



World Report 2014 - Kuwait

Publisher [Human Rights Watch](#)

Publication Date 21 January 2014

Cite as Human Rights Watch, *World Report 2014 - Kuwait*, 21 January 2014, available at: <http://www.refworld.org/docid/52dfddcf14.html> [accessed 6 February 2014]

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Recurring political disputes between the government and Parliament paralyzed political institutions and the passage of most new legislation. A constitutional court ruling in June 2013 dissolved the parliament formed in December 2012. However, the court upheld controversial amendments to the electoral law that had prompted the opposition's boycott of the polls in 2012 and sparked violent street protests. Elections in July 2013 led to the formation of a new parliament, including two women among its 50 members, one less than in 2012.

Kuwait continues to exclude thousands of stateless people, known as Bidun, from full citizenship, despite their longstanding roots in Kuwaiti territory.

The government has aggressively cracked down on free speech, often resorting to a law forbidding any offense to the ruler (emir).

A new effort to dramatically reduce the number of migrant workers in Kuwait has led to the implementation of regulations to allow for swift and unlawful deportation.

Treatment of Minorities

There are at least 105,702 stateless people in Kuwait, known as Bidun. After an initial registration period for citizenship ended in 1960, authorities shifted Bidun citizenship claims to a series of administrative committees that for decades have avoided resolving the claims. Authorities claim that many Bidun are "illegal residents" who deliberately destroyed evidence of another nationality in order to get the generous benefits that Kuwait provides its citizens.

In March 2011, the government granted Bidun certain benefits and services, such as free health care and education, as well as registration of births, marriages, and deaths. Some Bidun have complained there are still administrative hurdles to accessing these benefits.

In March 2013 the Parliament passed a law to naturalize 4,000 "foreigners" in 2013, touting this as a measure to address the citizenship of Bidun. Activists in the Bidun community have said this measure has not benefitted their community, but is being used to grant citizenship to children born

to Kuwaiti mothers and foreign fathers. The government confirmed to Human Rights Watch that so far no Bidun had benefited from the law.

Some Bidun activists say that the real number of Bidun in Kuwait is closer to 240,000, reflecting the government's failure to update its statistics.

Members of the Bidun community frequently take to the streets to protest the government's failure to address their citizenship claims, despite government warnings that Bidun should not gather in public. Article 12 of the 1979 Public Gatherings Law bars non-Kuwaitis from participating in public gatherings.

Women's Rights

In January, Kuwait gave women the right to apply for posts as prosecutors, which until then were only open to male candidates. This will allow women to pursue careers as judges in the future. However women continue to face discrimination in many other aspects of their lives, and large legal gaps remain in protections for women. Kuwait has no laws prohibiting domestic violence, sexual harassment, or marital rape. In addition, Kuwaiti women married to non-Kuwaiti men cannot give their spouses or children Kuwaiti citizenship. Kuwaiti law does not let women marry a partner of their choice if their father will not grant permission.

In May, the Kuwaiti authorities announced that Saudi Arabian women would not be provided with drivers' licenses while in Kuwait without the permission of their male guardians; women are not allowed to drive in Saudi Arabia.

Freedom of Assembly

According to local activists and lawyers, government forces responded with excessive violence to multiple demonstrations by Bidun and Kuwaiti citizens. Human Rights Watch documented one case where special forces officers beat a demonstrator in April 2013 when detaining him, and heard allegations of many more cases.

Freedom of Expression

The year 2013 saw increased violations of free speech in Kuwait. The authorities brought cases against at least 29 people who expressed critical views of the government over Twitter, Facebook, blogs, other social media platforms, and at protests. Human Rights Watch knows of nine cases in 2012.

Most of these cases have been brought under article 25 of Kuwait's penal code of 1970, which prescribes a sentence of up to five years in prison for anyone who publicly "objects to the rights and authorities of the emir or faults him." The article gives no detail on what constitutes an offense. Kuwait would have to demonstrate incitement to violence or similar crimes for these cases to meet international standards on permissible restrictions of free speech. Human Rights Watch documented eight cases of political commentary that did not amount to incitement to violence, but that Kuwaiti courts in 2013 found violated article 25.

In July, during the Muslim fasting month of Ramadan, Kuwaiti ruler Emir Sabah al-Ahmad al-Jaber Al Sabah issued a pardon for all those been jailed under article 25. However, the authorities subsequently brought charges against at least one individual under that article, indicating that the pardon does not represent a change in government policy.

Migrant Workers

Migrant workers make up around 2 million of Kuwait's population of 2.9 million, including more than 600,000 domestic workers. In March 2013, the government announced that it intended to

reduce the number of expatriate workers by 100,000 every year for the next 10 years, in order to bring the total down to one million. Kuwait has since adopted a number of mechanisms facilitating quick, non-judicial deportations in order to reach its goals.

In April, Kuwait implemented a policy of deporting migrants after they had committed their first major traffic violation. By September, according to local human rights organizations, the Ministry of Interior had deported 1,258 expatriates for traffic violations. In August, the health ministry announced that it would deport any expatriates with confirmed cases of infectious diseases, though Human Rights Watch had not documented any such deportations at time of writing. These deportations occur without any judicial review.

Kuwait has also adopted indirect methods to push migrants to leave. In March, Kuwait adopted regulations requiring expatriates applying for a driving license to be 18 or over, pass a driving test, be a legal resident for at least two years, have a university degree, and earn at least KWD400 (US\$1,400) per month.

Local media reported in August that authorities began evicting expatriate tenants from private homes owned by Kuwaiti citizens. According to local NGOs, residential buildings that are rented out to expatriates must be classified as "investment accommodations."

Death Penalty

On June 18, 2013, Kuwaiti authorities hanged two Egyptian men, one convicted of abduction and rape, and the other on murder charges. It was Kuwait's second round of executions in 2013, and the first time it had applied the death penalty since 2007.

Key International Actors

The United States, in its 2013 US State Department's annual Trafficking in Persons report, classified Kuwait as Tier 3 – among the most problematic countries – for the seventh year in a row. The report cited Kuwait's failure to report any arrests, prosecutions, convictions, or sentences of traffickers for either forced labor or sex trafficking, and weak victim protection measures.

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