

# **Kuwait Association for The Basic Evaluators of Human Rights**

**The Annual Report  
As To Human Rights Conditions  
in the State of Kuwait  
For The Year 2010.**

**Humanrights.org.kw**

Introduction

The Speech of The Association in  
Human Resources Council in UN.

Acknowledgement

The Organizational Structure

Presenting The Report

First : Freedom of Expression and  
Public liberties.

Second : National Unity.

Third : The Frameworks of  
Comprehensive Periodical Revision  
And The Covenants of the State of  
Kuwait in front of Human Rights  
Council.

Fourth : The Independent National  
Organization for Human Rights.

Fifth : Kuwait and its position from  
signing on the International Treaties.

Sixth : Handicapped Persons

Sevenths : Non-identified ( Bedoun)

Eights : Incoming Labor.

Ninth : The Conditions of Prisons and  
Detainment.

Tenth : Woman & Child

Eleventh : Health Care

Twelfth : Execution

Thirteenth : Complaints.



## **Introduction**

Five years have passed since the establishment of Kuwait Association for The Basic Evaluators of Human Rights in 2005. Since its inception, the association has successes in rendering many achievements which have an efficient role in consolidating and protecting human rights in the State of Kuwait subject to its mission that is represented by giving due care to human rights and rooting them from an Islamic perspective.

The year 2010 witnessed the epic of achievements for the Association on the local, regional and international levels as it was involved strongly in all changes that have happened in all rights issues in the State of Kuwait and thus, it keeps in pace with human rights development emphasizing on its efficient participation.

The most significant of those achievements was apparent in May 2010 in the eighth round for the comprehensive conference in HR Council in Geneva to present the report that is prepared by the State of Kuwait. This was preceded by sending HR report about the State of Kuwait for the Council of the United Nations. In addition, in September of the same year, the association has participated through the speech presented in front of Kuwait Delegation in Human Rights Council on the occasion of following up the recommendations of the State of Kuwait regarding HR issues. The role of the Association was clearly significant in this international forum as it was the only association that participated by giving a speech in front of the members of the Council. This participation emerges from the Association's strong belief in the necessity of the consolidation of Civil Community Organizations as well as international organizations in order to change and create HR in a world that is dominated by oppression, policies and interests on the account of justice and law.

We thank Allah for such participations and positive steps which gained approval on the local, regional and international levels as the association became a center for cooperation and partnership by HR, activists and Civil Community organizations.

We ask Allah to help us to bear this responsibility in order to help those disadvantageous and oppressed and to help justice to win to exhibit the greatness of Islamic Shari'a as a religion that rooted the principles and human rights standards.

### **The speech of the Association that is addressed by Dr. Adel Al Damkhai in HR Council in UN.**

We thank Allah and the prophet ( PBUH). We also thank Kuwait government for its efforts in promoting Kuwait register in the field of HR. Furthermore, we praise and appreciate the role that it does to meet its commitment towards the International Community and the revered council. We also thank it for its deep respect for the Islamic Shari'a and Kuwait Constitution as doesn't violate them. Furthermore, it accepts a great amount of recommendations. We refer here to a number of the demands that we deem as urgent and should be executed without any delay.

### **First : Establishing the National Independent Institution for Human Rights subject to the Principles of Paris :**

Establishing such institution is considered as one of the most important demands of the civil and international community provided that forming such institution includes related civil community organizations as well as HR activists. In this way, Kuwait Association for The Basic Evaluators of human rights has made a draft law for establishing this organization which should have due care from Kuwait government and the Parliament.

**Second : Solving The Problem of Non-identified or Bedoun**

We see that Kuwait government should solve this issue which hasn't achieved significant progress as there are no radical solutions have been undertaken by the concerned authorities. Furthermore, we recommend the government to benefit from the experience of academics and activist, especially in Civil Society Associations which is not attending now in discussions as well as the committees that are formed to solve this problem. We refer here to Kuwait Association for The Basic Evaluators of HR which has put a complete conception in the form of a law that solves this problem from its roots and delivers it to the committee that is responsible for defending HR in the People's Assembly.

**Third : Fast Procedures in Establishing the Public Authority for Labor Forces :**

We praise here the law No. 06 / 2010 in the national sector and we recommend to the necessity of finishing the establishment of the Public Authority for Labor Force subject to Article nine of the law to be the nucleus of canceling the Sponsor System as Kuwait government has declared this more than once.

**Fourth : Domestic Labor Law :**

The absence of this law is considered as a grave violation in the Kuwait Community as this law organizes the relation between the servant and the sponsor and we see that the draft law that is presented by Ministry of Interior could be considered as a whole solution for this case.

**Fifth : Campaigns for Raising Awareness and laws that are related to Human Rights :**

The Association in this regard recommends that necessity of adopting and condensing awareness campaigns related to HR and we end with praise for Kuwait Government and the Eternal Deputy.

**Kuwait Association for The Basic Ingredients of Human Rights  
September 2010.**

**Definition**

Kuwait Association for The Basic Evaluators of HR is one of Civil Community organizations whose headquarters is the State of Kuwait and works under a license No. 99 / 2005 from the MOSA

**Message**

Giving due care for HR from an Islamic Perspective

**Vision**

Seeking by all possible means to protect HR against any violation through awareness and positive communication in coordination with the concerned authorities.

