

Amnesty International Report 2016/17 - The State of the World's Human Rights - Kuwait

The authorities further curtailed freedom of expression and prosecuted and imprisoned government critics under criminal defamation laws; some were prisoners of conscience. Members of the Bidun minority continued to face discrimination and were denied citizenship rights. Migrant workers remained inadequately protected against exploitation and abuse. Courts handed down new death sentences; no executions were reported.

Background

Parliament approved a new law lowering the age of minors from 18 to 16 years on 31 December 2015. When enacted in January 2017, anyone arrested at the age of 16 or 17 would be tried as an adult, and in some cases could face the death penalty.

The UN Committee against Torture considered Kuwait's third periodic report in July.^{[1](#)} The Committee subsequently expressed concern about proposed amendments to the Code of Criminal Procedures that would double to four days the period for which police can hold detained suspects without bringing them before a judge and increase pre-trial detention on remand from 10 days to a maximum of 21 days.

In July, after reviewing Kuwait's third report on its application of the ICCPR, the UN Human Rights Committee presented recommendations to the government, including on reform of criminal blasphemy and insult laws; criminalization of domestic violence, including marital rape; and action to address Bidun statelessness.^{[2](#)}

Kuwait remained part of the Saudi Arabia-led international coalition engaged in armed conflict in Yemen (see Yemen entry).

Freedoms of expression and assembly

The authorities tightened restrictions on freedom of expression. A new cybercrime law that took effect in January further restricted online expression, penalizing peaceful criticism of the government, the judiciary and others with up to 10 years' imprisonment. Also in January, Parliament approved an electronic media law regulating all online publications, including electronic news services, online newspapers, television, social media and blogs, placing them under a legal obligation to obtain a government licence to operate. The authorities began implementing the new law in July. In February, the Law on Print and Publications was amended to cover online publications. In June, a new law came into force prohibiting anyone with a confirmed conviction on charges of insulting God, the prophets or the Emir, from running for Parliament, in effect barring some government critics from being elected.

Abdulhamid Dashti, a Shi'a opposition MP, was stripped of his parliamentary immunity in March. He then went abroad but faced prosecution and separate trials on an array of charges – including some arising from his peaceful criticism of the governments of Bahrain and Saudi Arabia in social and other media – and possible prison sentences totalling over 40 years. In December, an appeal court overturned his acquittal in one case and imposed a 10-year sentence. He was unable to lodge an appeal while he remains outside Kuwait.

Musallam al-Barrak, a former MP and leading government critic, continued to serve a two-year prison term for criticizing the government in a speech and faced separate trials on other charges. In November the Appeal Court upheld the suspended prison sentences of 13 people for publicizing or reciting extracts from Musallam al-Barrak's speech.

In February, the Appeal Court confirmed the one-year prison sentence followed by expulsion from Kuwait imposed on Bidun rights activist Abdulhakim al-Fadhli in 2015 for participating in a peaceful "illegal gathering". He was arrested in April to serve his sentence, which was confirmed in May by the Cassation Court. In June, on appeal, the Misdemeanours Cassation Court ordered his release pending review, and in September it upheld the initial verdict. The authorities released Abdulhakim al-Fadhli in August after he completed a three-month prison term in a separate case but he handed himself to the authorities in September following the Misdemeanours Cassation Court's verdict.

Counter-terror and security

The number of terrorism-related arrests and trials increased. Courts sentenced at least two defendants to death and others to prison terms. A 2015 law requiring all citizens and residents of Kuwait to provide the authorities with samples of their DNA came into force in July, despite local and international calls for its amendment due to it being disproportionate and a violation of the right to privacy. Under the law, anyone who does not comply or has no valid excuse for failing to provide a sample faces up to one year in prison and/or a fine of up to 10,000 Kuwaiti dinars (US\$33,150).

In May, the Court of Cassation confirmed the death sentence of one man convicted of perpetrating the July 2015 bombing of the Imam Sadiq Mosque in Kuwait City, but reduced the sentence of his co-accused to 15 years' imprisonment. The Court failed to exclude statements that were alleged to have been extracted under torture and other ill-treatment as evidence in the proceedings.

In January, the Criminal Court sentenced two men to death and 20 others to prison terms ranging from five years to life on charges that included "spying for Iran and Hizbullah". Some of the 26 defendants in the case alleged that security officials tortured them in pre-trial detention to coerce "confessions". The Court failed to investigate their allegations of torture. In July, an appeal court confirmed one death sentence in the case, while reducing other sentences and acquitting nine defendants. The authorities then referred 17 of the defendants for trial on new terrorism-related charges.

Deprivation of nationality

In April, the Administrative Cassation Court rejected a ruling of the Administrative Appeal Court that a case brought by former MP Abdullah Hashr al-Barghash against a government decision to

strip him of his Kuwaiti nationality was outside its jurisdiction. In December the Cassation Court rejected his appeal.

Discrimination – Bidun

The authorities continued to withhold citizenship from more than 100,000 Bidun residents of Kuwait, who remained stateless. In May, Parliament approved a draft law that would grant Kuwaiti citizenship to up to 4,000 Bidun and referred it to the government; it had not been enacted by the end of 2016. The government of the island state of Comoros said in May that it would consider granting “economic citizenship” to Bidun if it received an official request from the Kuwaiti authorities.

Women’s rights

Women continued to face discrimination in law and in practice. In May, the Committee for Legislative and Legal Affairs approved a proposed amendment to the citizenship law that would allow Kuwaiti women to pass their nationality on to their children, regardless of the father’s nationality. The amendment had not been enacted by the end of the year.

Migrant workers’ rights

Migrant workers, including those in the domestic, construction and other sectors, continued to face exploitation and abuse under the official *kafala* sponsorship system, which ties workers to their employers and prevents them from changing jobs or leaving the country without the employer’s permission. In July, the authorities issued a decree setting minimum wages for domestic workers, most of whom are women.

Death penalty

Courts handed down death sentences for offences including murder and drug-related charges. No executions were reported.

1. Kuwait: Amnesty International submission to the UN Committee against Torture ([MDE 17/4395/2016](#))
2. Kuwait: Amnesty International submission to the UN Human Rights Committee ([MDE 17/4145/2016](#))