

Shadow report
on the implementation of
the International Convention on the Elimination of All Forms of Discrimination against Women
By the State of Kuwait

Prepared By
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Contents

- Introduction
- Definition
- Organizational Chart
- Report Review
- Preface
- First: the features of promoting the principle of equality in its general framework in the national constitution and the Islamic law (Sharia):
- Second: The Realistic developments
- Third: the most prominent observations and recommendations of the K.A.B.H.E.R about the level of implementing the State of Kuwait the International Convention on the Elimination of All Forms of Discrimination against Women.

Introduction

Ten years have elapsed since the start of the Kuwaiti Association for the Fundamental Elements of Human Rights (KABEHR) in 2005. During this period, KABEHR has succeeded in realizing many achievements that have had an impact in the promotion and protection of human rights in Kuwait, according to its mission of paying due care to human rights and establishing them from the Shariah perspective.

KABEHR has been a forerunner in terms of its local, regional and international achievements. It has been present in most of the changes that have occurred to the human rights issues of the State of Kuwait. It has kept up with the march of human rights development and confirmed its position by its vigorous presence and active participation.

Foremost among these achievements was its presence at the meetings of the United Nations committees concerned to discuss the reports of the State of Kuwait on its commitment to the terms of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. KABEHR had previously sent its human rights report to the said committees. These international contributions by KABEHR emanated from its firm belief in the need for synergy of civil society institutions, international organizations and the UN bodies to change and empower human rights and fundamental freedoms.

These contributions and positive steps have been well received locally, regionally and internationally. KABEHR has become a destination for cooperation and partnership by human rights activists and civil society organizations locally, regionally and internationally.

We pray to God Almighty to help us carry this trust and responsibility to support and protect the vulnerable and the oppressed, establish justice and show the beauty and grandeur of the Islamic Shariah and Islam as a religion that consecrates human rights principles and standards and makes compliance therewith an act of worship and closeness to God.

The Kuwaiti Association of the Basic Evaluators of Human Rights

Definition

Kuwaiti Association for the Fundamental Elements of Human Rights is a civil society institution, based in the State of Kuwait. It operates under an official license No. 99/2005 by the Ministry of Social Affairs and Labor.

Message

Care of human rights from the perspective of Islamic Shariah.

Vision

Pursue to protect human rights by all available means against any violation through awareness, positive communication and wise methods in coordination with the concerned authorities.

Goals

- To raise awareness and education on the legitimate rights that safeguard human dignity.
- To defend these rights and strengthen its protection mechanisms in accordance with Islamic Shariah.
- To monitor human rights violations and follow them up with the concerned authorities in a wise manner.
- To repel suspicions raised about Islam in the field of human rights.
- To purify Kuwait of any violations and defend the reputation of Kuwait in international forums.

Statute

Cairo Declaration of Human Rights in Islam launched by the Organization of the Islamic Cooperation (OIC).

KABEHR Board Organizational Structure

Chairperson

Dr. Yusuf Diab Al-Saqr

Deputy Chairperson

Mr. Fahd Mubarak Al-Dhaen

Cashier

Mr. Ahmad Abbas Al-Rashedi

Secretary

Ms. Muna Fahmi Al-Waheeb

Member

Mr. Ali Abdul-Rahman Al-Husainan
Furajj

Member

Mr. Abdul-Razzaq Abdullah Al-Masaud

Member

Mr. Al-Harith Abdullah Al-

Specialized Committees

Human Resources Development Committee

Woman and Child Committee

Information and Cultural Committee

Complaint Committee

Health Committee

Committee of UN Mechanisms for Protection of Human Rights

Report Review

Preface

As K.A.B.E.H.R is a famous non-governmental organization officially licensed in the State of Kuwait with the number (99/2005), it made a great effort to issue this report to play its role towards women's rights and working hard to eliminate all the aspects of discrimination against them in line with the provisions of the Constitution and the provisions of international conventions that do not contradict with Islamic law (Sharia), as the breach of the Islamic law (Sharia) is a breach of the provisions of Article II of the National Constitution. The work of (K.A.B.E.H.R) comes as further enhancement to the state pioneering reputation in the field of the human rights through monitoring the most important issues of women's rights especially those relating to discrimination based on gender. In preparation of this report we based our work on specific criteria namely as follows:

1. Human Rights References in the state.
2. Harmonization of domestic laws with international conventions.
3. Suggestions, complaints and ideas received by the (K.A.B.E.H.R)
4. Cooperation, coordination and consultation with a number of figures and entities working in the field of women's rights.
5. Monitoring women's rights violations and the studies and researches related to the concerned issue.
6. Concluding Observations of the Committee on the Elimination of Discrimination against Women that do not conflict with the Islamic law (Sharia)

First: the features of promoting the principle of equality in its general framework in the national constitution and the Islamic law (Sharia):

The Kuwaiti constitution and Islamic law (Sharia) take care of promoting the principle of equality in its general framework between male and female, the National Constitution has devoted the principle of equality in the Article 29, which states that "people are equal in human dignity and they are equal as far as the law is concerned in rights and duties without discrimination based on gender, race, language or religion" the Holy Quran promoted the principle of equality by Surah named "women" (**O people, fear your Lord, who created you from a single soul. From it He created its spouse, and from both of them scattered many men and women.....**)

Practically the consecration of the principle of equality between women and men in the general framework appears clearly by looking at public positions that held by women in the state, as there are women appointed as ministers, deputy ministers, directors of departments in governmental organizations and ambassadors, as well as the presence of women recently in the police and judicial offices that was limited to men in the past.

