monitoring such statistics which indicate serious violations against women, confirms that Islamic Sharia stands against violence and injustice against women.

Therefore, the Association stresses the inevitable need for social non-penal orientation towards standing against domestic and family violence, which will happen only through the activation of community awareness frameworks, which is no doubt that it is concerned with assessment of improper human behavior within the context of the house and family.

In this regard, the Kuwaiti Association for the Basic Human Elements of Human Rights is about launching its great awareness project entitled “Khairokom Khairokom Le-Ahle” (The best of you is the best to their families), which aims to stand against domestic and family violence, through the preparation of a large group of awareness programs at various frameworks and levels; as the Association hopes, through its awareness campaign, to consolidate the concepts of family and protect its entities from all forms and manifestations of family and domestic violence.

The Association, in this regard, presents deep and great gratitude to the Secretariat- General of the Ministry of Awqaf and Islamic Affairs, for agreeing to finance the project of the Association “Khairokom Khairokom Le-Ahle”, where the Secretariat-General agreed to provide financial support as of their belief of the need to move towards standing against

domestic and family violence as a result of the serious implications they have on both family and society.

12 - Regarding women's equality with men, there is still Kuwaiti women who are deprived of the right to grant citizenship to their children as men do; further, the Kuwaiti women married to non- Kuwaiti men are not entitled to grant the Kuwaiti nationality to their husbands despite the fact that the Kuwaiti Law grants the nationality of the Kuwaiti husband to his wife after 5 years from applying for the Kuwaiti nationality, and upon no condition. We pay tribute here to the adoption of Women Residential Law under which women are granted residential loans with no interests in the same way as men.

13- The situation of illegal residents (stateless), where the suffering of the stateless constitutes a major challenge for the Kuwaiti government, civil society institutions and human rights activists in Kuwait, especially with the official significant slackening in settling down the case since the establishment of the State up till now. The Association believes that the issue of the stateless is a pure humanitarian problem; since such strata remained lacking, for a long time, of the simplest of human rights such as the right for education, work, health care and others. We have noted some positive aspects which were witnessed by 2010 with regard to the file of the stateless, the most important of which is the establishment of the Central Body for addressing conditions of illegal residents despite of the advance reservation of the Association to the lack of clarity of competences, mechanism and time period of time within which the Body is supposed to solve the problem the stateless; however, the Association wishes that its establishment shall contribute in achieving a quantum leap in handling such case during 2011, and in supporting the handicapped “stateless” in private schools and universities. The Association hopes to achieve further steps and concrete actions that contribute to set a final resolution to this issue, through a plan which is clearly defined and completely transparent before the Kuwaiti and International Societies. We would like to note here that the Assembly has presented a Civil and Social rights Law for the stateless to Kuwait Parliament which include a radical solution to the problem of this category by granting them their social and civil rights.

14- Regarding travel executive prevention, represented by a procedural decision made by the director of Execution Department or any agent to be delegated by the General Assembly of the Court of First Instance, including the order of prevention of insolvent debtors from travelling and the temporary estimation of the debts if not a certain amount is stated, upon a petition therewith to be submitted by the stakeholders (Creditors ) to the competent Execution Department. Articles Nos.(298) and (297) of Civil and Commercial Procedure

Law identified (Law 38/1980), the conditions and regulations for issuing the executives resolutions for travel executive prevention.

In fact, there is an urgent need which necessarily demand the reduction of issuance of travel prevention resolutions, and the need in turn for imposing more restrictions and controls which shall protect, as far as possible, transporting and travel freedoms; especially under such circumstances where travel prevention order is issued on the basis of debts or few amounts which never commensurate in their values, with the consequences and impacts if making and issuing travel prevention resolutions.

15- Regarding the national health care, the Association refers to the study prepared by World Health Organization in a report published in the middle of August 2009 in the Kuwaiti newspapers, which ensured that prices of medicines in Kuwait are exaggerated; the Kuwaiti state employer may be obliged to pay between 3 and 8 days of his salary to buy the medications prescribed for common diseases, while non Kuwaiti skilled worker is obliged to pay between 8 to 22 from his salary for the same reason.

The Association has already dealt with the same case at various events and meetings, and sooner after the Association's issuance of its report on the reality of human rights in Kuwait in 2009, the Ministry of Health declared the reduction of the prices of medicines and pharmaceutical products by 5%, but such percentage does undoubtedly still far from the required ambitions.

Regarding health based expatriates suffering, it is to be mentioned that a Decree Law 1/1999 which obligates the expatriates with health insurance during their stay in Kuwait, and the average value of health insurance for an expatriate is 50 KD per year; further, the provision of the present Law obligates the employer (In accordance with Article II) to the insurance premiums or the health insurance. However, the reality of the labor market in Kuwait that this value is borne by the expatriate in most cases.

