

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on minority issues

REFERENCE:
AL KWT 2/2019

5 July 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 34/5 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning an online campaign against Ms. **Ebtehal Al-Khateeb**, after speaking out for the rights of the Bedoon minority in Kuwait.

Ms. Ebtehal Al-Khateeb is a human rights defender and academic working in the Department of English Language at the Faculty of Arts at the University of Kuwait. She has previously served as a member of the Board of Directors of the Kuwait Society for Human Rights. Over the past few years, she has been a vocal advocate of the rights of the Bedoon minority in Kuwait.

According to the information received:

Despite the fact that persons belonging to the Bedoon minority have been living in Kuwait for generations, the Kuwait is said to deny them citizenship, which renders most of them stateless. As a result, the Bedoon people are denied the social services provided to Kuwaiti citizens, adequate access to education, housing and health, and the resources to avoid living in relative poverty, limited to precarious forms of employment, mainly in the informal sector.

On 10 April 2019, Ms. Al-Khateeb delivered a short speech at the symposium "Lights on the Bedoon issue", organised by the Kuwait Democratic Forum. In the speech, she highlighted ongoing violations against the Bedoon minority in Kuwait and demanded their civil, political and other human rights to be respected.

As a reaction to her speech, she was later attacked on Twitter by the president of Group 80, who accused her of "shameful questioning of Kuwait and its Emir". Group 80 is an organisation that was founded to oppose any amendments of the laws on nationality that would guarantee citizenship rights to members of the Bedoon minority.

The tweet was followed by attacks from other twitter accounts, in the course of which users posted Ms. Al-Khateeb's personal information, including information

about her family (a tact known as “doxing” which may cause its victims serious offline harm).

We would like to express our serious concern at the allegations of an online attack against Ms. Al-Khateeb, which appears to be related to her peaceful and legitimate work advocating for the human rights of Bedoon people in Kuwait, as well as her exercise of the rights to freedom of opinion and expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the number of members of the Bedoon minority who are denied citizenship in Kuwait, the grounds for such denial, and how this denial is compatible with international human rights law.
3. Please provide the details, and where available the results, of the investigation carried out in relation to the allegations about the online attack against Ms. Al-Khateeb. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information concerning any national legislation or policy providing protection to victims of online harassment.
5. Please indicate what measures have been taken to ensure that human rights defenders in Kuwait are able to carry out their peaceful and legitimate work in an enabling environment.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Fernand de Varennes
Special Rapporteur on minority issues

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Kuwait on 21 May 1996, which provide for the rights to freedom of expression and freedom of peaceful assembly.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to bring to the attention of your Excellency's Government article 5 of the Declaration, which states that everyone has the right, individually and in association with others, at the national and international levels to meet or assemble peacefully.

Furthermore, we would like to refer to Human Rights Council resolution 24/5, which "[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including [...] persons espousing minority or dissenting views or beliefs [and] human rights defenders [...], seeking to exercise or to promote these rights and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular to article 27 of the International Covenant on Civil and Political Rights and to the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities), adopted by the General Assembly in 1992, which in its article 1 refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end. Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them. Article 4.1 establishes that "States will take measures where required, to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law".