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HRW – Human Rights Watch (Author)

World Report 2023 - Kuwait

Kuwait's political system is in turmoil. The fourth cabinet since the formation of the parliament in 2020 resigned in April, and Emir Jaber al-Ahmad al-Sabah dissolved the National Assembly in June. New elections were held on September 29.

Authorities continue to restrict freedom of speech and peaceful assembly and prosecute activists and others, using several provisions of the penal code, and national security and cybercrime laws. In November, Kuwait executed seven individuals, the first executions since 2017.

Authorities further restricted women's rights while failing to tackle discrimination and violence against women.

Bidun, a community of stateless people, face discrimination from authorities, who severely suppress the community's efforts to realize their rights.

Freedom of Expression and Assembly

The penal code, national security law, print and publication law, and cybercrime law all criminalize various aspects of free expression, including speech deemed insulting to Islamic principles, the emir, jurists, and members of the public prosecution. These laws also prohibit comments "causing harm to the relationships between Kuwait and other Arab and friendly states," and publishing secret government documents, with no exception for the public interest. Authorities, particularly in the State Security and public prosecution office, routinely use these provisions to summon, detain or prosecute activists and dissidents.

In a case that drew [widespread criticism](#), in December 2021, the public prosecutor's [office brought](#) charges against Dr. Safaa Zaman, the Kuwait Association for Information Security president, following her [televised](#) comments about the risk of storing citizens' and residents' data on servers outside the country, particularly in Egypt. On March 22, the court of first instance acquitted her of the charges, a ruling [upheld](#) by the Court of Appeal.

Authorities also use Article 12 of the 1979 Public Gatherings Law, which bars non-Kuwaitis from participating in public gatherings, to arrest and sometimes deport migrants or Bidun individuals who participate in protests.

On August 31, authorities from the Ministry of Interior arrested at least 14 Bidun activists in relation to their participation in a demonstration on August 26. They were subsequently released on bail. On June 12, the *Arab Times* [reported](#) that Kuwait intended to deport "expats" who demonstrated against two leaders of the India BJP party.

Women's Rights, Sexual Orientation, and Gender Identity

Kuwait's personal status laws discriminate against women in matters of marriage, divorce, and child custody, including by requiring women to have male guardian permission to marry and by stripping them of spousal maintenance from their husband if they refuse to live with their husbands "without justification." Women can only apply to the courts for a divorce on limited grounds, while men can divorce without any restrictions. Kuwaiti women married to non-Kuwaitis cannot pass Kuwaiti citizenship to their children or spouses on an equal basis with Kuwaiti men.

Despite outrage at shocking killings of women in public in recent years, Kuwait's penal code continues to allow impunity for men who commit violence against women. Article 153 allows men who kill their wives, daughters, sisters, or mothers upon finding them in the act of extra-marital sex to receive a reduced sentence of a maximum of three years in prison or a fine. Article 182 also allows an abductor who uses force, threats, or deception with the intention to kill, harm, rape, prostitute or extort the victim to avoid punishment if he marries the victim with the permission of her guardian. In January, after consulting with religious authorities, the all-male parliament dropped a legal amendment that would have repealed Article 153.

In February, women protested the backsliding on women's rights including new restrictions such as male guardianship rules over women. Authorities allowed women to join Kuwait's army, but in January stipulated that they can [only](#) do so if they obtain their guardian's or husband's permission, wear a hijab, and work only in medical and support positions.

They are also banned from carrying weapons and will only be enrolled when necessary to fill required vacancies. In February, authorities [banned](#) a desert wellness yoga retreat because lawmakers complained that women conducting yoga positions in public was "dangerous." The previous year they had closed a gym for hosting women's dance classes.

The National Assembly passed a domestic violence law in 2020 that includes some penalties to combat domestic violence and provides some assistance for survivors, but the lack of implementation of these measures to protect women and girls against violence remains significant, including that the authorities have still not established shelters for survivors or other services as required under the law. The penal code criminalizes adultery with up to five years in prison and a fine, and article 193 punishes consensual same-sex relations between men by up to seven years in prison.

In a positive step, on February 16, the Constitutional Court ruled unconstitutional a 2007 penal code provision, Article 198, that prohibited "imitating the opposite sex." The law had been used [against transgender people](#), who faced imprisonment or a fine.

Authorities continue to crack down on LGBT symbols. On June 3, authorities [summoned](#) the US chargé d'affaires after the US Embassy posted a picture on Twitter of the rainbow flag on June 1 to mark the start of Pride Month. On June 25, the *Kuwait Times* [reported](#) that Kuwaiti authorities confiscated items at a phone accessory shop with rainbow flag colors, referring to the colors as "immoral expressions."

Stateless People and Migrant Rights

The Bidun are a group of about 100,000 stateless people who claim Kuwaiti nationality, dating back to the foundation of the state in 1961. The government rejects their claims and refers to them as "illegal residents," creating obstacles for Bidun to obtaining civil documentation, receive social services, and access their rights to health, education, and work.

The Central System for the Remedy of Situations of Illegal Residents, the administrative body in charge of Bidun affairs, has been issuing temporary ID cards since 2011. These cards often state the cardholder possesses Iraqi, Saudi, Iranian, or other citizenship, but it is unclear how the agency determined this and what due process procedures are available for Bidun to challenge the determinations.

In recent years there have been several [reports](#) of Bidun youth dying of suicide, activists claim, due to their difficult living conditions and lack of legal status.

Except for those whose fathers or grandfathers occupy certain public sector jobs, such as in the military and Ministry of Health or Education,

and those whose mothers have Kuwaiti nationality, Bidun children are barred from free public schools. While certain charitable funds help with expenses, they do not cover all costs. During the Covid-19 school shutdowns, Bidun children reportedly had more difficulty accessing devices for online education.

Two-thirds of Kuwait's population is comprised of migrant workers, who remain vulnerable to abuse, largely due to the *kafala* (sponsorship) system which ties migrants' visas to their employers and requires that migrants get their employers' consent to leave employment or change jobs. Minor reforms to *kafala*, previously introduced, have yet to be extended to migrant domestic workers. Over the last year, no additional legal reforms were introduced to end the abusive *kafala* system.

Migrant domestic workers face additional forms of abuse, including being forcibly confined in their employers' homes, and verbal, physical and sexual abuse. While government shelters and complaint procedures exist for victims, there are serious barriers to accessing them, particularly for abuses like owed or delayed wages.

Climate Change Policies and Impacts

As one of the world's hottest and most water-stressed countries, Kuwait is acutely vulnerable to the impacts of climate change. As the world's seventh-largest exporter of crude oil, the country has the [sixth-highest](#) greenhouse gas emissions per capita globally. The increasing frequency and intensity of heat waves, decreased precipitation, and rising sea levels [pose](#) risks to the right to health, life, water, and housing, especially of low-income migrant workers and the Bidun who are already marginalized.

Key International Actors

Kuwait has a bilateral defense cooperation agreement with the United States, and the US uses military bases in the country. Kuwait is a member of the Saudi-led coalition conducting military operations in Yemen. On August 14, Kuwait named its first ambassador to Tehran, six years after severing ties in support of Saudi Arabia's decision to cut diplomatic ties with Iran.

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