



Status of human rights in the State of Kuwait 2009

*Kuwaiti Association for basic Evaluators of Human Rights
KABE.HUMANRIGHTS*

Introduction

The Kuwaiti Association for the basic Evaluators of human rights is a civic association, officially defamatory and licensed in the State of Kuwait, no (2005/99), it embarked on the issuance of this report to do its part towards the issues and violations of human rights and the removal of all such violations to enhance the pioneering reputation of Kuwait in the field of human rights by monitoring the most important human rights issues related Kuwaiti affairs. We built in the preparation of this report on specific criteria, namely:

1. The reference of human rights in the country.
2. Harmonization of domestic laws with local agreements.
3. Attention to vulnerable groups in society as stateless, employment and women.
4. Complaints and suggestions received by the Society.
5. Monitor humanitarian violations as well as studies and researches on this matter.

First: The absence of an independent national board for human rights

The establishment of that independent board for human rights is the most important demand of relevant organizations in the civil society where that board will have independent control of all the issues and violations of human rights within the State of Kuwait in the first place. It is better to be configured by members of government, relevant organizations in the civil society and human rights activists and jurists. In this regard, the Kuwaiti Association for basic Evaluators of human rights has made a number of steps through the formulation of a vision to the bill for establishing such a board, and this vision was presented to the relevant organizations in a special meeting and was approved in principle, and then was introduced with that approval to the minister of social affairs and labour at that time. To complement these efforts, the association held two meetings with the Committee of the Defense for Human Rights in the Kuwaiti parliament to submit a draft law to the Council for approval and it has not achieved any progress in this regard. We moved into the claims series that in the case has not been created the National Board for Human Rights, the alternative, which is indispensable, is to include relevant organizations concerned with human rights to the Higher Committee for Human Rights in the Ministry of Justice so that it may have greater credibility and genuine representation in international organizations.

Recommendations:

1. Speed up the approval of the draft concerning the establishment of the National Board for Human Rights.
2. Granting the National Board for Human Rights broad powers after its creation.
3. Claim at this time as quickly as the inclusion of civil society organizations related to the Higher Committee for Human Rights in the Ministry of Justice.
4. Involvement of relevant organizations in the civil society in perceptions, studies, development plans and refer to them when drafting any law or doing any project related to human rights.
5. Launch awareness campaigns in common with human rights organizations to promote a culture of human rights in society.
6. Raise the level of response and governmental interaction with the complaints that civil society organizations receives.

Second: Kuwait and its position on the signing of international conventions

Kuwait has a proceeding rank among the institutional countries, and that has led to the signing of

Kuwait on a number of international conventions related to human rights, but failed to sign and join a number of important agreements which respect the rights of certain categories of human beings such as the Convention on Human Rights with a disability and the Protocol thereto, and the Convention on the Rights of All Migrant Workers and their families, and that has not led Kuwait to sign these conventions and others, so these categories have not received their human rights _ because that Kuwait is not obligated to do so before the international community because it did not sign or accede to the related conventions _ as a cause these categories feel a kind of discrimination and injustice.

The Association has sent civil society organizations and a number of governmental agencies on the Rights of Persons with a disability to determine the extent of the progress made on the issue of accession to the Convention, and it required the Ministry of Foreign Affairs to give reasons for the failure to Kuwait's accession to the Convention on the Rights of Persons with a disability so far received, and the Ministry of Foreign Affairs replied that the agreement is under discussion and study in the National Assembly.

Recommendations:

1. Demand that the government should hasten to accede to international conventions related to human rights and in particular the Convention on the Rights of Persons with Disabilities.
2. Demand that the government needs to quickly finish the study of international conventions related to human rights within the known and public bounds of time, and possibly by a special committee comprising the relevant ministries as well as human rights associations and the men of law, it is responsible for examining international conventions.

