



Kuwait

Joint Submission to the UN Universal Periodic Review 49th Session of the UPR Working Group

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1.1. Introduction

- 1.1. The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in April 2011. GCHR provides support and protection to human rights defenders (HRDs) in the MENA region to promote human rights, including the rights to freedom of association, peaceful assembly and expression.
- 1.2. The Committee to Protect Journalists (CPJ) is an independent nonprofit organisation that promotes press freedom worldwide. CPJ defends the right of journalists to report the news safely and without fear of reprisal.
- 1.3. In this submission, the organisations examine the Government of Kuwait's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. We analyse Kuwait's fulfilment of the rights to freedom of expression, freedom of association, peaceful assembly as well as the authorities' unwarranted restrictions on HRDs since its previous UPR adoption in 2020. There is a particular focus on the Bedoon community who are stateless.¹ To this end, we assess Kuwait's implementation of recommendations received during the last UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.4. During the 3rd UPR cycle, the Government of Kuwait received 42 recommendations relating to civic space. Of these recommendations, 25 were supported and 16 were noted, and one was partially supported.² An evaluation of a range of sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Kuwait has not fully implemented these recommendations. Acute implementation gaps were found with regard to the right to freedom of association, freedom of expression, freedom of peaceful assembly and issues relating to the right to a fair trial and due legal procedures, in particular regarding the Bedoon community. As a result of these gaps, civic space in Kuwait is rated as repressed by the CIVICUS Monitor,³ indicating particularly severe restrictions of the fundamental rights of civil society and high levels of risks for activists, at home and abroad.
- 1.5. We are particularly concerned by the Kuwaiti government's suppression of political advocacy over the past two years, including that relating to the Bedoon community. In particular, the government has repeatedly charged people with crimes based on expressions of support for the Bedoon community (and other mild political statements) that are protected by international law. Through these and related efforts, the government has largely succeeded in silencing advocacy on behalf of the Bedoon community and political dissent generally. Given that the Kuwaiti Amir dissolved

¹ "Bedoon" is the term used to describe residents of Kuwait who do not have citizenship there or in any other country; the term is short for "bidūn jinsiyya," which literally means "without a nationality." The Bedoon community are people to whom the Kuwaiti government did not grant citizenship at the country's independence in 1961 as well as their descendants, including children who are being born today. According to the Kuwaiti government, most Bedoon community members are not actually Kuwaiti, but rather citizens of other countries who live in Kuwait illegally, a position rejected by the Bedoon community and advocates on their behalf. In 2014, the Research Directorate of Kuwait's National Assembly (the country's elected parliament) estimated that there were 111,000 stateless people in Kuwait, a country with approximately 1,500,000 recognised nationals.

² See Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

³ [Kuwait, Civicus Monitor, https://monitor.civicus.org/country/kuwait/](https://monitor.civicus.org/country/kuwait/)

Kuwait's elected parliament in May 2024, assuming the parliament's authority for himself, it appears that, if anything, the suppression of free expression and association will only intensify.

1.6. In this report:

- Section 2 concerns the Bedoon (Stateless) Community.
- Section 3 Concerns Freedom of Expression
- Section 4 concerns Freedom of Association
- Section 5 concerns Freedom of Assembly
- Section 6 concerns the protection of HRDs, civil society activists and journalists and former parliamentarians.
- Section 7 contains recommendations to address the concerns raised.
- Section 8 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Bedoon (Stateless) Community

2.1. The Bedoon community face tremendous challenges due to their purported statelessness to the point that they are denied access to the basic necessities for daily life. In many instances, they are unable to obtain identification documents from the government, which, in turn, leaves them unable to access government services and benefits, including education, employment, medical care, and civil documents, such as birth, marriage, and death certificates. Since the government treats them as illegal residents, the Bedoon community members do not have property rights and frequently have difficulty opening or maintaining bank accounts. There have been multiple reports that the government demands individuals sign blank documents on the promise that identification cards will be provided, only to later use those documents (as subsequently completed) to claim the individuals have admitted to being citizens of other countries.⁴

2.2. There have been repeated government assurances that it is making efforts to resolve issues of statelessness. For example, in 2010, Kuwait promised to grant Kuwaiti citizenship to Bedoon residents who could prove they had lived in Kuwait since 1965, a modest step that would have provided relief only to 34,000 Bedoon residents.⁵ However, as of 2020, even those 34,000 had not become naturalised.⁶

2.3. The UN Human Rights Committee recommended that Kuwait should provide full and effective protection against discrimination in all spheres to Bidoon and other stateless people residing in the State party. It should, in particular:

⁴ Human Rights Watch at 5-6; U.S. State Department, 2023 Country Reports on Human Rights Practices: Kuwait at 31-32, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/kuwait/>; GCHR interview with Ahmad Al-Hammadi, 1 May 2024 (attorney who has represented Bedoon community members in various matters).