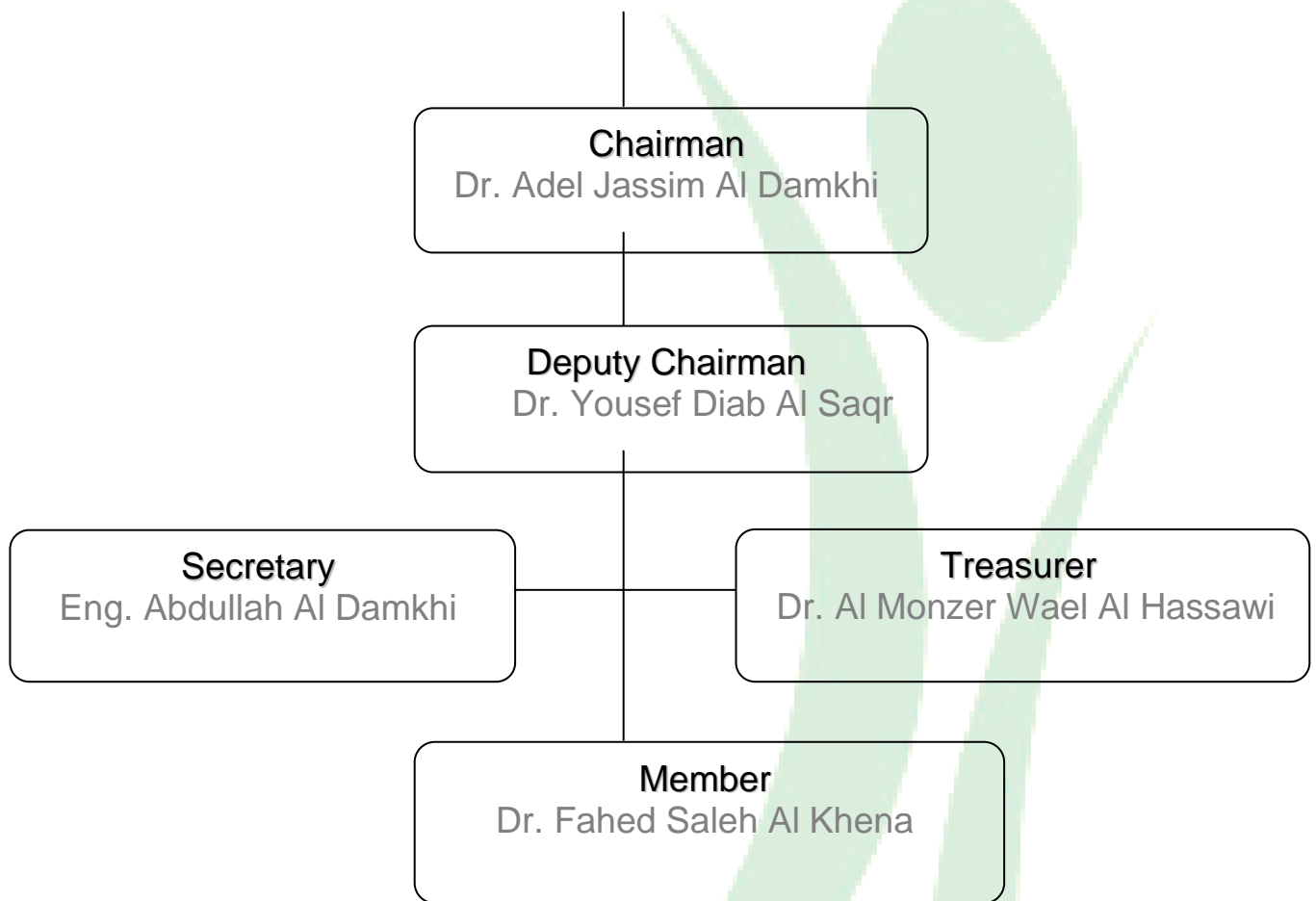
**Objectives**

- Raising people's awareness of human rights which sponsored human dignity.
- Defending such rights and consolidating the mechanisms for defending them in away that is in compatibility with the Islamic Sharia.
- Monitoring HR violations and following up them with the concerned authorities in away that depends on wisdom.
- Fighting suspicions that are aroused around Islam in the field of HR.
- Saving Kuwait from violations and defending Kuwait reputation in international forums.

**The Constitution**

Cairo Declaration for HR in Islam which is launched by the Islamic Conference Organization.

**Organizational Structure of the Board's  
Council**



**Working Specialized  
Committees**

Non-Identified Committee	Human Committee	Mass Media Committee
Special Needs	Expatriate Labor Committee	Researches and Studies Committee
PR Committee	Health Committee	Woman & Child Committee
	Complaints Committee	

## **Introduction**

Whereas Kuwait Association For The Basic Evaluators of Human Rights a civil Association that is formally licensed in the State of Kuwait with No. ( 99/ 2005) it tends to issue that report to do its role towards the issues and violations of human rights and to eliminate such violations in order to consolidate the reputation of Kuwait in the field of HR by monitoring the most important issues of HR related to

Kuwait. In this report, we have depended on some basic standards including :

- 1- The basic authorities of HR in the State.
- 2- Twining local laws with international ones.
- 3- Giving due attention to the weak groups in Kuwait community such as non-identified , labor and woman.
- 4- Complaints and suggestions that are received by the Association.
- 5- Monitoring human violations in addition to studies and researches related to this.

### **First : Freedom of Expression and Public Freedoms**

#### **Freedom of Expression**

The file of public freedoms have witnessed considerable retraction in the world in 2010 in comparison to 2009 in which Kuwait has occupied the first position in the field of freedom of Journalism all over the Arab World and the Middle East subject to the report of the organization of “ Limitless Correspondents” as that year 2010 witnessed the issuance of juridical sentences of financial fines against a parliament member, a journalist and two journals of 3.000 KD for each one of them for some monetary issues related to the Prime Minister, as one of those sentences was issued against the member Mohamed Hayef Al Mutairi due to some declarations in which he criticized the Prime Minister. The same sentence imposes fines on the author and the journal with the sum of three thousand KD for each one of them. However, the second two sentences are considered the most important since 2010 regarding freedom of expression; the first one of them was that issued against the opposition journalist Mohamed Abdul Kader Jassim due to an article in which he criticized the Prime Minister and the second is that sentence that is issued against the political activist Khaled Al Fadala. In this respect, Kuwait Association for the basic ingredients of HR has approached the Public Prosecutor to visit Al Jassim in his cell, however, it doesn't receive any response on its request whether by acceptance or refusal.

Actually, presenting those who have some opinions such as Al Jassim and Al Fadala for the trial can be considered as a clear example on those violations and this has stirred great criticisms from so many organizations which led to resentment and anxiety on the local and international levels, especially the tough treatment with constraining his hands and legs while he is lying ill in hospital. This has a great effect in undermining the good reputation for which the State of Kuwait has exerted much effort for building it as a state that respects freedom of journalism.



As for freedom of the media, Kuwait Association for The Basic Evaluators of Human Rights in cooperation with Al Jazeera Channel and the UNESCO – Doha Office has organized a regional forum “ Freedom Of The Media in GCC” under the motto of “ For an Independent and Variable Media” as the Association pursues to devote the principles of human rights and his basic rights. This forum is considered as the international journalism day.

#### **Public Freedoms :**

All organizations and forums have a political nature and they still work through their efficient leaders. Civil and people’s movement in Kuwait has emerged from “ Diwaniya” as it is a center where members of the community convene for efficient discussion such as holding public forums and expressing some concepts. The diwanias of some personalities, activists and members of the Parliament are visited by many Politian’s and citizens to discuss some issues in the state. They might agree on some items and differ on others. However, what is beneficial is that ideas are presented and each one respects the opinions of others.

December of 2010 has witnessed a tragic end regarding the issue of freedoms as satellite channels has broadcasted on Wednesday 8 December some scenes which are not familiar in Kuwait on any formal or popular levels. This was when the police used excessive forces without any reasons or justifications or threats by the visitors of the parliament members, citizens, doctors, Constitution experts headed by Dr. Ebeid Al Wessmi who is arrested afterwards subject to article 15 of the first chapter of “ State Security Crimes” from the Penalty Law.