Third: stateless

Stateless file is one of the most sensitive files and hot spots in the State of Kuwait, where the government is sometimes slow and other times fail to solve the problem affecting more than one hundred thousand people (according to official statistics). Seen working in the field of human rights to the problem as a purely humanitarian problem does not get stateless persons to the most basic human rights such as education, employment, health care and other rights. The Association has a large effort on the completion of all forms of discrimination against stateless through the provision of a bill to accord to stateless persons of all civil rights and humanity, but has not been approved yet. This led to the spread of crime and increase rates for this category because of difficult living conditions they are experiencing as well as their sense of discrimination. But we should not forget the measures that the government was recently taking to participate in solving this issue through the resolution, which allows for stateless persons to join teaching wire in the Ministry of Education, the military and health, as well to allow documenting the marriage contracts, which was a requirement for this category since many years.

Recommendations:

1. speed the passing of civil and humanitarian rights law as a start to solve the problem of statelessness in order to establish the principle of justice and equality, which is an urgent humanitarian requirement.
2. Demand that the government should need to develop an effective mechanism to allow this group to integrate in society and contribute to the development process and political participation, and all activities and privileges enjoyed by others.

Fourth: Migrant workers (expats)

The violations issue of the rights of foreign workers in Kuwait is considered as an obsessed thing in the Kuwaiti government concern, human rights activists and the organizations of the international

community alike. Expats constitute about 70% of the population, and it is not approved the labour law in the civil sector and the law of criminalizing trafficking in human beings are the main reasons for such violations, which are monitored every day throughout the affected complaints received by the Association or by official and independent newspapers (such as forcing workers to work in outdoors in temperatures up to 50 degrees Celsius _ withholding of passports_ delayed payment of wages and salaries _ loss of occupational safety _ forced workers to sign blank sheets of paper "bills" to be used in the pressure on them, and imprisoned in some cases, especially taxi companies_ trading of visas _ false communications of absenteeism) in addition to turning the sponsorship system currently in place to clear violation of human rights, due to abuse of the system as a whole and the apparent lack of relevant legislation. Many of the civil society organizations called to cancel the sponsorship system and work to develop an alternative system that preserves the rights of all parties in a legal and human frame.

And in light of this huge number of violations, the government has represented in the Kuwaiti Ministry of Social Affairs and Labor to take some important decisions like the decision to allow a certain class of workers to transfer their residence to another employer without requiring the consent of the sponsor, and subject to specified conditions. In addition to orientation to allow the owners of some of the liberal professions to ensure themselves. The Association touched the government's seriousness in the drive to abolish the sponsorship system, during the meeting with the Minister of Social Affairs and Labor in September last year, but despite these positives, but we believe that these decisions did not live up to the minimum limit of the aspirations of civil society organizations concerning migrant workers.

Recommendations:

1. Demand not to be the administrative deportation only after the ruling, and after conducting a transparent investigation by an independent committee.
2. Claim to stop granting the employer the right to absent communications where it is the abuse of this right from an unlimited number of employers.
3. Prompted passage of the law of human trafficking and the thick punishment for the inconsistent.
4. Claim quickly approving a law of work in the private sector.
5. Claim to cancel the sponsorship system, and work on for an alternative system that preserves the rights of all parties in accordance with legal ,transparent humanitarian and clear grounds.
6. Claim to the appointment of a special sector of employment and the development of this sector so as to take responsibility for the majority of the Kuwait.

Fifth : Home Employment

Violations of human rights against employment constitute a major challenge to human rights activists and civil society organizations in Kuwait. The biggest problems with domestic workers are in the absence of a law to protect them from injustice and abuse, and to regulate the relationship between the server and the employer. That has allowed unlimited quantities of violation of human rights against this oppressed group in some cases to torture, humiliation, rape, non-payment of salaries, imprisonment and beatings. The Association provided general huge number of these violations in addition to the worrying rise in the frequency of suicides in this category because of egregious violations of their right as well as their sense of injustice and discrimination.