⁵ Human Rights Watch at 20.

⁶ Gulf Centre for Human Rights and International Human Rights Law Clinic, Berkeley Law, *Who Will Be Left to Defend Human Rights? Persecution of Online Expression in the Gulf and Neighbouring Countries*, at 131 (November 2021), <https://www.law.berkeley.edu/wp-content/uploads/2021/12/Kuwait.pdf>; U.S. State Department, 2019 Country Reports on Human Rights Practices: Kuwait at 18, <https://www.state.gov/wp-content/uploads/2020/02/KUWAIT-2019-HUMAN-RIGHTS-REPORT.pdf> (“According to the government...813 Bidoon were granted citizenship between 2018 and 2019.”)

- (a) Speed up the process of ensuring that no person becomes or remains stateless, by granting citizenship or by issuing identity documents to Bidoon and other stateless people, where appropriate; guarantee the right of every child to acquire a nationality; and develop effective mechanisms to address the situation of Bidoon and stateless persons in the State party;
- (b) Refrain from requesting Bidoon people to accept another nationality; and ensure non-discriminatory access to justice, work, health, education and social services;
- (c) Conduct a thorough, independent and impartial investigation into the alleged falsification of documents by the central system for the remedy of the situation of illegal residents, as well as into the human rights violations perpetrated against human rights defenders and activists working on the human rights of Bidoon people; prosecute perpetrators and punish them with appropriate sanctions, if they are convicted; and provide victims with effective remedies;
- (d) Ensure that Bidoon people and activists working for their human rights can operate safely and exercise their freedom of expression and assembly without fear of being persecuted, intimidated or detained;
- (e) Consider acceding to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness, and having the related obligations implemented through the State party's domestic law after accession.⁷

3. Freedom of Expression

- 3.1. Kuwait is a party to international treaties that protect the right to free expression, including the International Covenant on Civil and Political Rights (ICCPR).⁸ The ICCPR provides that “[e]veryone shall have the right to freedom of expression,” including “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁹
- 3.2. Article 36 of the Kuwaiti Constitution states, “Freedom of opinion and of scientific research is guaranteed. Every person has the right to express and propagate his opinion verbally, in writing, or otherwise, in accordance with the conditions and procedures specified by law.”¹⁰ However, in spite of these protections, Kuwait has arrested, convicted and imposed arbitrary restrictions on civil society activists and others who have criticised the authorities since its last UPR (see section 6 below).

⁷ CCPR/C/KWT/CO/4

⁸ Kuwait acceded to the ICCPR in 1996. UN Treaty Body Database: Ratification Status for Kuwait, OHCHR.org.; International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 U.N.T.S. 171.

⁹ ICCPR, art. 19(2).

¹⁰ <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/kw/kw004en.pdf>

- 3.3. In Kuwait, the government relies on several repressive laws to persecute voices critical of its policies. Article 15 of the "State Security Law" criminalises individuals for sharing "false or biased news, information, or rumours about the country's internal conditions" and for any actions perceived to undermine national interests.¹¹
- 3.4. The Cybercrime Law (Law No. 63 of 2015) is closely linked to the Press and Publications Law (Law No. 3/2006), both of which are used to suppress dissent and restrict freedom of expression in Kuwait. Law No. 3 regulates the publication of both printed and electronic media, with provisions that prohibit criticism of the monarchy and any content deemed to "violate public order, morals, or national security." It grants the government the authority to block websites and other media outlets that violate these provisions, while also imposing prison sentences and fines on individuals found in breach of the law. These laws effectively limit free expression and are systematically used to target critics and human rights activists.¹²
- 3.5. Kuwait's media regulator, the Commission for Mass Communications and Information Technology, holds broad authority to monitor, block, and censor online content. The government can also pursue the revocation of a media outlet's license through the courts.¹³ In June 2022, authorities revoked the licenses of 90 news websites and referred 73 media outlets to state prosecutors for alleged violations, such as publishing false information.¹⁴
- 3.6. Under the 3rd UPR cycle, Kuwait received 17 recommendations relating to freedom of expression, media freedom and access to information. 13 were accepted, one partially accepted and three were noted. While general recommendations to accept freedom of expression were accepted, the recommendation to "Amend the Printing and Publications Act, Cybercrime Act and Communication Law to bring them in line with international standards on the right to freedom of expression" (Iceland) was not, and the recommendation to "Amend the 1979 Public Gatherings Act, the 2015 Cybercrime Law, and the 2006 Press and Publications Law to protect the freedoms of association, peaceful assembly and expression, and release those detained for exercising these rights" (United States of America) was only partially accepted.