The Association for HR components have strongly condemned such bloody aggressions which were witnessed in the forum “ No Violation of Constitution”. The Association as well all those concerned for human rights feel sorry for those human violations that are represented by attacking parliamentarians and citizens which coincide with the anniversary of the Universal Declaration of Human Rights. This is because of the weird way adopted by the executive authority which violates the provisions of Kuwait Constitution which sets forth in paragraph (2) from article (31) and the two articles ( 36) and ( 44).

After the establishment and declaration of civil community organizations, syndicates and associations and in spite of the many applications of declarations which didn’t get an approval. Furthermore, Kuwait occupies an advanced position in the field of religious freedoms as it combines more than 100 nationality including different religions and faiths, however, in spite of all this, all people can practice their rituals with total freedom subject to Kuwait Constitution.

## **Second : National Unity**

The year 2010 witnessed several incidents that have contributed in raising dispute among the different groups of Kuwait community. This makes us as well as other activists to worry about the social unity of Kuwait. What is broadcasted in Al Sur Channel in December 2009 leads to tearing the social unity of Kuwait. This is because demeaning dignities is a grave crime in the right of the state, especially that the Constitution as well as all HR documents ensure maintaining human dignity. Therefore, we have warned so many times from the studies presented by Al Saraya program in Al Sur Channel because it was directing the community to a great dissection and dispute that might lead to non- disability in which we live in Kuwait. Kuwait Association For The Basic Ingredients of Human Rights emphasize its total refusal for dissecting the community or suspecting in the loyalty of the sons of this nation. What is mentioned about Al Sur Channel is considered an example for other similar subjects that are presented in other different media.

The Association sees that there was clear and non-justified laziness from the government in such incidents, especially in view of the visionary and heard law because it is the duty of the government to face and fight all those who could attack human rights and dignity. It is important to apply the law on all people, especially the application of justice on some without others as this causes dissection in national unity. Furthermore, People's Assembly has an important role as well as great responsibilities by drafting legislations that prevent harming the nation, its sons and symbols without violating rights of expression and this is the role of the legislative authority.

In order to continue the story of attacking the unity and consolidation of Kuwait community in view of the aggressive campaign targeting national unity, the year 2010 has witnessed the most important incidents that could dissect the community, especially when the extremist Yasser Habeeb has defamed the reputation of mother of believers, the wife of the prophet ( PBUH) Aisha Bent Abi Baker ( May Allah bless her and her father), respecting religious symbols of the Kuwaiti community is the basic cornerstone for maintaining this national unity of the Kuwaiti community in view of the Islamic Sharia and Kuwait Constitution to maintain the Unity of the nation and citizens, especially that the penalty law of Kuwait has dedicated part of its articles criminalizing this as its article No. (111) sets forth, “ each one who broadcasts or declares by any one of the ways that is declared in article 101, some opinions which include sarcasm or demeaning for any religion either by defaming or attacking his faith or rituals or teachings, shall be subject to imprisonment for a period that doesn't exceed one year with a fine that doesn't exceed one thousand rube or one of those penalties.”

I have asked Kuwait government at that time to take decisive decisions subject to the law to avoid dispute which might undermine the construction of the nation and its peace or increase hatred feelings among the sons of this nation.

### **Third : Frameworks of Comprehensive Periodical Revision And The Covenants of Kuwait In Front of Human Rights Council**

#### **Presenting the efficiencies and the recommendations of the eights round for the periodical revision of HR :**

May of 2010 witnessed a new incident in the file of the State of Kuwait regarding human rights which is the comprehensive periodical revision in HR Council related to the UN and to present Kuwait national report about the issue of human rights in addition to revising and emphasizing on the recommendations of September of the same year as Kuwait has accepted nine important recommendations that should be achieved including :

- 1- Approving the decree mentioned in article (5) of the new labor law No. ( 06 / 2010 ) as to house labor.
- 2- Accelerating the procedures of establishing a national organization for human rights subject to Paris principles which suppose that it is independent and open for the Civil Community.
- 3- Issuing an eternal invitation for the special procedures and to respond for the requests of the established authorities subject to some treaties whether related to periodical reports to respond to communications.
- 4- Providing an open and eternal invitation for all the special procedures.
- 5- Responding to the requirements of avoiding human trafficking, especially women and children for visiting Kuwait.
- 6- Ensuring providing equal job opportunities for woman and consolidating the participation of women in labor force by employing women in the jobs of experts as well as supervisory jobs in all Ministries, the diplomatic field and the juridical authority.
- 7- Preparing and executing national scheme for consolidating equality between the two genders to ensure merging them in all levels and fields subject to the recommendations of ( Sidaw).
- 8- Exerting all efforts to make some legislations for fighting human trafficking and smuggling for the purpose of sexual abuse or forcible works subject to the UN Treaty for fighting organized crime as it declares to do this in its national report.
9. Cancelling the current sponsor system and replacing it with some regulations according to international standards.

Furthermore, Kuwait Association for The Basic Evaluators of Human Rights shall undertake its role as a Civil Organization Institution in urging and encouraging Kuwait government to implement those recommendations in accordance with Islamic Shari'a, Kuwait Constitution and International treaties.

#### **Fourth : The National Independent Organization For Human Rights**

No doubt, the discussion of the State of Kuwait for its national report about the comprehensive periodical revision of human rights in front of Human Rights Council during the month of May in 2010 has a great effect in increasing international and

national pressures on the State of Kuwait which call for the necessity of expediting the establishment of an independent national authority for Human Rights in view of the provisions of Paris Principles and in partnership with Civil Community organizations that are directly related to human rights activists.

In this view, Kuwait Association for The Basic Ingredients of Human Rights has prepared a draft law related to the establishment of this institution which hopes from the government of the State of Kuwait as well as Kuwait Parliament to adopt its idea of establishing and ensuring its independence ( attachment No. 1).

In this regard, the year 2010 witnessed great community movement, some activists as well as members of the Parliament to exert some pressures on the government to expedite the procedures of establishing the independent national institution for human rights subject to Paris principles. Furthermore, Kuwait Association For The Basic Evaluators of Human Rights has cooperated in December with Al Salam Center for Development and Strategic studies to hold a training course titled “ The Principles of Paris and seeking to establish independent national organizations for human rights. This course has targeted some of the activists in the field of human rights in addition to some representatives from the Ministry of Interior, Affairs and Justice. Human Rights Components Association has given due care to Kuwait Constitution, local legislations in addition to the Principles of Paris, especially when it tended to make an integrated draft law for establishing the national independent authority for human rights as it takes into its consideration making a conformity between the law of establishing the authority with Islamic Shari’a.

