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### Human rights in the Middle East and North Africa: Review of 2019; Kuwait

The authorities detained and prosecuted government critics and activists under legal provisions criminalizing speech deemed offensive to the head of state, as well as for peaceful assembly. Members of the stateless Bidun minority continued to face entrenched discrimination, including the denial of their rights to access employment and public services. Migrant workers remained inadequately protected against exploitation and abuse. A new personal status law for Shi'a Muslims codified provisions discriminating against women in relation to divorce, child custody and inheritance. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people faced arrest. Eight Egyptian men were returned to Egypt despite risks that they would be tortured or forcibly disappeared. Courts continued to hand down death sentences; no executions were reported.

#### Background

Kuwait continued to lead mediation efforts to resolve the Gulf crisis that erupted in 2017, when Bahrain, Egypt, Saudi Arabia and the United Arab Emirates severed relations with Qatar. Kuwait remained a member of the coalition led by Saudi Arabia and the United Arab Emirates (UAE) in the armed conflict in Yemen.

In August, Iraq handed over the remains of 48 Kuwaiti nationals who disappeared during the 1991 Gulf War.

#### Freedom of expression and assembly

The authorities detained and prosecuted government critics and activists under provisions in the cybercrime law and Penal Code criminalizing speech deemed as threatening state security or being offensive to the Emir (the head of state), critical of neighbouring countries or blasphemous, as well as for peaceful assembly.

In July, the suicide of Ayed Hamad Moudath, a stateless Bidun man who had been unable to obtain official documents and lost his job, triggered peaceful protests calling for citizenship rights for the Bidun.<sup>[1]</sup> Fifteen Bidun men, including human rights defender Abdulhakeem al-Fadhli, were arrested and charged with offences including calling for and participating in protests and put on trial. On 22 August, they went on hunger strike in protest at their detention. On 17 September, five of them were released on bail, but the trial continued.

In October, a criminal court sentenced, in his absence, blogger and online activist Abdullah Saleh to three years in prison for insulting the Emir and the judiciary on social media. In July, an appeal court had upheld another three-year prison sentence against him, imposed for “insulting Saudi Arabia” on his Twitter account.

#### Discrimination - Bidun

In August, a law was passed allowing the granting of Kuwaiti citizenship during the year to up to 4,000 individuals who could prove that their ancestors were recorded in Kuwait's population census of 1965, served in the army or police, and lived in Kuwait. The annual measure stood to benefit some of the stateless Bidun people living in Kuwait, but no official statistics on the number of such individuals granted citizenship was available by the end of the year.

Stateless Bidun persons remained unable to access a range of public services, including education for their children. In mid-April, at the request of a government body, banks suspended the accounts of Bidun individuals who could not provide the necessary documents to renew their IDs.

On 4 November, the Chairman of Kuwait's National Assembly presented a draft law that, if enacted, would put severe pressure on Bidun persons to surrender their long-standing claims to Kuwaiti nationality in order to safeguard their socioeconomic survival in the short term.<sup>[2]</sup>

#### Migrants' rights

In March, the Kuwait Trade Union Federation relaunched an office to help address legal cases brought by migrant workers, including domestic workers, in relation to wage theft or other forms of exploitation. Migrant workers continued to be inadequately protected and faced abuse facilitated by the *kafala* (sponsorship) system.

Two Filipina domestic workers allegedly died at the hands of their employers. In May, Constanca Dayag was reported to have been killed by her employer, who was charged with murder. In December, Jeanelyn Villavende was reported to have been killed by her employer’s wife, who was arrested along with her husband. In June, another Filipina domestic worker, Jessielyn Española, was allegedly beaten by her employer’s son after he accused her of theft. She was severely injured and filed a complaint in court. In September, the Court of Cassation acquitted a Kuwaiti woman who had been convicted by an appeal court of inflicting injuries on a Filipina domestic worker, including with an iron.

In June, at least 95 Sri Lankan migrant workers returned to their home country for reasons that included non-payment of wages and other abuses.

From July the authorities forcibly evicted unaccompanied male migrant workers from residential neighbourhoods, including by shutting off their water and electricity supplies.

### Women's rights

On 25 August, the Ja’fari Personal Status Law came into force, setting out personal status provisions for Shi’a Muslims, which had previously been uncodified. Like Kuwait’s pre-existing Personal Status Law, which applies to Sunni Muslims, it accorded women fewer rights than men in relation to divorce, child custody and inheritance. In a welcome contrast to the Personal Status Law for Sunni Muslims, the new law prohibits a man from forcing his wife to quit her job if she was employed before marriage.

In July, the cabinet approved a draft amendment to the Nationality Law that would increase the period of marriage needed for a foreign woman married to a Kuwaiti man to be granted Kuwaiti nationality from 15 to 18 years.

There continued to be no legislation criminalizing domestic violence, which disproportionately affects women.

### Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

In July, an LGBTI group, al-Hurriya, announced it would apply to the Ministry of Social Affairs for a permit to be recognized as an official association.

At the end of July, police arrested seven trans people in the city of Salmiya and referred them to the Criminal Investigation Department. Same-sex sexual conduct continued to be criminalized.

### Refoulement

In July, the authorities arrested eight Egyptian men with alleged links to the Muslim Brotherhood who had been tried and convicted in their absence in Egypt on terrorism-related charges. They handed the men over to the Egyptian authorities, despite serious concerns that they would be at risk of torture and enforced disappearance, so breaching the absolute prohibition on *refoulement*. The men were arrested on arrival in Cairo and were forcibly disappeared.

### Death penalty

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

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[1] Amnesty International, *Kuwait: Authorities crackdown on protesters demanding citizenship rights* (Press release, 17 July 2019), <https://www.amnesty.org/en/latest/news/2019/07/kuwait-authorities-crackdown-on-protesters-demanding-citizenship-rights/>

[2] Amnesty International, *Kuwait: Rising signs of despair among Bidun highlight cruelty of draft law* (Index: MDE 17/1362/2019), <https://www.amnesty.org/en/documents/mde17/1362/2019/en/>

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