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Amnesty International Report 2017/18 - The State of the World's Human Rights - Kuwait

The authorities continued to unduly restrict freedom of expression, including by prosecuting and imprisoning government critics and banning certain publications. Members of the Bidun minority continued to face discrimination and were denied citizenship rights. Migrant workers remained inadequately protected against exploitation and abuse. Courts continued to hand down death sentences and executions resumed after a hiatus of four years.

Background

On 6 April, Parliament reversed a 2015 amendment to the Juvenile Law, once again raising the age of minors from 16 to 18 years. As such, those arrested below 18 years of age could be protected from life-term prison sentences and the death penalty.

In July the authorities reinstated mandatory military service, imposing punitive measures for those failing to register for military service within 60 days of reaching the age of 18.

Kuwait led mediation efforts seeking to resolve the Gulf crisis that erupted in early June, when Saudi Arabia, the United Arab Emirates (UAE) and Bahrain severed relations with Qatar. Kuwait remained part of the Saudi Arabia-led coalition engaged in armed conflict in Yemen (see Yemen entry).

Freedom of expression

The authorities continued to unduly restrict the right to freedom of expression, prosecuting and imprisoning government critics and online activists under penal code provisions that criminalized comments deemed offensive to the Emir or damaging to relations with neighbouring states.

In March, UK-based writer and blogger Rania al-Saad was sentenced on appeal and in her absence to three years in prison on charges of “insulting Saudi Arabia” on Twitter. The Appeal Court reversed her earlier acquittal rendering this verdict final.

In May the Cassation Court upheld an Appeal Court verdict in the “al-Fintas group” case of 13 men charged in connection with WhatsApp discussions about video footage that appeared to show government members advocating the Emir’s removal from power. Six were acquitted and seven were sentenced to between one and 10 years’ imprisonment, some in their absence. The trial was marred by irregularities.

In July the Cassation Court upheld a 10-year prison sentence against blogger Waleed Hayes on vaguely worded charges that included “defaming” the Emir and the judiciary. During his trial, Waleed Hayes claimed he was tortured to make him “confess” to offences he did not commit. He remained on trial on other similar charges.

Former MP Musallam al-Barrak was released in April after serving a two-year prison term for criticizing the government. He continued to face separate trials on other charges.

Bidun activist Abdulhakim al-Fadhli was released on 1 August after serving a one-year prison sentence in relation to a peaceful demonstration in 2012, after which he had been due to be expelled from Kuwait. In February, the Cassation Court had overturned his acquittal along with 25 other Bidun men for their participation in peaceful demonstrations in Taima. The court reinstated their two-year prison sentence, as well as a bail of 500 Kuwaiti dinars (about USD1,660) to halt the implementation of the prison sentence on condition that they signed a pledge to no longer take part in demonstrations. Abdulhakim al-Fadhli signed the pledge which, in his case, also annulled his expulsion order.

In August the Public Prosecutor ordered a ban on publications in connection with reporting on ongoing state security cases before the courts. The ban was despite the Cassation Court establishing in May that there were no provisions in the law criminalizing the breach of “confidentiality” or prohibiting the publication of such information.

Counter-terrorism and security

On 18 July, the Cassation Court issued its verdict in the case against 26 defendants on charges that included “spying for Iran and Hizbullah”. The court upheld the death sentence of one defendant in his absence and commuted that of another to life imprisonment. Thirteen men had their acquittals overturned and were sentenced to between five and 15 years in prison. During the trial, some of the 26 defendants reported that they had been tortured in pre-trial detention; their allegations were not investigated. In August the authorities re-arrested 14 men who had been acquitted and released on appeal.

Deprivation of nationality

In March the Emir ordered that the nationality of some government critics and their families be reinstated.

On 2 January the Court of Cassation suspended the Appeal Court's decision to restore the nationality of Ahmad Jabr al-Shamari and his family until it issued its verdict. In early March, Ahmad Jabr al-Shamari withdrew his appeal against the 2014 government decision to strip him of his nationality and in April the Cassation Court closed the case, declaring the dispute resolved.

Discrimination – Bidun

More than 100,000 Bidun residents of Kuwait remained stateless. In May 2016, Parliament had approved a draft law that would grant Kuwaiti citizenship to up to 4,000 Bidun, but it had not been enacted by the end of 2017. In September the UN Committee on the Elimination of Racial Discrimination recommended that all Bidun should be guaranteed access to adequate social services and education on an equal footing with Kuwaiti nationals, and that in its next periodic report Kuwait should provide information on access to education for Bidun.

Workers' rights – migrant workers

Migrant workers, including those in the domestic, construction and other sectors, continued to face exploitation and abuse under the official *kafala* sponsorship system, which prevents them from changing jobs or leaving the country without their employers' permission.

Women's rights

In May, the UN Working Group on the issue of discrimination against women in law and in practice recognized improvements, including women's rights to vote, to stand for elections and to receive equal pay to men. Discrimination against women continued, however, with regard to laws on inheritance, marriage, child custody, nationality rights and domestic violence.

Death penalty

Executions were carried out on 25 January, the first since 2013. Courts continued to hand down death sentences for offences including murder, drugs offences and terrorism-related charges.

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