Recommendations:

1. Prompt the enactment of a law regulating the relationship between the server and the Employer.
2. Enforcing the laws on violations of the rights of domestic workers as required in accordance with humanitarian and legal standards.
3. Prompt the development of the headquarters of harboring domestic employment commensurate with the terrible beneficiary and in accordance with international norms and humanitarian laws.
4. Claim the Kuwaiti government to play a strict control on the domestic labor recruitment offices which spread all over Kuwait, where these offices made terrible violations against this group before, during and after recruitment.

Sixth: The conditions of prisons and detention and arrest centers

Detention and arrest centers of the Ministry of Interior in any of the countries of the world are the mirror that reflects the human rights situation and how the State's application for humanitarian norms and international standards concerning the centers of detention and arrest, especially as the image is etched in the minds of some about these centers is a bad image often associated with torture, humiliation and a worsening humanitarian situation, especially when we talk about the Middle East. The State of Kuwait is a Middle Eastern country, so it needs to open the file of police stations and prisons in human terms, and to reconsider the terms of reference to international humanitarian standards which a large number of detention centers lacks to those standards on the one hand health care provided. It has been monitoring the death of at least one of the inmates in one of these centers in the year 2009 due to deteriorating health care. This is in addition to the accumulation of large numbers of detainees in small rooms badly ventilated and designed to withstand such high numbers. This is in addition to the arrest of some of the defendants for indefinite periods without a legal trial. The Kuwaiti Association for the basic Evaluators of human rights has monitored several instances where defendants suspended for indefinite periods and without legal proceedings, and this is contrary to law. Truth be told we must never lose sight of approval from Kuwait to launch a qualification training program OK with international standards for returnees from Guantanamo in a good sign for the rehabilitation of these detainees as a prelude to bring him back into society.

Recommendations:

1. Claim the need to train and educate police officers and investigators of human rights in general and the rights of detainees, in particular, methods and norms to deal with them during and after the arrest.
2. Prompt the development of prisons and detention centers to match the standards of humanity.
3. Claimant and an emphasis not to allow the deployment of photographs of the suspects before charging them and tried by the judiciary.
4. Claim the government to separate the General Administration of Criminal Evidence and attach to the Attorney-General.

Seventh: Freedom of expression and public freedoms

Despite the fact that Kuwait belongs geographically to the Middle East which was known as the restriction of public freedoms and freedom of expression, but it assumed a high rank in this area where it got the first place in the freedom of the press at the level of Arab States and the Middle East in 2009, according to the report of the Organization " Reporters Without Borders. " took into account local laws where the rights of individuals, groups and institutions to express their views

freely, without prejudice to the others. That has been recently observed the bad use of freedom by offending the religious and political symbols, public figures, and no doubt that civil society organizations, including the Kuwaiti Association for the Evaluators of Basic Human Rights, consider this behavior a violation of the law and a violation of the rights of others, where it does not mean that the enjoyment of Kuwait for legal items provide domestic expression of opinion freely opening the door to challenge the others. However, despite this freedom, the Ministry of Transportation has closed a number of codes and electronic espionage to fill them in accordance with published in the Arabic Network for Human Rights Information at the end of last September.

With regard to the public freedoms, door is open to the creation and display of civic organizations and trade unions and associations, without the obstacles that recalls in this matter in accordance with applicable local laws. Kuwait has also a high rank in the field of religious freedoms. Kuwait has more than one hundred nationalities and religions of different faiths and with the religion of the State, and in spite of that, everyone practiced rituals and religious rites freely in accordance with Kuwaiti local law.

Recommendations:

1. Prompt the enactment of legislations that protect individual right, icons and public figures from the bad use of freedom of expression.
2. Claim not to touch the freedom of people to express their opinions through the Internet and other media channels, in accordance with local laws.
3. Claim to refer any abuse of freedom to the judiciary and competence and not to be the arbitrary decisions are the solution in facing bad use of freedom guaranteed by law.