4. Freedom of Association

- 4.1 Law (24) of 1962 and its amendments regulate the work of civil society organisations. It was designed, and has been used, to prevent the emergence of civil society organisations that have positions different from those adopted by the government.
- 4.2 Articles (2) and (3) stipulate that civil society organisations must not practice any activity before registering with the Ministry of Social Affairs and Labour. The ministry has over the years pursued a dual policy of welcoming and facilitating legal procedures and

¹¹ *Kuwait: Authorities must end wave of repression against critics*, Amnesty International, 27 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/kuwait-authorities-must-end-wave-of-repression-against-critics/>

¹² <https://smex.org/kuwaits-cybercrime-law/>

¹³ <https://freedomhouse.org/country/kuwait/freedom-world/2024>

¹⁴ *Kuwait withdraws licenses of 90 news websites, refers 73 outlets for prosecution*, CPJ, 24 June 2022, <https://cpj.org/2022/06/kuwait-withdraws-licenses-of-90-news-websites-refers-73-outlets-for-prosecution/>

granting quick permits to pro-government associations on the one hand, and complicating the denial of procedures when it comes to independent associations that criticise the government.

- 4.3 For example, on 23 September 2024, prominent human rights defender **Anwar Al-Rasheed** posted on his account on X about his trouble establishing an independent civil society organisation. He said that the former Minister of Social Affairs had not agreed to give him a permit to establish a civil society association until he changed its name from “Liberals Society” to “Freedom Society.” However, despite changing the name, the association was taken over by the Ministry of Social Affairs and Labour, which stated that the Board of Directors of the Kuwaiti Freedom Association was dissolved, and that a temporary board of directors had been appointed by the authorities according to Law No. (24) of 1962.¹⁵
- 4.4 Article (4) stipulates a minimum of ten Kuwait nationals as founders, which is a significant barrier. In practice this denies foreign workers and residents the right to establish their own associations.
- 4.5 Article (9) allows the Minister of Social Affairs and Labour to reject the registration by simply failing to respond within 90 days, which is considered a rejection of the application. The minister’s decision is final and may not be appealed before the judiciary.

¹⁵ *Significant restrictions on the right to freely form and join independent associations*, GCHR, 25 September 2024, <https://www.gc4hr.org/significant-restrictions-on-the-right-to-freely-form-and-join-independent-associations/>

5 Freedom of peaceful assembly

5.1 During its review under the 3rd UPR cycle, Kuwait received five recommendations on the right to the freedom of peaceful assembly: two supported, one partially supported and two noted Kuwait accepted the recommendation to: “Ensure a safe and enabling space for journalists and human rights defenders and fully guarantee the rights to freedom of expression, opinion and peaceful assembly, in line with international standards” (Italy); and “Accelerate the legislative process to resolve the Bidoon issue, by granting Kuwaiti citizenship to Bidoon people, ensuring non-discriminatory access to social services, and guaranteeing that they can exercise their rights to freedom of movement, peaceful assembly, opinion and expression” (Germany).

5.2 Article 44 of the Kuwaiti Constitution states that (1) Individuals have the right of private assembly without permission or prior notification, and the police may not attend such private meetings. (2) Public meetings, demonstrations, and gatherings are permitted in accordance with the conditions and manner specified by law, provided that their purpose and means are peaceful and not contrary to morals.¹⁶ There is no law protecting the right to public assembly.

