

**Kuwait Society for Human Rights Essentials**

**Draft Law for Establishing  
The National Establishment for Human Rights**

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## **Chapter (1)** **Definition and Objective**

### **Article (1)**

This law is titled “Law of National Establishment for Human Rights No. ( ) of \_\_\_\_\_” and shall be effective as of the date being published in the official gazette.

### **Article (2)**

An establishment called “National Establishment for Human Rights” shall be founded to be concerned with promoting the concept of and protecting human rights, featuring a legal personality with financial and administrative independence, and in this capacity it can practice all legal dispositions including making agreements and owning movables and real estates, and so the right for litigation.

### **Article (3)**

The following terms and phrases shall whenever mentioned in this law denote their hereinafter allocated meanings unless the context otherwise provides:

- Establishment: National Establishment for Human Rights.
- Board: Board of Commissioners.
- President: President of the establishment and head of commissioners.
- General Secretary: Establishment General Secretary.
- General Secretariat: Establishment General Secretariat.
- International Instruments: International conventions, agreements and resolutions related to human rights.

### **Article (4)**

The National Establishment for Human Rights aims to the following:

1. Promote the concept and principles of human rights in Kuwait on the basis of the tolerant Islamic Sharia provisions and Kuwaiti Constitution, and so what is included by international instruments and agreements in the field of human rights and freedoms.

2. Development and promotion towards human rights and participating in deepening their value and spreading awareness thereof on the levels of intellectuals and practice and in insuring this practice in a way that guarantees prevailing of freedoms and respecting the sovereignty of law and insuring the right in the political, economic, social and cultural development.
3. Encourage the attitude and endeavor towards accession to international instruments and agreements that guarantee protection of human rights and in accordance with Islamic sharia and constitution of the country.

## **Chapter (2)** **Competency**

The establishment shall – in the track of achieving their objects – practice the following competencies:

### **Article (5)**

Receiving Complaints as to violations and infringements of human rights and investigating therein and following them with concerned entities and authorities and suggesting proper treatments and solutions.

### **Article (6)**

Investigation considering real facts of human rights in the country and facing and dealing with any irregularities or violations that represent any infringement for these rights and referring to official and non-official authorities concerned with the same and provide suggestions and proper solutions for them, and the establishment may practice this competency without reference to higher or other authority.

### **Article (7)**

Fatwas and suggestions and recommendations shall be provided on consultative basis to the government or national assembly or any other concerned entity with no need for reference from these entities as to all

legislations and regulations and resolutions related to human rights, and in this concern it may recommend to issue new legislation or amend applicable legislation, or to ratify regulations and administrative resolutions or amend them in accordance with basic principles of human rights.

#### **Article (8)**

Prepare reports and declare situations and issue statements related to issues of human rights and develop state efforts in this concern.

#### **Article (9)**

Participate in promoting and insuring coordination between legislations and regulations and national practices and between international instruments related to human rights in which the state is involved as a party and working on executing them in an effective way.

#### **Article (10)**

Encourage ratification of international instruments related human rights and freedoms and accessing them and guaranteeing their execution in accordance with Islamic Sharia provisions and Kuwaiti Constitution and providing recommendations in their concern.

#### **Article (11)**

Participation in preparing reports to be submitted by the state to entities and commissions of the UN and so to regional entities pursuant to contractual and non-contractual liabilities.

#### **Article (12)**

Cooperation with UN and all its other institutions, and regional institutions and national institutions in other countries concerned with fields of promoting and protecting human rights, and so non-governmental institutions of humans rights in the state and other civil society institutions in the field of human rights and tracking what these organizations and entities may provoke in terms of comments about violations and

infringements against human rights and coordination with concerned entities to stop them and end them and treating their effects.

### **Article (13)**

Studying international conventions and agreements related to human rights that the state wants to access and providing recommendations and suggestions in this concern.

### **Article (14)**

Participation in preparing programs related to education and research related to human rights and participation in executing them in the professional, university and school communities.

### **Article (15)**

Participation in spreading awareness of human rights and controlling all manifestations of discrimination and in particular racial discrimination through media, education and using all press services and in this concern it may make studies and hold seminars and courses and conferences and issue bulletins, magazines and publications that may promote the culture of human rights and freedoms.

## **Chapter (3)**

### **Powers**

### **Article (16)**

The establishment may freely investigate all issues within the scope of its competencies, whether submitted from the government or decided to tackle them without being referred to it from higher authorities upon suggestions submitted any member of the board of commissioners or from any other requesting entity.

### **Article (17)**

The establishment may hear any person or acquire information and any documents required to evaluate cases within the scope of their competency

and state services shall support the establishment in performing their tasks in this concern.

#### **Article (18)**

The establishment may address different media in terms of press, TV and radio channels etc, to broadcast their opinions and recommendations among the public.

#### **Article (19)**

The establishment shall have the right – without need to have permission – to visit reformation and disciplinary institutions and police stations and places of detentions and arrest and Juvenile reformatories and social care institutions, and to visit any place in which any violations or infringements or irregularities against human rights.

#### **Article (20)**

The establishment may hold consultations with other entities, whether judicial or non-judicial assigned to promote and protect human rights as to anything that could achieve this objective.

Liabilities

#### **Article (21)**

The establishment shall keep the secrecy of information resources and data and documents coming to it, and this is upon the request their submitter or in cases requiring the same.

#### **Article (22)**

Data and information acquired may not be used in objects other than their objects.

#### **Article (23)**

Cease to consider any complaint with no sender name and signature and address or that involve abuse of the right if suing this complaints or those already considered by the court.