Eighth: Women

Kuwaiti women have been suffering for a long period of social and political exclusion, therefore, the Kuwaiti Government has taken a number of historical decisions on granting women their political rights and social issues, and it has recently been developed the field of women's rights by allowing them to political participation as well as posting. And so on, but at the same time it detected a slowdown on the approval of women's civil rights law in the National Assembly, and for the sake of women, also it was sentenced recently the Supreme Constitutional Court to allow Kuwaiti women to issue a passport without requiring the consent of the husband and what was in place for many years, which is an achievement on women's rights.

Recommendations:

1. Ask the government to reconsider the laws and decisions regarding women's rights, which may be in some of spoiling women's rights.
2. Ask the government to speed up the approval of the civil rights draft of women.

Health Human Rights Issues In Kuwait

High Prices of medications compared to rest countries of the region

WHO denoted in its last report published in the mid of AUG 2009 in the Kuwaiti reports, denoted that prices of medications are too high. Public employee, receiving low salary, may pay 3-8 days salary to buy typical medications for common diseases. In the same time, the non-skilled Kuwaiti worker to pay about 8-22 days salary for the same reason.

Mr. Mubarak Al-Harby, Director of the national committee for control high prices, prepared a comparative prices for medications in Kuwait and KSA which made clear that price differences is sometimes 330% (copy attached).

Health Hardships for Comers

A decree law 1/1991 is issued in Kuwait to obligate comers to have medical insurance during their stay in Kuwait, the average value of health insurance in 50 KD per annum. Labor

market in Kuwait says that this value is incurred by comer in most of times except home servants for which the sponsor or the employer incurs this value. Given that current law states that employer (pursuant to article 2) pays insurance installments or the health insurance.

Despite the law gives health insured persons coverage for basic medical and health services whether diagnostic or treating, as it states in article 4, and then it gives Minister of health the power to define such services, yet the current applicable unfortunately in Kuwait do not cover the least health needs for comers. For example, the comer still must pay above the insurance, 1 KD for each evaluation clinic and 2 KD for each evaluation in the hospital, he is also obligated to pay amounts for most medical checks required for diagnosis, for example he pays 10 KD for normal SONAR, and 75 KD for color x-rays or 90 KD for MRI, and 75 KD for Cardiac catheterization, 30 KD for Endoscope and other amounts for many medical analysis such as iron, vitamins and thyroid glands, hormones etc ranging from 3-10 KD for each. The same applies for Non-Kuwaitis.

As to treatment also, there are tenths of medications banned for comer and they cannot get unless via incurring their cost from pharmacies with high prices such as some medications for diabetes and hypertension, haemophilia, solutions and asthma sprays, and some antibioticsm and medications for Tuberculosis and stomach and colon ulcers, etc.

Then what is the use of medical insurance if the one coming to Kuwait has to pay such amounts for diagnosis and treatment?? especially for comers or insurance hospitals and health insurance hospital as solutions for this problem, yet all suggestions found its last destination in the drawer.

Handicapped

Number of handicapped enrolled in the Higher Council for the Disabled Affairs, about 20 thousand Kuwaiti and 2500 non-Kuwaiti, despite the law serving this class (49/1996), yet it's a disabled law and many of its provisions are ineffective. Civil societies concerned with handicapped issues in Kuwait seek to treat shortcomings of these provisions, and set new laws serving such classes, and so activists in the field of handicapped rights gathered such requests in a document called "Document of Hope" consisting of more 50 request, the most eminent of which applying article of international treatment for handicapped, this case is still before agenda of peoples assembly.

Negative Smoking

Despite state of Kuwait issued a law to control smoking (15/1995) stating no-smoking in all public places, yet such resolution is still a document as there is no effect for application, and there is no entity to follow such resolution and see if it's applied.

There is no doubt that smelling smoke unwillingly when being in public places (negative smoking by doctors) is a sever aggression upon human rights especially for healthy life free from harms which is one of the principles approved by Islamic Sharia, Law and International covenants.

Kuwaiti Association for the Evaluators of Basic Human Rights

The State of Kuwait _ Salmiya _ Region 6 _ street Bahrain _ Floor 8 _ Office 29
Pp. B. No. 26023 _ Safat 13121 _ Kuwait
www.humanrights.org.kw