5.3 The submission’s authors have documented some deeply concerning restrictions on the right to peaceful assembly within Kuwait:

5.3.1 On 2 March 2024, protestors announced they would demonstrate in Freedom Square, Al-Jahra regarding human rights violations taking place during the Israeli assault on the Gaza Strip. There had been several previous demonstrations in that same location in connection with Gaza. No permit had been secured for those earlier demonstrations, pursuant to a 2006 Constitutional Court decision which held that permits are not required for fixed-location protests, unless they are in the street. Indeed, the earlier protests had been attended by government officials, including the Minister of Trade and Minister of Treasury. It was reported that Kuwait’s prior Minister of the Interior actually had instructed police to aid protestors at such demonstrations, if needed.¹⁷

5.3.2 The then-recently appointed Minister of the Interior, Sheikh Fahad Yusuf Saud Al-Sabah, announced that the demonstration was banned and anyone attempting to demonstrate would be arrested. Police then detained people who were walking toward Freedom Square, taking their identification.

¹⁶ Constitution of Kuwait (wipo.int), <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/kw/kw004en.pdf>

¹⁷ GCHR interview with Ahmad Al-Hammadi, 01 May 2024, See: <https://www.gc4hr.org/wp-content/uploads/2024/10/Kuwait-GCHR-HR-Mission-Report-15-October-2024-En.-FF.pdf>

6. Harassment, intimidation and attacks against human rights defenders (HRDs), civil society activists, journalists, former parliamentarians

- 6.1. Under Kuwait's previous UPR, the government received five recommendations on the protection of HRDs, journalists and civil society representatives, all of which were accepted.
- 6.2. The U.S. State Department reported that, in 2023, "the government continued to arrest individuals on charges such as insulting the amir, leaders of neighbouring countries, or the judiciary, or for 'spreading false news.' The courts issued final verdicts for seven cases and 28 nonfinal rulings in cases of individuals charged with insulting the amir. Some defendants were acquitted, while others received prison sentences ranging from one to 15 years."¹⁸
- 6.3. The submission's authors have documented numerous cases of HRDs being targeted for their peaceful exercise of freedom of expression, assembly or association. This includes targeting by the state security apparatus, arrest, incommunicado detention, removal of identity documents, travel bans, disproportionate sentencing following unfair trials, and other arbitrary measures. Examples include:
- 6.3.1. **Fadel Farhan Saket (Abu Turki)**, an activist who regularly advocates for the Bedoon community, posted a tweet on 7 August 2023, stating: "Oh, government, there must be a solution to our case #Kuwaitis_Bedoon." He also called for the abolition of the Central Apparatus. Three days later, police arrested him. According to news reports, former MP Mohammed Al-Juwaihel had filed a complaint against him due to his tweets.¹⁹
- 6.3.2. The State Security Apparatus arrested **Mohammed Al-Barghash**, a longtime activist who founded the National Bloc of Kuwaiti Bedoons. Local reporting indicated that the basis for the arrest included social media activities such as the fact that Al-Barghash's Twitter account had a banner stating: "Our message must be clear, we will no longer accept being ignored." Al-Barghash was later convicted.²⁰ He began a three-year sentence in February 2023.²¹

¹⁸ U.S. State Department, 2023 Country Reports on Human Rights Practices: Kuwait at 10-12.

¹⁹ *Bedoon rights activist Fadel Farhan (Abu Turki) detained*, Gulf Centre for Human Rights, 08 November 2023, <https://www.gc4hr.org/bedoon-rights-activist-fadel-farhan-abu-turki-detained/>. Under Kuwaiti law, a private individual may submit a complaint to prosecutors, including anonymously. After investigating the complaint, prosecutors may dismiss the matter or refer it to the court for further proceedings. Even if prosecutors dismiss the complaint, the private individual is permitted to make a submission to the court claiming there was a crime, and the court may dismiss the complaint or direct prosecutors to pursue it. It is reported that private individuals offended by news articles or other public statements often utilise these procedures; GCHR interview with Ahmad Al-Hammadi, 01 May 2024; GCHR interview with Hadeel Buqrais, 29 April 2024.

²⁰ *Freedom for Bedoon community rights defender Mohammed Al-Barghash*, Gulf Centre for Human Rights, 09 June 2023, <https://www.gc4hr.org/freedom-for-bedoon-community-rights-defender-mohammed-al-barghash/>.

