

KUWAIT 2020

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The authorities continued to unduly restrict the rights to freedom of expression and association. Members of the stateless Bidun minority remained unable to access a range of public services. With the spread of COVID-19, residence permit violators were granted a month's amnesty, allowing them to leave the country without paying fines or travel costs. Migrant workers remained inadequately protected against exploitation and abuse.

Background

Kuwait sped up its "Kuwaitization" process to replace expatriates with nationals in the workforce to address rising unemployment among nationals.

Under the UN Universal Periodic Review (UPR) process in July, the government rejected recommendations to ratify or accede to treaties, including those protecting the rights of migrant

workers and refugees, and to bring its laws into compliance with the rights to freedom of expression, peaceful assembly and association.

Kuwait remained part of the Saudi Arabia-led coalition engaged in armed conflict in Yemen, albeit in a very limited role.

Freedom of expression, assembly and association

In August, Parliament approved amendments to the law on press and publications, including lifting the Ministry of Information's control over imported publications.

The authorities detained and prosecuted at least 12 government critics and activists under provisions of the Cybercrime Law and Penal Code provisions that criminalize legitimate speech, including for offending the Emir, criticizing neighbouring countries or spreading false news.

In April, a Ministry of Information source told a news outlet that the Ministry had intensified its “monitor[ing] of websites and news services that broadcast lies and rumours and provoke sedition” since the COVID-19 pandemic began, referring “25 news services sites” for prosecution.¹

On 28 January, a criminal court sentenced three Bidun men, including Redha al-Fadhli, Hammoud al-Rabah and one man in his absence, to sentences ranging from 10 years to life in prison for their peaceful activism. The court acquitted another Bidun man and released 12 others, including human rights defender Abdulhakim al-Fadhli, on a pledge of good conduct for two years.² Security forces had arrested them in July 2019 during a crackdown on peaceful protesters. On 20 July, the 10-year sentences against Redha al-Fadhli and Hammoud al-Rabah, for membership of a proscribed organization, were overturned on appeal. The court reduced their sentences to suspended two-year prison terms.

Discrimination – Bidun

Stateless Bidun people remained unable to access a range of public services, including health care. During the UPR process, the government accepted recommendations to ensure that the Bidun enjoy equal access to education, health care and employment, and some recommendations on their acquisition of nationality.

In October, the Chairman of Kuwait's National Assembly attempted to speed up the debate and vote on six proposed drafts laws on the Bidun issue during the last parliamentary session, ahead of parliamentary elections. His attempts were thwarted when Members of Parliament boycotted the discussions.

Migrants' rights

The *kafala* (sponsorship) system, which ties migrant workers' right to be in Kuwait to their employment, put these workers at greater risk of human rights violations. The workers were also at heightened risk of contracting COVID-19, including because of poor living conditions.

Thousands lost their jobs as a result of the economic impact of the pandemic and hundreds were stranded in Kuwait.

At the end of March, the government announced a one-month amnesty for residence permit violators, allowing them to leave the country without paying fines or travel costs. Those with ongoing court cases, bank loans or bills were not eligible. While awaiting repatriation, migrant workers were set up in camps and shelters with dire sanitary conditions, further increasing their vulnerability to infection.

The authorities prosecuted at least three cases of physical abuse of domestic workers by their employers. On 30 December, a criminal court sentenced a Kuwaiti woman to death and her Kuwaiti husband to four years in prison for the murder of their employee Jeanelyn Villavende, a Filipina domestic worker. Both have the right to appeal against their conviction and sentence. In separate cases, two Sri Lankan domestic workers were abused by their sponsors' wives, including one who later succumbed to her injuries. Following investigation, the authorities arrested the two female suspects.

The authorities also arrested and prosecuted scores of human traffickers and illegal visa traders, investigating hundreds of companies accused of exploiting government contracts to engage in human trafficking.

Women's rights

During the UPR in July, Kuwait accepted recommendations to fully implement CEDAW but rejected other recommendations including to ensure "full equality between men and women", to criminalize sexual violence and marital rape and to make its personal status and nationality laws gender-neutral.³

In August, Parliament approved a bill criminalizing domestic violence, offering further protections for victims of domestic violence as well as legal, medical and rehabilitation services. Women continued to face discrimination in law and practice.

Kuwait retained a law (Penal Code Article 153) that makes murder of a female relative punishable by as little as a fine in "honour killing" cases. Killings of women by their brothers were reported in Kuwait City in September and December.

Rights of lesbian, gay, bisexual, transgender and intersex people

Maha al-Mutairi, a transgender woman, was arrested several times and charged under Article 198 of the Penal Code, which criminalizes “imitat[ing] the other sex in any way”. On 5 June, shortly before fulfilling a summons to attend a police station, she posted Snapchat videos accusing police officers of raping and beating her during her seven months’ detention in 2019 in a male prison for “imitating the opposite sex”. She was released on 8 June without charge.

Death penalty

Courts continued to hand down death sentences; no executions were reported.

1. [COVID-19 is new pretext for old tactics of repression in GCC \(MDE 04/3136/2020\)](#)
2. [Kuwait: Heavy prison sentences of activists demanding rights of citizenship \(Press release, 28 January\)](#)
3. [Kuwait: Fulfil treaty obligations on women’s rights \(MDE 17/2672/2020\)](#)

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