It is worth mentioning that the principles of Paris might be lacking international commitment are objective standards that allow the country to find the frameworks of establishing the national organizations for human rights.

However, the legal description of Paris principles doesn’t relieve nations from their moral obligation of establishing a formal independent national authority for human rights. Therefore, we have to differentiate between the obligations of Paris principles and the moral obligations on nations to establish such authorities. Countries has complete freedom to choose the structure or the suitable description for their formal authority and this is established by article (12) of the decree of the UN No. 48 / 134 which sets forth for encouraging the ( public association) to establish and consolidate the national organizations that give due care for those principles and which realize that the country has the right to choose the framework that is suitable for its special needs.

Therefore, the nation could establish its independent national authority with complete freedom in choosing the legal and structural form which is in conformity with the social, political and national systems. Therefore, the nation may establish its national authority in the form of an organization or authority or a council or a system as names, and structures are among the matters that are not contradictory with the idea of being guided by the principles of Paris. What is important in this matter is to be

guided objectively by the principles of Paris in view of guiding nations to establish an independent national authority for consolidating and protecting human rights.

#### **Fifth : Kuwait and Its Position from Signing on International Treaties**

The year 2010 didn't witness any change in Kuwait international position from joining international treaties that are related to human rights. Human rights treaty for handicapped and the attached protocol is considered as one of the significant international treaties, especially when the handicapped law was issued ( 08 / 2010) in November 2009. There are many important and essential treaties that require from the State of Kuwait join it the nearest possible time such as the treaty of protecting all the rights of immigrant labor and their families 1954 which is related to the position of non-defined or " Bedoun " as well as other treaties which require commitment in front of the world community as there are many observations and recommendations which were issued to the State of Kuwait urging it to approve such international treaties.

#### **Sixth : Handicapped Persons**

In our talking about handicapped persons and the treaty related to them which is not signed by the State of Kuwait, it is worth mentioning indicating that legal hurdles that face authenticating human rights treaty and legal solutions which could accelerate authentication as follows :

- As for Paragraph (2) of article ( 12) of the Treaty which sets forth that handicapped persons are entitled legally along with others in all fields of life. The opinion of Kuwait government in this respect is directed to emphasize on the importance of differentiating between the necessity and performance legibility considering that performance legibility is contradicted with the texts of the civil law, especially the two articles : 107, 109.

2- As for paragraph (a) of article 18 of the treaty which is related to granting the handicapped the right to have a nationality. Kuwait government sees in this regard that matters of nationality are considered as some works of supremacy and this in fact contradicts the provisions of Kuwait nationality law ( 15 for 1959) as the provisions of this law were exclusively determined by Kuwait law.

4- As for the text of paragraph (2) of article 23 of the treaty which include committing the parties to ensure the handicapped persons and their responsibility regarding raising children or sponsoring them or adopting them or any similar traditions where such concepts are included in the national legislations.

Kuwait government sees in this regard the necessity of maintaining that text as it is contradicting the provisions of Islamic Shari'a which prohibits adoption.

In this regard, the association emphasizes that there is nothing which prevents signing on the treaty of handicapped persons and to approve it with the possibility of maintaining the articles of the treaty which is not contradicting the provisions of Islamic Shari'a or with the Constitution or national legal system.

#### **Sevenths : Non-Identified ( Bedoun)**

Bedoun phenomenon has appeared in Kuwait after the year 1959 after the appearance of the law of granting nationality for those who deserve it from Kuwaitis to prepare for independence, however, lots of people remained without nationality and they were called "non-defined" or "bedoun" and about four generations from this category live in the State of Kuwait according to formal statistics and this is considered as a great human disaster as this category of people are exposed to the worst kinds of oppression due to racial, religious or political reasons. 40% of non-defined are registered in the statistics of 1965 as their number reaches about quarter of a million in 1990. During the Iraqi occupation, many of them has departed Kuwait and they couldn't return back because Kuwait didn't allow them to return. Some of them got nationalities in Western countries including Scandinavian nations as well as the United States. Currently, there about 105 thousand of non-defined in Kuwait.

The suffering of those non-identified represents a great challenge for Kuwait government, civil community organizations as well as human rights activists in the State of Kuwait, especially with this considerable slowness in solving the issue since the establishment of the State and till now. The association sees that the problem of those non-identified is a mere human problem as this category remained for a long period of time lacking the simplest human rights such as the right to learn and work and also the right for health care as well as other rights. We have seen some positive points since 2010 regarding the file of those non-identified, the most important of which is the establishment of the Central System for treating the conditions of illegal residents. Although the association has criticized the non-clarity of the specialties of the system or its mechanism of work as well as the time period in which the problem of the non-identified is supposed to be solved, we hope to participate in achieving a great leap in solving this problem during 2011 and to support the non-identified who are disabled in private schools and universities. However, we hope to achieve much steps and real procedures for participating in solving this issue among a clear and transparent plan in front of Kuwait and International community.

With the exacerbation of the problem of the non-identified in the State of Kuwait, Kuwait government should find real legal solutions for this problem which represents one of the most criticized human issues. It has also been indicated to us that there is a clear slowness from the concerned authorities in the government as to finding a radical and human solution.

In this respect, we recommend the government to benefit from the experiences of those academics and activists, especially civil community organizations which don't attend or participate in discussions as well as the committees that are formed to solve this human rights issue.

We refer here to the fact that Kuwait Association for The Basic Evaluators of Human Rights has prepared a complete and a comprehensive conception in the form of a draft law that ensures radical solutions for this problem presented by the Association in the parliament ( Annex 2).

### **Eights : The expatriate Labor ( The Immigrant Labor )**

The expatriate labor means all those immigrants who work in the national sector in addition to the domestic labor.

1- Expatriate Labor In The National Sector : violations of the rights of expatriate labor in Kuwait represents a great problem and a great challenge as it is one of the most complex problems since the establishment of the State and till now as Kuwait depends greatly on the expatriate labor which represents around 2/3 of the population. The year 2010 represents one of the most important years as to the rights of immigrant labor, especially after the national law No. 6 / 2010. However, there are still some violations which are existing in the rights of expatriate labor due to the weakness of law execution mechanisms in addition to many ambiguous texts that require some explanation and clarification from those specialists. Those activists and concerned of human rights have great expectations on article No. 9 of labor law which sets forth the establishment of the Public Authority of labor Force to be the first nucleus for cancelling the “ Sponsor System”. However, in spite of government emphasis and promises of establishing that authority in February 2011, it didn't declare till now its organizational structure or the nature of its work or its legal role. It is worth mentioning here that the absence of a law criminalizing trafficking puts big question marks for the position of the government and its seriousness in treating the conditions of human rights and this is considered as laziness from both the legislative and executive authorities in the face of critics and beneficiaries from the current condition and this leads to many human violations which are monitored through the complaints that are received by the association or through formal or independent journals.

