

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 16 July 2020 Index: MDE 17/2672/2020

KUWAIT: FULFIL TREATY OBLIGATIONS ON WOMEN'S RIGHTS

Amnesty International welcomes Kuwait's acceptance of recommendations to ensure that Kuwait's native stateless population, the Bidun, have equal access to education, health care, and employment,¹ and some recommendations on their acquisition of nationality.² We regret Kuwait's rejection of other recommendations,³ including those that would go furthest towards ending statelessness and respecting the right of everyone to a nationality.⁴ It is deeply troubling that Kuwait asserts that "there are no stateless in Kuwait", only "illegal residents".⁵

We also regret Kuwait's rejection of recommendations to join treaties protecting the rights of migrant workers,⁶ who by Kuwait's official estimate constitute 70% of the population, and to join the treaties on refugees' rights.⁷ We deplore Kuwait's rejection of calls to bring its laws into compliance with respect for freedom of expression, assembly, and association.⁸

Kuwait's acceptance of recommendations to fully implement the Convention on the Elimination of All Forms of Discrimination against Women is welcome,⁹ but regrettably Kuwait has rejected numerous recommendations that would need to be implemented to bring it into compliance with that treaty. We urge Kuwait to reconsider its rejection of recommendations to remove Articles 153, 182, and 198 from its Penal Code,¹⁰ which, respectively, treat "honour killings" of women as a misdemeanour, legalize kidnapping of women when the kidnapper receives a male relative's permission to marry the victim, and criminalize numerous forms of consensual sexual behaviour. We deplore Kuwait's rejection of a recommendation to ensure "full equality between men and women",¹¹ and of recommendations to criminalize sexual violence and marital rape,¹² to make its personal status¹³ and nationality laws gender-neutral,¹⁴ and to collect data on gender-based violence.¹⁵ These positions are not compatible with its obligations under CEDAW.

We also deeply regret Kuwait's rejection of all recommendations to halt or place a moratorium on the use of the death penalty,¹⁶ to join the International Convention for the Protection of All Persons from Enforced Disappearance,¹⁷ or to accept UN monitoring and examination of human rights issues.¹⁸

¹ Recommendations 157.295 and -.301.

² Recommendations 157.291, -.294, -.298–.300.

³ Recommendations 157.296, -.297 ("noted", effectively rejected).

⁴ Recommendations 157.16, -.151 (both rejected), -.293 ("noted," in effect rejected), -.302 (rejected).

⁵ UN document no. A/HRC/44/17/Add.1, p. 17.

⁶ Recommendations 157.40–.43. Kuwait also declined to accept recommendation 157.163 by Italy to end the *kafala* system, claiming that such a system does not exist under current law. A/HRC/44/17/Add.1, p. 10.

⁷ Recommendations 157.43, -.280.

⁸ Recommendations 157.49, -.66, -.67, -.150, -.152. Kuwait claims that it accepts recommendation 157.49 in part, but it rejects the legal substance of this recommendation. Similarly, Kuwait states that it takes recommendations 157.66, -.67, -.150, and -.152 into consideration, but effectively rejects them by stating that it will not amend its laws on expression, association, and assembly. (Kuwait asserts that these laws are already in compliance with international human rights law.) Kuwait was generally willing to accept recommendations relating to freedom of expression, assembly, and association that made general calls, without naming specific laws or provisions of law that need to be changed. Recommendations 157.145–.149, -.153–.155, -.158, -.160 (all accepted) fall in this category.

⁹ Recommendations 157.17, -.18.

¹⁰ Recommendations 157.63, -.86, -.89, -.90, -.94, -.231. Kuwait claims that it accepts recommendation 157.63 in part, but it rejects the legal substance of this recommendation. A/HRC/44/17/Add.1, p. 5. Article 198 of the Penal Code is misidentified as Article 197 in the recommendation.

¹¹ A/HRC/44/17/Add.1, p. 14, rejecting this aspect of recommendation 157.239.

¹² Recommendations 157.57, -.122, -.211. (Chile, Ukraine, and Thailand).

¹³ Recommendations 157.78, -.83, -.84, -.86, -.227.

¹⁴ Recommendations 157.76–.79, -.85, -.213, -.231, -.245.

¹⁵ Recommendation 157.76.

¹⁶ Recommendations 157.1–.10, -.117–.121, -.123, -.124, -.126, -.128, -.131–.133.

¹⁷ Recommendations 157.13, -.35, -.36.

¹⁸ Recommendations 157.2, -.11–.15, -.37.

BACKGROUND

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Kuwait on 16 July 2020 during its 44th session. The above text is a footnoted and slightly expanded version of Amnesty International's statement on the outcome prior to the adoption of the final report.