²¹ *Ibid.*

6.3.3. **Abdulahakim Al-Fadhli** is a well-known Bedoon activist who has been repeatedly accused of criminal activity for his political or human rights advocacy. While, to their credit, courts have acquitted him of such charges in certain cases, the authorities persist in seeking penalties for Al-Fadhli's peaceful expression. In 2019, prosecutors charged Al-Fadhli and 15 other activists with establishing a terror organisation, *i.e.*, the Council for the Bedoon. Al-Fadhli and all other defendants ultimately were acquitted of these transparently political charges, but not before he spent seven months in jail.²² Moreover, the defendants were made to sign agreements that they would not commit offences in the future (as if they had committed offences previously).²³

In 2023, Al-Fadhli was tried for harming Kuwait's reputation and spread false news for tweets such as urging the National Office for Human Rights to visit Bedoon prisoners, including **Hamad Al-Mudath** who was suffering from leukaemia. Furthermore, the government alleged that Al-Fadhli had referred in tweets to accounts of international human rights groups such as Front Line Defenders. While he was acquitted, which was then confirmed on appeal, neither the trial court nor the appellate court addressed the most fundamental problem with the prosecution, the criminalisation of non-violent political advocacy. Both courts appear to have simply accepted the government's theory that such conduct – if engaged in – would constitute crimes. This theory violates international law regarding free expression.

6.3.4. Also in 2023, prosecutors brought blatantly political charges against **Bothayna Al-Essa**, a founder of the Takween bookstore and publisher,²⁴ who has held events to draw attention to the plight of the Bedoon community. On 28 December 2022, government inspectors, during a search for banned books, demanded certain books be removed. Although not banned, the books were seized when staff refused to remove them.²⁵ Al-Essa was charged with selling books said to undermine national interests, harm the social and political systems of Kuwait, and "incite violation of public order." Although acquitted, the court concluded that the book contained illegal content demonstrated that even raising issues that might mildly reflect poorly on the government can be met with legal consequences.

6.3.5. On 19 February 2024, a Kuwaiti court sentenced activist and blogger **Abdullah Fairouz** and **Fuhaid Al-Ajami**, editor-in-chief of the Kuwaiti media platform TfTeeeSH, to five years in prison in a "state security case." The charges stemmed from an interview Abdullah Fairouz gave to TfTeeeSH in 2022, during which he claimed that Kuwait's Ministry of Interior had collaborated with an Israeli company, a violation of Kuwaiti law. The interview, which has since been

²² Kuwait: Criminal Court Issues Rulings Against Human Rights Defenders from the Bedoon Community, GCHR, 29 January 2020, <https://www.gc4hr.org/criminal-court-issues-rulings-against-human-rights-defenders-from-the-bedoon-community/>

²³ GCHR interview with Ahmad Al-Hammadi, 01 May 2024, See: <https://www.gc4hr.org/wp-content/uploads/2024/10/Kuwait-GCHR-HR-Mission-Report-15-October-2024-En.-FF.pdf>

²⁴ Bothayna Al-Essa, *Little Cash, Lots of Censorship: Bothayna Al-Essa on Opening a Bookstore in Kuwait*, Literary Hub, 03 April 2024, <https://lithub.com/little-cash-lots-of-censorship-bothayna-al-essa-on-opening-a-bookstore-in-kuwait/>.

²⁵ These events were recounted in various charging documents and court opinions.

removed from the internet, sparked the authorities' response, leading to Fairouz's arrest on 29 January 2024. The trial court also ordered his deportation upon release, citing that his father is Kuwaiti and his mother is Egyptian. Fairouz was previously imprisoned from 04 November 2013, to 22 September 2021, for online comments critical of the Emir. Fuhaid Al-Ajami faced the same charges and was initially sentenced to five years in prison. However, in early June 2024, an appellate court overturned his conviction, and he was released after serving three months. The appellate court also reduced Abdullah Fairouz's sentence to three years.²⁶

6.3.6. The increasing repression in Kuwait has forced many bloggers to flee the country. Kuwaiti blogger **Mohammed Al-Ajmi**, previously detained in 2020,²⁷ sought political asylum in Turkey in 2023 due to repeated targeting by Kuwaiti authorities. Known for using X website to criticise corruption and advocate for reform, Al-Ajmi faced ongoing threats and intimidation, prompting him to leave Kuwait on 6 June 2023. He was physically attacked in Kuwait on 5 October 2022, and again in Egypt on 11 June 2023. Upon arriving in Istanbul on 13 June 2023, he informed Turkish authorities of his intent to seek asylum.²⁸

6.3.7. On 23 January 2024, the State Security Criminal Court in Kuwait sentenced blogger **Salman Al-Khalidi** to three years in prison in a new case, as part of the ongoing persecution he faces for his peaceful human rights activism. If he returns to Kuwait, Al-Khalidi faces a total of 21 years in prison. These sentences are linked to alleged charges stemming from his peaceful use of his X account to express personal opinions on public issues concerning Kuwaiti citizens and to advocate for the civil and humanitarian rights of the Bedoon community. Al-Khalidi has faced multiple sentences, including a five-year prison term with hard labour on 15 May 2023, and another five-year sentence with labour on 06 June 2022. While he was initially pardoned, with his sentence overturned by a decision from the Emir of Kuwait on 18 January 2023, the authorities later revoked this pardon on 13 December 2023. According to the Gulf Centre for Human Rights (GCHR),²⁹ these rulings reflect the Kuwaiti authorities' ongoing crackdown on free expression and human rights advocacy.