As for resident traders, it is clear that trading in work visas provide great profit as traders of residence could pay sponsorship for the foreign labor who pays from 500 to 1500 KD to have a work permission and then work in an illegal way. Furthermore, owners of work couldn't pay the salaries of employees and might ask them for longer work hours or to cancel their vacations to work in away that is violating to the contracts agreed upon between each others. However, there are strict measures for penalizing or criminalizing those such as presenting them for the court or depriving them from participating in tenders or public bids.

Violations in the rights of expatriate labor differs according to the nature or nationality of the employee such as obliging the laborer to work in open places in temperatures that reach 50 degrees and such places sometimes are lacking for the rules and provisions of professional health and safety. This obliges the employees to sign on a blank sheet of paper, “ bills” to be used for exerting pressure on them and putting them in prisons, especially taxi companies as many of the employers maintain the official papers of their employees. When those employees are exposed to dispute or exploitation and try to escape, sponsors can accuse them of escaping from work and to oblige them to travel subject to the law. Thus, the government has left the employees under the mercy of the employers and this makes them subject to suffering.

Among the most important achievements and successes in the field of human rights in 2010 was issuing the labor law regarding working in the national sector ( 6/ 2010) as it is worth appreciation.

In order to apply the provisions of article (9) of the new law which sets forth that “ a public authority that has a moral personality as well as an independent budget that is called the Public Authority for Labor Force.....”, Kuwait Association for The Basic Evaluators of Human Rights recommends the necessity of terminating as soon as possible the frameworks that are necessary for establishing the Public Authority for Labor Force to be the first nucleus for cancelling the sponsor system subject to what is declared by the Kuwaiti government in this regard in many occasions and more than once.

**2- Domestic Labor :** domestic labor in Kuwait which exceed 660 thousand ( about 1/3 of the labor force and this category is fully excluded from the labor laws that ensure protection for other categories of labor. We consider that Kuwait legislators consolidate this exclusion from the protection umbrella as in February 2010 the new labor law is issued for the private sector No. 6/ 2010 as it excludes the texts related to organizing the conditions of domestic labor who are exposed to grave violations for human rights in addition to the absence of laws that protect this weak category.

In fact, domestic labor are sometimes forced to work without wage and sometimes they are deprived from food as they are exposed in many times to non-human treatment. When they try to have their rights, they are departed to their homeland. We deem that the government should provide for this category a suitable residence that is compatible with human standards. Furthermore, the government should eliminate all heavy legal hurdles that are imposed by employers on the female domestic labor who are subjected to bad treatment. Kuwait Association For The Basic Evaluators of Human Rights sees that government officials discuss reforming the Sponsor System since years, however, it is time to execute some procedures for protecting the rights of labor as to real practice and not a theoretical one.

In this respect, the Association emphasizes that the basic problems faced by the domestic labor can be represented by mal-treatment, non-payment of salaries or default in payment or obliging them to work for long hours that might reach 18 hours on a daily basis and some of them work 365 days without a vacation. Furthermore, the movement of some of this category becomes subject to some constraints and their passports are detained also in a way that violates personal liberty. The basic problem of this category of labor is that there is no law that protects them or determines work hours, vacation days, and remuneration for vacation. The Association sees that it is necessary to impose a law that protect domestic labor and provides protection for it as well as employers, especially in case of escaping in which the employer bears the costs of travelling. From this, it becomes imperative to improve the sponsor system by requesting and modernizing a government institution that could manage the affairs of this category as domestic labor don't leave their nation except when they are treated badly. From that perspective, it becomes necessary to organize a law for



domestic labor during the period of 2011, especially after the establishment of the Public Authority of Labor Force subject to article 9 of the law No. 6 / 2010. A little number of the domestic labor in Kuwait represent the cornerstone of violations that are committed against domestic labor and especially that fact indicate the involvement of many of those offices in trafficking domestic labor and especially those who are returned by inciting them sometimes or obliging them to escape from the houses of their sponsors to exploit them in works that are contradictory to morals, traditions and values, especially that many of those offices are run by persons who are not the owners of the license. This condition is exploited by the guerilla of trafficking humans and exploiting women.

Kuwait Association for The Basic Evaluators of Human Rights has participated with Kuwait Association for Human Rights subject to an invitation from the Committee of Defending Human Rights in several meetings and workshops to discuss a draft law for domestic labor that is provided by the parliament member “ Saleh Ashour” and it provided it vision about the above mentioned draft law and the amended law is now being discussed at the Parliament which is the authority that is entitled to issue and state laws and legislations.

Since the new labor law in the private sector is disappointing as it includes some special provisions about organizing the status, rights and duties of domestic labor sector in spite of the wide base of its members who are increasingly subjected to many violations that require from Kuwaiti legislator to organize the legal status of this category and to standardize their relations with the recruitment offices and employers inside the Kuwaiti Community. The association sees in this respect that the law the is presented by the Ministry of Interior is deemed as a legal and realistic solution that is worth consideration and statement.

In this respect, it is worth mentioning that Kuwait Association for The Basic Evaluators of Human Rights has partnered the Kuwait Association for Human Rights in setting an important conception about the legal and procedural frameworks that should be included in the law organizing domestic labor including : cancelling the sponsor system; the duties and responsibilities of recruitment offices and the duties of the domestic laborer as well as the duties and responsibilities of the employer and the rules of safety and work hours as well as the termination of the domestic laborer.

### **Ninth : The Conditions of Prisons and Detainment Centers**

Kuwait Association For The Basic Evaluators of Human Rights still feels anxiety as to the conditions of prisons and detainment centers in Kuwait, especially that most of them have no human standards as they usually include large number of detained persons in small rooms with bad ventilation. The association has monitored in 2010 two cases of torture, one of them for an Egyptian expatriate in Al Noqra Police Station and the other one is for a Syrian expatriate in Hawally Police Station. Furthermore, there is a case of indecent assault on a Saudi juvenile at the hands of a police officer and this indicates that the file of the police station and detainment

centers require re-consideration from the Ministry of Interior to stand against those who violate human rights from the members of the Ministry of Interior. Additionally, Kuwait Association for The Basic Evaluators of Human Rights has met the assistant secretary of the Ministry of Interior for the affairs of the reformatory institutions, Major / Anwar Al Yaseen. During the interview, our association has asked to visit the reformatory institutions, however, no one have replied to them. The association has provided a similar request to the undersecretary of the Ministry of Interior to allow a delegation of the association as well as the Committee of Woman and Child to visit it, however, there was no reply also.