Second: The Realistic developments

The **Association** (K.A.B.E.H.R) confirms that there is a realistic developments have taken place towards the elimination of all forms of discrimination against Women, including the following: -

1. The issuance of Law No. (12/2015) regarding the establishment of the Family Court of the culmination of what pledged by Kuwait in its development plan for the years (2010-2011, 2013-2014), issued under Law No. (9) for the year 2010.
2. Activating the role of "community police" to receive complaints of family and domestic violence against women, which promotes legal remedies and serving justice for victims of domestic violence.

3. Supreme Judicial Council's decision in September 2012 to accept the papers of 22 female graduates of Faculty of law to work in the Kuwait Institute for Judicial Studies to work later in the legal prosecution authority.
4. Raise the value of housing loan for Kuwaiti women married to non-Kuwaiti men to 70 thousand dinars from 45 thousand limit.
5. Provide shelters for battered women under the supervision of the Ministry of Endowment and Islamic Affairs.

Third: the most prominent observations and recommendations of the K.A.B.H.E.R about the level of implementing the State of Kuwait the International Convention on the Elimination of All Forms of Discrimination against Women.

While K.A.B.H.E.R is presenting its observations and recommendations about implementing the State of Kuwait the terms of the International Convention on the Elimination of All Forms of Discrimination against Women it confirms its firm stand in support of the Kuwaiti official position about the reservations against some of the terms of International Convention on the Elimination of All Forms of Discrimination against Women or other international conventions or protocols that contradicts in totally or partially with Islamic Law (Sharia) and/or The State Constitution.

The below are K.A.B.H.E.R's observations and recommendations:

1. K.A.B.H.E.R urges the state of Kuwait to necessarily publicize the International Convention on the Elimination of All Forms of Discrimination against Women with the comments and observations of the Committee on the Elimination of Discrimination in the ministries, parliament, judicial authorities, and all the public in general to improve the public awareness about it which will help in its implementation. K.A.B.H.E.R is observing failure and room for improvement in this regard.
2. K.A.B.H.E.R confirms the necessity of issuing a law that guarantees the equality between males and families. Such law must include clear definition of discrimination against women in accordance with article (1) of International Convention on the Elimination of All Forms of Discrimination against Women but it must not contradicts with Islam Law (Sharia) in any of its articles.
3. K.A.B.H.E.R urges the Legislature and Executive Authority to review all laws and regulations to modify or abolish existing discriminatory adjudication in order to ensure the application of the provisions of the Convention in accordance with Article (2) of which do not conflict with Islamic law.
4. K.A.B.H.E.R notes that the bedoon (stateless) women still suffering from discrimination against them and their children in the right of education, employment, health care, and the right to obtain a passport to travel when needed.
5. K.A.B.H.E.R recommends the Legislature and Executive Authorities that there is a need to address the humanitarian situation of the bedoon (stateless person) women and remove discrimination against them by giving them all civil, political, social and economic rights.
6. K.A.B.H.E.R encourages the concerned authorities on the urgent need to make the necessary amendments to ensure easing the procedures of complaints submission by women who fall victims of discrimination and ensure the provision of legal assistance to them.
7. K.A.B.H.E.R urges the concerned authorities on the need for specialized training courses and sessions for police personnel, lawyers, judges on the effective investigation in violence acts against women to ensure lawful punishment.

8. K.A.B.H.E.R urgently demands the concerned authorities to take necessary actions to ensure that women are detained under the supervision of women police personnel in all places and stages of detention, to prevent aggression acts or sexual harassment against them.
9. K.A.B.H.E.R urges the Kuwaiti government about the necessity and importance of simplifying the stiffness of the measures and requirements of proving forced prostitution, in addition to issuing residence permits to the victims of human trafficking and forced prostitution.
10. The State of Kuwait should review its Citizenship Act in order to ensure equality between women and men by enabling the non-Kuwait husband married Kuwaiti woman and their children the right to obtain the state citizenship in equality to the right available to non-Kuwaiti woman married to Kuwaiti man and their children.
11. K.A.B.H.E.R recommends the Legislature and Executive Authority that there is a need to take necessary amendments to the Law 06/2010 on work in the private sector to prohibit direct and indirect discrimination, in accordance to the bases of the International Labor Organization Convention No. (111/1958) with regard to all aspects of the work.
12. K.A.B.H.E.R urges the concerned authorities in Kuwait to issue a law that protects women; especially those get disabled from forced sterilization or abortion.
13. K.A.B.H.E.R urges the State of Kuwait on the need to withdraw its reservation to paragraph (b) of Article 25 of the Convention on Civil and Political Rights, similar to the withdrawal of its reservation from the Convention on the Elimination of All Forms of Discrimination against Women regarding the right of women to vote and nominate for elections
14. K.A.B.H.E.R notices the absence of the Act No. (08/2010) of the right of the disabled from any special articles as general principles for the rights of disabled women in accordance with articles 6 and 7 of the International Convention of the disabled people.
15. K.A.B.H.E.R recommends the necessity for equality between disabled men and women in all the privileges obtained, and the necessity to amend all laws that contradict with this recommendation.
16. In regard to the Housing Law No. (02/2011) we recommend raising the age of the divorced woman to 40 from 21 to avoid discrimination between the divorced Kuwaiti woman from non-Kuwait husband and divorced woman from Kuwaiti husband.
17. In regard to an article from the Kuwait Credit and Saving Bank Act No (03/2011) we recommend raising the loan amount awarded to the divorced or widow of non-Kuwait or Kuwaiti man to KD 100 thousand, and to split the amount equally between women married to the same man and having children in order to serve justice and equality and not to fall in discrimination.

The Kuwaiti Association of the Basic Evaluators of Human Rights

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