²⁶ *Kuwait: Authorities must end wave of repression against critics*, Amnesty International, 27 June 2024, <https://www.amnesty.org/en/latest/news/2024/06/kuwait-authorities-must-end-wave-of-repression-against-critics/>

²⁷ *Kuwaiti authorities detain blogger Mohamed al-Ajmi for 'insulting religion' in tweets*, Committee to Protect Journalists, 27 August 2020 <https://cpj.org/2020/08/kuwaiti-authorities-detain-blogger-mohamed-al-ajmi-for-insulting-religion-in-tweets/>

²⁸ *Blogger Mohammed Al-Ajmi seeks political asylum in Turkey after being repeatedly targeted by authorities*, GCHR, 16 June 2023, <https://www.gc4hr.org/blogger-mohammed-al-ajmi-seeks-political-asylum-in-turkey-after-being-repeatedly-targeted-by-authorities/>

²⁹ *Blogger Salman Al-Khalidi sentenced to additional three years in prison in new case*, GCHR, 30 January 2024, <https://www.gc4hr.org/blogger-salman-al-khalidi-sentenced-to-additional-three-years-in-prison-in-new-case/>

- 6.3.8. On 12 May 2024, authorities arrested another former Assembly member, **Walid Al-Tabatabai**, apparently based on a tweet accusing unidentified countries of interfering in Kuwait's affairs. Prosecutors issued a statement that Al-Tabatabai had attacked "the rights and authority" of the Amir.³⁰ Subsequently, Al-Tabatabai was convicted and – like Al-Quraifa – sentenced to four years in prison.³¹
- 6.3.9. On 20 June 2024, another former Assembly member, **Amad Al-Olayan**, was sentenced to prison. Reportedly, Al-Olayan received a two-year term for "violating the powers of His Highness the Amir, criticising official decisions, and misusing communication devices."³²
- 6.3.10. Furthermore, prosecutors charged former MP **Hussein Al-Qallaf** for a post containing the word "regime" that criticised the Ministry of Interior's procedures in relation to Shiite rituals during the month of Muharram. Al-Qallaf was acquitted, reportedly when he stated that he had been referring to the government rather than the Amir when he used the word "regime."³³
- 6.3.11. **Maria (Marsha) Lazareva**, an expatriated Russian businesswoman, and her young American son Yvan have been forced to live within Russia's Embassy in Kuwait for five years, with limited access to medical care. This follows conviction with serious concerns about judicial independence, and a lack of lack of credible evidence. The UN Working Group on Arbitrary Detention found her detention to be unlawful and arbitrary.³⁴ The former UN Special Rapporteur on the Independence of Judges and Lawyers raised concerns over the legal process and threats and intimidation of the legal team representing her.³⁵

7. Recommendations to the Government of Kuwait

At a minimum, the following conditions must be guaranteed: freedoms of association, expression and peaceful assembly, the right to a fair trial, as well as the right to act without unwarranted state interference and the state's duty to protect. The following specific recommendations are made:

³⁰ *Kuwait arrests former MP who criticised dissolution of parliament*, The New Arab, 13 May 2024, <https://www.newarab.com/news/kuwait-arrests-former-mp-after-dissolution-parliament>.

³¹ *Khitam Al Amir, Former Kuwaiti MP Walid Al Tabtabai sentenced to four years over controversial tweet*, Gulf News (25 June 2024), <https://gulfnews.com/world/gulf/kuwait/former-kuwaiti-mp-walid-al-tabtabai-sentenced-to-four-years-over-controversial-tweet-1.103281749>.

³² *State security case: Ex-MP Hamad Al-Olayan sentenced to two years*, Arab Times Kuwait, 20 June 2024, <https://www.arabtimesonline.com/news/state-security-case-ex-mp-hamad-al-olayan-sentenced-to-two-years/>.