Later on the Association was able to visit one of the detainment centers that is related to the Ministry of Interior in July 2010 and it is indicated through the visit that :

- Accumulation of prisoners and violators as some of them report that they are detained for more than three months.
- The center doesn't have sufficient café units including air-conditioning systems that satisfy the need in addition to lacking water coolers.
- The conditions of the cells are bad as they need reform to be compatible with the basic standards determined by law as well as related legal agreements.
- The paucity of the number of baths that are available in the center in comparison to the great number of detained persons.
- Depriving those detained persons from using the phone to call their relatives or friends.
- There is no cafeteria for meeting the special needs of those detained persons.
- The condition of the medical clinic is not proper.
- The patient who suffers from an epidemic is detained in an individual cell and this violates the law as he/she should be transferred to the hospital to receive treatment as well as medical observation and follow-up by specialists.
- The room of the supervisors is lacking instruments as well as air-condition units.
- There is no Holly Qur'an or Library or Prayer hall.
- The building as a whole is old and not equipped or prepared for receiving such numbers.

Furthermore, the Association has visited the Central Cell subject to a permission from the Public Prosecutor in order to examine the human condition of Dr. Obaid Al Wassemi who is detained subject to a case in the incidents of 8 September. It has been indicated to the Association that there are human, Constitutional and lawful violations as it filed a report on those violations to the competent authorities which is published in the media. The report could be summarized as follows :

- 1- The security systems doesn't allow him to wear his special clothes as he was obliged to wear the clothes of the Central Prison.
- 2- The Security forces have shaved his head arguing that this was for health reasons.

- 3- He was treated as if condemned in spite of the fact that he was detained precautionary as the security forces have constrained his hands during sending him to the prison.
- 4- The Security Systems have refused to his request of having the food that he wants as they obliged him to have the food of the central prison.
- 5- His request of having books and references which he requested was declined.
- 6- There was no bathroom doors for the bathrooms of the Central Prison and this is considered as a violation of man's privacy.
- 8- Refusal of attending Qur'an Recitation courses in Qur'an Dar.

The Association sees the necessity of shedding the light on the importance of committing to the provisions of the Constitution and national legislations as well as international legislations that are issued regarding organizing and giving due care to the rights of prisoners and detainees. Furthermore, it sees the necessity of allowing Human Rights Associations as well as the Committee that is dedicated to defending human rights in the People's Assembly to visit the detainment places and reformatory institutions whether periodical visits or sudden visits.

#### **Tenth: Woman & Child**

Kuwaiti woman is still facing so many difficulties as to having their full civil and social rights. Furthermore, Kuwaiti women are still deprived from the right of granting nationality to their sons like men. However, Kuwait women who are married from a non-Kuwait don't have the right to grant the Kuwaiti nationality to their husband in spite of the fact that the law grants the nationality of the Kuwaiti husband to a non-Kuwaiti wife after five years of applying for having a Kuwaiti nationality without the provision of work. In addition, the government also grants men only ( without women ) residence loans without interests and even if they pay the installments of such houses, they lose their right in them when they are divorced and such passive points were treated in the draft law of residence care for Kuwait Woman which we hope to be approved in the People's Assembly.

There is also a proposed draft law for the occupational rights which requires some modifications before stating it and considering the case of the non-married or the married woman who don't have children to achieve equality between all the categories that are married and which have children.

It is said later that in this regard Kuwait Association for The Basic Evaluators of Human Rights propose to make this modification in the law of Civil and Social Rights for Woman to grant the married Kuwaiti woman from a non-Kuwaiti woman who have children the right to sponsor her children and husband.

As for the right of housewives in choosing their work, the year 2010 witnessed the decline of the Woman Committee in the People's Assembly to a suggestion that indicates paying the sum of 250 KD for the housewives in consideration of their role at home. In this respect, the Association has called for making legislations that ensure for the woman the right of choice to work inside home or outside it though the items

of the law that include balance between virtual protection of state affairs from the one hand and the interest of raising children who if their mothers got out for jobs, they are obliged to depend on housemaids in raising children and this affects the community as well as the future generations in a negative way.

As for violence against woman, a recent study that is issued from the Ministry of Justice indicates that the rate of divorce shall be reduced by 5 cases for each 100 thousand of the population if social awareness is consolidated among a category of young men and women and also to condense awareness programs for the family through mass media as well as the efforts of civil and social associations.

The study that is prepared by the chancellor Dr. Adel Al Failakawi in the court of appeal about the issue of the rising rates of divorce in Kuwait indicates that the number of divorces in the current year 2010 reaches 5192 case, however, it was 5054 in the past year, with an increase of 138 case and in 2008 it reached 4920 case.

The study directs the attention to the fact that divorce cases increase year after year as well as claims of differentiation between spouses have increased. Such cases can be ascribed to many reasons including non-commitment of the husband towards his wife such as not spending, negligence and non-availability of residence.

The non-spread of the divorce phenomenon as well as marital violence can be ascribed to many problems as well as social, economic and psychological variables. The study indicates that the rising rates of divorce in any community increases tension and anxiety in that community. This is a problem that inflicts any community and leads to its rarefaction.

The study also indicates that the percent of separation claims due to marital violence reached about 30 % from total personal status cases. The study indicates that this phenomenon is not a local one, however, it is a common and international phenomenon.

It further indicates that 35% of women are exposed to hitting and physical assault. Moreover, there are many working women who occupy high positions and are exposed also to hitting by their spouses who are physically ill and who should be treated to modify their behavior.

The researches which fought divorce phenomenon emphasized that the children of divorced people suffer from psychological problems such as depression, anxiety, a feeling of meanness and non-self-confidence. Additionally, the rates of behavioral delinquencies are the most common in comparison to the children of the stable families. While monitoring such statistics which indicate that there are grave violations against woman, they emphasize that the Islamic Shari'a is against violence or oppression against woman.

As for children rights, there are great national pursuits as well as efforts to prepare a special law that tackles the organization of civil and social provisions of the child. A number of members have approached with draft laws regarding child rights. They included the proposed draft laws which represent as a whole a group of provisions indicating : determining what is meant by a child; indicating and numerating the

rights of a child, the rules of the health care for the child, the procedures and provisions of birthdays registration, health fields, feeding children, rules for social care and alternative care, teaching children rights as well as frameworks for protecting and preparing the handicapped child and the rules of penal treatment for children.