Although, the provision of this Law gave, those who are covered by health insurance, a coverage for medical and health basic services, whether diagnostic or therapeutic, and it, further, listed in its forth Article a statement of such services, and then gave the Minister of Health the authority to determine those services, but, unfortunately, the current applicable system in Kuwait does not cover the simplest health needs of the expatriate, for example, the expatriate is still in need to pay- over the health insurance amount- an amount of 1 KD for each review of the clinic, and 2 KD for each review of the hospital, and he is further required to pay amounts for most of the medical examinations necessary for diagnosing his case, for example, he is required to pay 10 KD per normal Sonar, 75 KD per color X- ray,

90 KD per MRI, 75 KD per cardiac catheterization and other amounts, which range between 3 to 10 KD per one test, for medical tests such as the examination of iron, vitamins, thyroid and hormones and others; and the same applies to the stateless, thus, these matters stand as obstacles preventing doctors from getting the correct diagnosis under the inability of many of them to bear such amounts.

Even with regard to medications, there are dozens of essential medicines which are prohibited from expatriates, and they cannot get them but through bearing the cost of buying them from pharmacies for high prices, such as some medicines for diabetes, blood pressure, solvents and sprays of asthma, and certain types of antibiotics, and other medicines special to tuberculosis, colonic and gastric ulcers and others. The Ministry of Health has taken a positive step at the beginning of 2010, when it increased the list of medicines allowed for expatriates, and when it exempted the stateless children from the fees for cancer treatment; however, we seek and demand that health insurance covers all medicines and medical products without any exception or discrimination based on nationality.

#### Recommendations:

Before the Association undertakes listing its recommendations and suggestions, it would like to present its deep gratitude to the Kuwaiti government for its efforts in promoting the Kuwaiti record on human rights, and its profound respect for Islamic Sharia and the Constitution of Kuwait, and declares that it does not violate any of their provisions.

After the foregoing observations on the execution of the State of Kuwait of the International Covenant on Civil and Political Rights, the Kuwaiti Assembly as interested in giving a set of recommendations and proposals, which it hopes that the Kuwaiti Government may adopt, represented in the following:

- 1- The need to expedite the establishment of the human rights national independent institution in accordance with the Paris Principles, in execution of the voluntary commitments of the State of Kuwait in this regard; thus, in this regard, the Association has submitted to the Parliament a draft law for the establishment of Human Rights National Independent Institution.
- 2- The need to seriously strive toward taking more real and legal steps and procedures so as to irrevocably solve the issue of illegal residents (stateless).
- 3- The need to raise the limit of the cooperation between the Kuwaiti Government and civil society human rights organizations, particularly, regarding its participation in the

preparation of the reports of the Government of the State of Kuwait; thus terminating any treatment marginalizing the role of the NGO in the State of Kuwait.

4- The need to achieve the maximum protection to freedom of opinion and expression, pursuant to the provisions of the International Covenant on Civil and Political Rights.

5- The need for the State to reconsider the assignment contracts, by which thousands of expatriates, citizens and stateless are appointed, and which do not include any or labor rights provided for by the International Labor Laws.

6- The need to work on improving the conditions for prisoners and detainees, in accordance with the provisions of the Covenant, and with the provisions of the international rules set out in this regard.

7- The need to expedite the issuance of the law against trafficking in human beings and smuggling of migrants in implementation of the commitments of the State of Kuwait during the discussion of the Kuwaiti comprehensive report on human rights in 2010, in line with the commitment of the State of Kuwait to the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

8- The importance of establishing the General Authority of the labor force, according to the provisions of article No. (9) of Private sector Law No. 6 of 2010 to be the first core and preface towards abolition of sponsorship system.

9- The need to abolish the system of labor sponsorship in order to effectuate international labor standards.

10- The importance of a system of procedural law that allows combating illicit exchange of residences.

11- The need to expedite the issuance of a special legal roles organizing conditions, rights and responsibilities of domestic labors as well as work on the customization of further mechanisms to control the working conditions and protection of expatriate workers on following-up activities of the offices of domestic and private servants through the execution of the provision of Article 5 of the new Labor Law No. (6 / 2010) on domestic labors.

12- The need to amend Article 1 of Law No. 20 of 1981 for the establishment of the Administrative Department, so as to allow appealing on the resolutions issued in respect of the administrative deportation for the non Kuwaitis before the jurisdiction of the Administrative Department.

- 13- The necessity for the activation of Supreme Constitutional Court order No. 1/2006 ordered in the first of May 2006, which judged the unconstitutionality of Articles (4) and (16) of Law No. 65/1979 with regard to public gatherings and meetings.
- 14- The need to strengthen the role of non-governmental human rights organizations in the community awareness activities, especially in standing against domestic and family violence.
- 15- The need to amend Kuwaiti Nationality Law so as to allow women to grant the nationality to their non Kuwaiti husbands in the same manner as men do.
- 16- the necessity to establish a legal and procedural system which allows the reduction of travel preventions executive cases especially in conditions which include the prevention as a result of owing few amounts of money.
- 17- The need to develop the rights and health services for citizens and expatriates in light of the observations of the Association.
- 18- The commitment of the State of Kuwait with the international future established dates for the submission of the periodical national reports regarding the extent of the execution of the provisions of the International Covenant on Civil and Political Rights.
- 19- The importance of considering reducing the length of detention contained in article 60 of the Penal and Procedures Law; so that it will be two days instead of four days, in accordance with the provisions of international treaties and conventions approved by the State of Kuwait.

The Kuwaiti Association for the basic evaluators of human rights

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