³³ *Former MP Hussein Al-Qallaf acquitted in state security case*, Arab Times Kuwait, 25 July 2024, <https://www.arabtimesonline.com/news/former-mp-hussein-al-qallaf-acquitted-in-state-security-case/>.

³⁴

https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_20_20_60_Advance_Edited_Version.pdf

³⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24846>, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25876>.

Adopt the following International Legal Instruments:

- 1961 Convention on the Reduction of Statelessness
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention for the Protection of All Persons from Enforced Disappearances
- Rome Statute of the International Criminal Court

Bedoon Community

- Grant citizenship to the Bedoon community members who reside in Kuwait.
- Ensure that equal access to education, health care and employment for the Bedoon population is enshrined in legislation.

Freedom of expression, media freedom and access to information

- Amend the 2015 Cybercrime Law, and the 2006 Press and Publications Law to protect expression. In particular, Article 6 of the Cybercrime Law restricts online expression by criminalising any content that could be interpreted by authorities as insulting Islam, the Emir, the Constitution, public prosecution, or public morals.
- Reform defamation legislation in conformity with ICCPR article 19, and remove articles that criminalise defamation and free speech such as Article 15 of the State Security Law, which criminalises individuals for sharing "false or biased news, information, or rumours about the country's internal conditions" and for any actions perceived to undermine national interests.
- Ensure that journalists and writers work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.

Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Bring legislation, notably law 24 of 1962, governing the establishment of associations and non-governmental organisations into full compliance with the ICCPR, and adopt measures to ensure that all associations, including NGOs, are able to operate freely and independently.

Freedom of peaceful assembly

- Amend Law 65 of 1979 (Public Gatherings law) in order to fully guarantee the right to the freedom of peaceful assembly, and at a minimum eliminate the requirement for prior authorisation from the Ministry of Interior to hold public gatherings.

- Bring national legislation on freedom of peaceful assembly into line with international standards, particularly by removing the penalty for unlicensed public gatherings.
- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

Protection of human rights defenders and civil society activists

- Provide civil society members, HRDs and journalists, especially women, with a safe and secure environment in which to carry out their work.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- End the practice of using the judicial system to try HRDs, journalists and anyone else for peacefully exercising their rights to freedom of expression, assembly, and association.

8. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

157.52 Strengthen the normative and institutional framework for the protection of human rights (Yemen); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2-6
157.54 Further integrate a human-rights based approach into the various national development processes (Zimbabwe); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2-6
157.295 Ensure equal access to education, health care and employment for the Bidoon population is enshrined in legislation (Canada); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Section: 2
157.139 Build the capacity of judges and specialists for dealing with the vulnerable (Turkey); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 6.3.1 - 11
157.145 Protect freedom of expression for all, including online, by repealing legislation that does not comply with article 19 of the International Covenant on Civil and Political Rights (United Kingdom of Great Britain and Northern Ireland); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-5, 6.3.7-11
157.147 Guarantee fundamental freedoms, including freedom of expression and freedom of speech (Botswana); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1- 3.5, 6.3.1-11
157.148 Adopt measures to guarantee the unrestricted exercise of freedom of expression, particularly in social media (Spain); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.149 Assure the compliance of relevant existing laws with international standards of freedom of expression to ensure the full protection of human rights defenders, journalists and bloggers (Czechia); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11

157.153 Take further steps to guarantee freedom of expression and of the media, as well as ensuring that journalists are free to practice in a safe and enabling environment (Greece); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.154 Ensure a safe and enabling space for civil society and human rights defenders, including by ending all forms of harassment against defenders (Iceland); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.155 Ensure a safe and enabling space for journalists and human rights defenders and fully guarantee the rights to freedom of expression, opinion and peaceful assembly, in line with international standards (Italy); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.156 Ensure a safe and enabling environment to civil society and human rights defenders, including through the prohibition and punishment of all forms of harassment and reprisals (Mexico); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.157 Continue enhancing the protection of the right to freedom of expression (Mongolia); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.158 Ensure freedom of expression in all forms and take concrete steps to ensure the independence of the media, prevent censorship and promote transparency in public affairs (Norway); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.160 Refrain from undue restrictions on freedom of expression and harmonize communications and media legislation with internationally recognized standards (Slovakia); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.291 Provide access to adequate social services and education to stateless persons, the Bidoon, and process their nationality applications in accordance with international standards (Belgium); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11