### **Eleventh : Health Care**

- **The Rise of Medicine Prices**

We have referred in the previous report to a study prepared by the World Health Organization in the middle of August 2009 in Kuwait Journals that the price of medicine in Kuwait is highly exaggerated as public servants in Kuwait take the least salaries as they have to pay about 3 to 8 days of their salary to purchase a sample medicine that is described for common diseases. Additionally, the clever non-Kuwaiti employee have to pay from 8 days to 22 days from his salary for the same reason.

The association has addressed the same issue in many activities and several meetings. After the issuance of our pervious report on human rights in Kuwait for the year 2009, the Ministry of Health declared reducing the prices of medicine and pharmaceuticals with 5%, however this number is still away from ambition.

### **Health Suffering of Immigrants :**

The decree No. 1 / 1999 in Kuwait sets forth to provide health insurance for immigrants or expatriate labor during their residence in Kuwait. The average value of the health insurance for the individual is 50 KD on a yearly basis. The text of the current law also commits the employer ( subject to article two ) to pay the installments of health insurance, however, the reality of Kuwait labor market indicates that this value is born by the immigrant in most cases.

In spite of the fact that the text of the law have provided those covered by health insurance system basic health coverage, whether for diagnosis or treatment, its fourth article indicates a statement of such services. The Minister of health also provided an authority of doing such services.

However, the applicable system in Kuwait doesn't cover the simplest health needs for the expatriates. For example, the expatriate is still committed to pay – above the insurance sum to pay 1 KD for each visit of the clinic and 2 KD for each visit for the hospital. Moreover, he is committed to pay sums for most of the medical examinations that are necessary for diagnosis. For example, he pays the sum of 10 KD for normal Sonar, 75 KD for color radiation or 90 KD for Magnetic Resonance, the sum of 75 KD for Health Cathetration and other different sums for different medical examinations such as examining iron, vitamins, thyroid, hormones and others whose cost range from 3 to 10 KD for the one analysis. This matter also applies on the non-identified category ( Bedoun ). Such matters stand as hurdles in front of doctors to make a valid diagnosis in view of the inability of many of them to bear its costs.

As for treatment, there are tens of medicines that are prohibited on expatriates who couldn't have them unless by paying their cost in pharmacies with high prices such as some medicines for diabetes, pressure, liquidity, squirts for asthma, some antibiotics and other medicines that are necessary for treating tuberculosis, abdomen ulcers and so on. It has been said that the Ministry of health has taken positive steps in 2010 when the list of medicines that are allowed for immigrants are increased. Bedoun children are exempted from the fees that are related to treating cancer, however, we seek and require that the health insurance covers all the medicines and medical preparations without any exception or discrimination due to nationality.

Some of the members of the parliament have suggested some solutions for this problem such as the establishment of private hospitals for holders of health insurance from those expatriates that covers all their health needs. There are still some suggestions that are still just on papers without real steps of implementation.

➤ **Attacking Doctors :**

The phenomenon of attacking doctors is still continuing as the year 2010 witnessed not less than 7 physical assault incidents on doctors in hospitals and government health centers. This is apart from the oral assaults or non declared assaults. Although there is a law that condemns demeaning or insulting any employee during his/ work and to impose a fine or a penalty of imprisonment on any one who violates such law. However, this law doesn't participate in limiting such phenomenon and therefore, Kuwait Medical Association has launched a plan to adopt the law of medical immunity for doctors to protect them from any assaults on them as one of the articles of this proposed law sets forth that anyone who assaults a doctor during his work, shall be imprisoned for a period that doesn't exceed three months and a fine that is not less than five hundred KD or both those penalties. The assaulted doctor couldn't assign his right or settle the matter with the assaulting person unless after having an agreement from the Kuwait Medical Association on this. " This suggestion has been adopted greatly by a number of the members of the parliament and the association sees that this law should be accompanied by other procedures such as effecting the role of security men in hospitals and the Ministry of Interior. It is also important to publish and spread the culture of reciprocal rights between the doctor and the patient.

**Medical Services :**

Most of the citizens and residents are still not satisfied by the level of health services that is provided in Kuwait. Furthermore, a number of surveys have indicated that the basic reason behind this is that the state haven't taken serious procedures for rendering a radical solution for the problem of the demeaning health services. For example, there is no new public hospital that is opened since the period of the 1980s and till now and the conditions remained the same as the public six hospitals including : The Amiri Hospital, Al Sabah, Mubarak Al Kabeer, Al Adan, Al Jahraa and Al Farwaniya. This was due to the fact that the number of the population has been doubled including both citizens and residents as the population of Kuwait in

1980 was just one million and 775, however, today the population has exceeded three million and one quarter of a million. Apart from that, such hospitals also suffer from the severe lack of doctors and nurses. Also, there is a limited number of beds, medicines, medical appliances and ambulances.

The government has promised to build 9 medical buildings that are attached to the hospitals to accommodate the increasing demand on medical services. However, construction works haven't started in any one of them till the issuance of such report. Also, even the hospital of South Surra ( Sheikh Jaber Hospital ) which is supposed to be built is still suffering great slowness in its building and construction.

The country was pleased during the past period to take some solutions by sending patients to be treated abroad or to invite a number of visiting doctors. Any one of those solutions is just a partial and a temporary solution for the problem and it doesn't achieve equality or justice in the community.

Simultaneously, the idea of medical errors is still continuing as we think that it is impossible to solve this problem as long as there is great lacking in the number of doctors, especially in those who have much experience. For example, the last statistics indicated that the number of doctors in comparison to the number of population in health care centers in Kuwait is one doctor for each 4413 and this number is still away from what is targeted which is a doctor for 2500 to 3000 according to what is stated in the Gulf Committee for Gulf Primary Health Care that is related to Gulf Cooperation Council. Therefore, medical errors are usually anticipated.

#### **Health Insurance For Citizens :**

Subject to the weakness of the level of health services, there are many requests that called for applying the system of health insurance on the citizens as means of treating the low level of services and to accommodate the increasing pressure on public hospitals. This proposal has gained a strong government support as it shall participate in rendering Kuwait among the advanced nations in health systems and to promote the level of health services. It tends also to promote in minimizing the annual budget for the Ministry of Health and the total cost of the health bill in Kuwait. In spite of our support for that law subject to such controls and provisions, we should emphasize on the fact that we are with health insurance on citizens providing that the government can undertake the value of such insurance on citizens to be in conformity with articles 11 and 15 of Kuwait Constitution which sponsor public health, means of prevention and treatment for all citizens.

#### ➤ **HIV/AIDS disease**

As for AIDS, Kuwait is still registering international low rates. Since the detection of the disease in 1984 and till March of 2009, the number of living Kuwaiti patients is 136 patients only. With no doubt, the religious roots and principles for most of the citizens and the refusal of the Kuwaiti community for all forms of sexual abnormality were the basic reasons for weakening the spread of the disease.