## **Chapter (4)**

### **Establishment Formation**

#### **Article (24)**

Board of commissioners shall supervise affairs and works of the establishment and he is the supreme authority and shall work under regulation approved by the establishment and with no opposition to what is provided by this law.

#### **Article (25)**

Board of commissioners consists of 11 members appointed upon an Amiri decree with recommendation from prime minister, and the term of the board shall be four years, renewable.

#### **Article (26)**

Member of board of commissioners shall meet the following requirements:

1. Not less than 30 years old.
2. Never convicted in a felony or crime involving morals or honesty.
3. Minimum level of university graduation certificate.
4. With good conduct/moral history.
5. Not representing any government entity.
6. Well known for his experience and provision in the field of human rights, and to feature one of the following considerations:
  - ✓ University professors.
  - ✓ Human rights society members.
  - ✓ Members of civil societies related to human rights.
  - ✓ Human rights activists.

#### **Article (27)**

The board shall elect from its members a general commissioner and deputy commissioner and secretary, given that appointment of the general commissioner and deputy commissioner is appointed upon an Amiri decree after being elected from the board of commissioners, and their post

terms shall correlated with the term of their membership in the board of commissioners, and the general commissioner – or his deputy in case of absence – shall represent the establishment before judicial entities and third parties.

### **Article (28)**

The membership shall be ended in the following cases:

- 1- Resignation.
- 2- Being absent from three consequent meetings of the board with no acceptable excuse.
- 3- Death or occurrence of any incident interfering with capacity.
- 4- If the member committed any behavior or act not complying with the message and objects of the establishments.

And in all these cases a resolution shall be issued from the board for termination or expiry of membership.

### **Article (29)**

#### **Competencies of Board of Commissioners**

Board of Commissioners shall:

- Set the general policy of the establishment and monitoring their execution.
- Study and approve the annual action plan for the establishment.
- Approve means of developing the establishment and effectuating their activities and finance.
- Set the organizational regulation and the regulation organizing the work of general secretariat and personnel affairs and financial and administrative affairs.
- Study the annual report of the establishment for the human rights in the state and approving it.
- Working on developing income sources of the establishment and renewing their resources.
- Approve the final draft balance and accounts sheet of the establishment.
- Appoint an auditor of the establishment.



- Promote the relation between the establishment and other counterparts locally and abroad related to human rights.
- Form one or more committees from the members to practice their competencies.

### **Article (30)**

#### **Meetings of Board of Commissioners**

The board shall convene upon a call from the general commissioner or his deputy, in case of absence at least once per month, or if needed, and the call shall be responded by two thirds of the members.

The meeting shall be valid upon the majority attendance (50%+1) of members comprised by them, and its resolutions are issued with unanimous decision of attending members, and in case of equal votes, the side of the chairman shall prevail.

The board may call any representative of government and parliament entities to participate in works of the board and its meetings with no right to vote.

### **Article (31)**

- 1- The general secretariat is the establishment executive board, headed by general secretariat of this board who manages and supervises it.
- 2- Employees of general secretariat shall be appointed and their salaries defined and so other financial rights, upon a resolution from the chairman and according to what is provided by regulations issued from the establishment.

### **Article (32)**

General secretariat shall practice the following competencies:

- 1- Work on achieving objects of the establishment by ways provided in this law.
- 2- Supervising establishment entities according to different mechanisms in the field of human rights.
- 3- Prepare annual action plan for the establishment.
- 4- Supervise organizational, administrative, financial and legal affairs of the establishment, including personnel affairs.

- 5- Manage establishment funds, movables and non-movables and invest them according to bases and rules approved by the board.
- 6- Prepare the annual report and both financial and administrative reports and any other reports related to business and objects of the establishment.
- 7- Draft balance sheet of the establishment and so final accounts.
- 8- Execute the general policy of the establishment and follow up execution of the board resolutions.
- 9- Control irregularities and infringements against human rights and public freedoms in the state and work on terminating them with coordination with the general commissioner.
- 10- Follow up complaints and infringements against human rights till settlement, and notify the complainer with the conclusion, and document and include it in the annual report of the establishment.
- 11- Guide individuals with different means of communication to their rights guaranteed by the Islamic Sharia and constitution of the state and applicable law and international instruments and conventions, and help them to take measures that can maintain these rights in case of infringement, including awareness towards methods of appeal and pleading.

### **Article (33)** **Secretary General**

A secretary general, and his assistants are appointed upon a resolution from chairman, and he shall be responsible to the board for performing their tasks and jobs, and the secretary general may authorize his powers to any of his assistants as applicable.

### **Article (34)**

Treasurer in the establishment shall supervise the financial records and accounts and release instruments and vouchers and regulate them, and shall sign release instruments with Secretary general and shall report to the establishment secretary general.

## **Chapter (5)**

### **Establishment Financial Affairs**

#### **Article (35)**

The establishment shall have a legal personality with financial independence, and the law shall insure its free work and define their resources and how to release them.

#### **Article (36)**

The financial resources of the establishment shall be as follows:

1. Financial allocations assigned for the establishment in the state balance sheet.
2. Donations and grants and any other resources approved by the board upon the consent of two thirds of members.
3. Review of activities and financial and cultural projects performed by the establishment.
4. Will and Waqf.
5. What is allocated by the state for the establishment in terms of grants and donations provided by international conventions to be addressed to fields of human rights, and an account allocated for the proceeds of these resources in one the banks under control of Central Bank of Kuwait, and the surplus shall be forwarded from this account to the end of each financial year to the budget of the next year.

#### **Article (37)**

The establishment and its funds, transactions and non-investment revenues, shall be exempted from all taxes and fees of different types.

#### **Article (38)**

This law shall be published in the official gazette and be effective within a month from the date of publishing.