157.292 Provide legal documentation and basic services to all stateless persons, including the Bidoon community (United States of America); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 - 3.5, 6.3.1-11
157.294 Intensify efforts to eradicate statelessness, through measures to accelerate the regularization of Bidoon individuals and to provide them with full access to documentation and social services (Brazil); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2.1 – 2.3
157.298 Accelerate the legislative process to resolve the Bidoon issue, by granting Kuwaiti citizenship to Bidoon people, ensuring non-discriminatory access to social services, and guaranteeing that they can exercise their rights to freedom of movement, peaceful assembly, opinion and expression (Germany); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2, 3, 4 ,5.1-5.2, 6.3.1-6.3.4, 6.3.7
157.299 Enhance efforts to regularize the legal status of persons belonging to the Bidoon minority, ensuring that their human rights and fundamental freedoms are respected and preventing discrimination against them (Italy); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2.1 – 2.3
157.300 Address human rights issues deriving from statelessness (Japan); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2.1 – 2.3
157.301 Take actions to ensure that the rights of stateless individuals, including the Bidoon, and those of domestic migrant and foreign female workers are protected and stateless children have access to education and health care (Netherlands); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 2.1 – 2.3
157.142 Take measures to prevent arbitrary detention and abuses of State authority, including by ensuring the effective guarantee of due process and the avoidance of systematic and sustained pretrial detention (Malta); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 6.4.1-6.3.11
157.146 Guarantee the right to freedom of expression and association for all people and especially for journalists, activists and human rights defenders (Uruguay); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 3.1 – 3.6, 6.3.1-11

157.232 Publicly recognize the legitimate role of women human rights defenders and those working on women's rights (Austria); Source of Position: A/HRC/44/17/Add.1	Supported	Status: Not Implemented Source: Sections: 6.3.4
157.49 Amend the 1979 Public Gatherings Act, the 2015 Cybercrime Law, and the 2006 Press and Publications Law to protect the freedoms of association, peaceful assembly and expression, and release those detained for exercising these rights (United States of America); Source of Position: A/HRC/44/17/Add.1	Supported/Noted	Status: Not Implemented Source: Sections: 7. Freedoms of Expression and Assembly
157.11 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Chile) (Togo) (Afghanistan) (Denmark) (Honduras); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments
157.35 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments
157.36 Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Niger); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments
157.39 Ratify the Rome Statute of the International Criminal Court (Croatia) (Honduras); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments
157.43 Consider ratifying the conventions relating to the status of refugees and stateless persons (Côte d'Ivoire); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments
157.14 Consider ratifying the Optional Protocol to the Convention against Torture (Albania) (Ghana); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 7 International Legal Instruments

157.66 Amend the Printing and Publications Act, Cybercrime Act and Communication Law to bring them in line with international standards on the right to freedom of expression (Iceland); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 3.6
157.152 Amend and repeal all laws and policies restricting freedom of opinion and expression, and protect human rights defenders, journalists and bloggers from persecution and harassment (Germany); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Sections: 3.1 – 3.6, 6.3.1-11
157.16 Accede to the 1961 Convention on the Reduction of Statelessness and put in place a transparent process that addresses the concerns of the Bidoon people (Ireland); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2, 7 International Legal Instruments
157.151 Determine and publish clear, objectively verifiable criteria for naturalization and provide by law judicial remedies (Austria); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2.1 – 2.3
157.293 Make every effort to solve cases of statelessness, recognizing when necessary the right to acquire Kuwaiti nationality, in particular for the Bidoon population (Uruguay); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2.1 – 2.3
157.296 Finalize the development of and implement a comprehensive solution to the legal status of the Bidoon that conforms to international law (Australia); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2.1 – 2.3
157.297 Continue efforts to improve the conditions for obtaining nationality for the Bidoon (France); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2.1 – 2.3
157.302 Provide full citizenship and rights for the Bidoon population (Norway). Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 2.1 – 2.3

157.67 Amend restrictive laws regulating the rights to association, peaceful assembly and freedom of expression, both online and offline, so that they are fully compliant with the International Covenant on Civil and Political Rights, particularly articles 19 and 21 (Ireland); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Sections: 3, 4, 5
157.150 Amend the relevant laws on public gatherings and non-governmental organizations to guarantee the freedoms of association and peaceful assembly, in line with international standards (Czechia); Source of Position: A/HRC/44/17/Add.1	Noted	Status: Not Implemented Source: Section: 4, 5