Furthermore, as for the texts of the new proposed law that is discussed in Geneva in June 2010, we think that such severe procedures that are followed in Kuwait have a great role in minimizing the percent of infection in Kuwait.

#### **Female Privacy :**

Kuwait female facilities suffer from lacking in female doctors and especially in emergencies departments, and surgery operations rooms and this exposes many female patients to great shyness when they need medical and health services. This matter is violating the international agreement related to economic, social, and cultural rights that are related to the UN which is signed by Kuwait in 1975 which required commenting on article No. 12 in the meeting of the committee in the twenty second round to the necessity of providing health services and to respect the culture of individuals, minorities, peoples and communities and to give due care to the requirements of the two sexes.

#### **Corrupt Foods :**

The right in health which is sponsored by all International legislations and documents is not exclusive only on providing medical care only, however, it includes also providing health determinants that include providing pure water that is suitable for drinking, sufficient supplies of foods and other things.

Kuwait has experienced a great dramatic series in the current year as it witnessed semi-daily incidents where tons of foods and corrupt meat that is not suitable for human use are uncovered. In spite of the fact that the government has launched a great campaign for detecting those traders who trade with the soul and health of the people ; have made more than 2000 violations; and closed more than 100 shops, this crisis has indicated that there is a great absence of responsibility for the concerned Ministries including the Municipality, the Commerce and the Interior. There is also non-application of the standards of consumer protection and weak supervision on the food ports

#### ➤ **Pollution Of The Environment :**

Kuwait has passed during the year 2010 with some environmental problems that represent a risk on human health including the pollution of Meshref region due to the leakage of sanitation water which started at the beginning of the year 2009 and its successive incidents continued till the year 2010 in the most risky disasters on human health as well as living organisms. This is followed by the pollution of Ahmadi region due to ground caves, oil filtration units which have leaked gases and finally the pollution of “Om Al Haiman” region.

#### **Twelfth : The Execution Penalty**

Sometimes, the organizations and authorities of the world community provide us with their decrees and recommendations that include cancelling the execution penalty and replacing it with freedom restraining penalty. This international pursuit is lacking to its suitability with the hypotheses of the variance of communities, their religions and cultures from country to another, from a region to another and from continent to



another. If the world community wants to make a certain decree a common and international one and urged the world to adopt it, then it is obliged to accept this. When we suppose that there is an international trend to urge and encourage countries to permit trading in wine and drinking them, then, it would seem illogical to direct this encouragement to Islamic nations whose faith prohibits this kind of practice. If there is an international decree of permitting it, then, it wouldn't be efficient or applicable in countries where the Islamic law is the basic source of law.

It is worth mentioning that using the execution penalty inside Kuwait is accompanied in its application and execution with the scope of the provisions of the Islamic Shari'a by putting some considerations including penal and social procedures for facing all the crimes that are committed and which represent a direct and dangerous threat on the security and stability of the community.

The community also sees that if the execution penalty represents the strongest penalty, it is still the most important penalty in consideration of the dangerous crimes which threaten the security and stability of the community in order to warn all those who would like to spread violence among citizens or residents. This is because the warning message of the execution penalty is very strong as it could reform their criminal thoughts to avoid being subjected to it.

We have also to know that there are great differences between the execution penalty and executing it. It is noticeable that most execution penalties which are issued should be implemented. This should be made subject to the statistics on the international level 30 % from the execution penalties that are issued.

As for Kuwait, since the year 2007, more than 30 execution penalties are issued, however most of them are not executed. According to International Alleviation organization, Kuwait has implemented since the year 2008 only one execution and in fact this is a dangerous indicator that should be taken into consideration if we would like to undermine this crime in Kuwait.

The Association sees that the ideal solution for protecting the community is to apply the law on all and to declare the sentences that are implemented to be an example for anyone who think of committing such crimes. It is not reasonable to issue a sentence of execution against a certain person and then implement that sentence in private. It is not intended to kill that person, however, what is meant is to make him/her an example for others.

Here, the Association would like to praise Kuwait formal situation which refuses cancelling the execution penalty as a legislative sentence in spite of the pressures that are exercised against it to cancel it, especially with the campaign that is launched by the International Forgiveness Organization to cancel the execution penalty since few years. This is because execution according to the organization is the apex of deprivation from the right of life which is a means to make death a tool for death.

As for the situation of Kuwait which fights cancelling execution, it is derived from the fact that it is an Islamic nation, its Constitution sets forth that the Islamic Sharia is

the source of legislation. It is a well known fact that the Islamic Shari'a has many sentences that support execution.

Here, it is right to say that execution provisions or executing murderers has been included in the Islamic Shari'a to maintain the right of humanity in life and not for murdering people as they claim. Such provisions, tend in fact to maintain the security and stability of communities. They represent the surgical work that is undertaken by surgeons for curing patients. They are also considered as guarantees for banning aggression on the life of any man in any way. Thus, people could be safe to do their functions in the community in a perfect way without any hurdles or damage. It is impossible that right could spread in life without the availability of such matters.

Finally, not punishing criminals represents a real violation of human rights. How can man enjoy the right for life, the right of security, the right of expression, the right of self-determination, the right of property, movement, forming a family and caring for it when the State is full of murderers and corrupt people.

### **Thirteenth : Complaints**

Complaints are considered as one of the means that are used by the Association to measure the reality of human violations. The Association has sent for the formal authorities during the year 2010 many books in order to intervene to solve some problems that are related to such authorities. However, it received only a response on two letters. Furthermore, the Association has paid many field visits for the officials in addition to conducting tens of contacts with the concerned state systems as well as the officials of corporations and it also issued declarations that request to limit such violations of human rights. It has also paid a visit to some detainment centers to view the conditions of those who complained. The following is a list of the percentages and objective classifications for the complaints that are received by the Association during the year 2010 :

- 18.5 % : Sponsors are too rough in granting assignment for employees to join another work.
- 18.5% : Different complaints for the category of those “ non-identified”.
- 18.5% : Detaining travel papers and documents.
- 14.8% : Detaining salaries and dues.
- 07.4 % : Departing complaints.
- 07.04 % : Toughness of the formal authorities with those affected because of corruption.
- 07.04 % absence and firing of employees.
- 07.04 % : Absence and firing of employees.
- 07.04 % : Physical Assault by sponsors on employees.



A Civic Association, Officially defamatory and licensed in the State of Kuwait, no  
2005 / 99

P.O Box 26023 – Safat 13121 Kuwait  
Tel : 0096525750446- Fax : 0096525750436 – Hotline : 0096555750446  
[www.humanrights.org.kw](http://www.humanrights.org.kw)