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Title	World Report 2010 - Kuwait
Publisher	Human Rights Watch
Country	Kuwait
Publication Date	20 January 2010
Cite as	Human Rights Watch, <i>World Report 2010 - Kuwait</i> , 20 January 2010, available at: http://www.unhcr.org/refworld/docid/4b586ceb76.html [accessed 25 January 2010]



Events of 2009

Kuwait has improved its record in some aspects of women's human rights, and its parliament has debated ways to improve migrant workers' rights. However, broad discrimination continues against women in nationality, residency, and family law, and in their economic rights, despite women in 2005 gaining the right to vote and run for office. Kuwait continues to exclude the stateless Bidun from full citizenship, despite their long-term roots in Kuwaiti territory. In 2009 there was deterioration in respect for freedom of expression and the rights of lesbians, gays, and transgender persons.

Kuwait retains the death penalty, and voted in December 2008 against a United Nations General Assembly resolution calling for a worldwide moratorium on executions. The last reported execution took place in May 2007.

Women's and Girls' Rights

Kuwait's nationality law denies Kuwaiti women married to non-Kuwaiti men the right to pass their nationality on to their children and spouses, a right enjoyed by Kuwaiti men married to foreign spouses. The law also discriminates against women in residency rights, allowing the spouses of Kuwaiti men but not of Kuwaiti women to be in Kuwait without employment and to qualify for citizenship after 10 years of marriage.

The government grants low-interest housing loans only to Kuwaiti men; Kuwaiti women, whether single or married, are ineligible. Upon divorce, married women lose their claim to homes purchased through this program, even if they made payments on the loan. A single mother can claim rent subsidy only if she intends not to remarry.

There exists no data on the prevalence of violence against women in Kuwait. Victims are often reluctant to file complaints with the police because redress for domestic abuse through the criminal justice system remains elusive. Perpetrators are rarely arrested even when women file with the police complaints that are supported by medico-legal evidence.

In 2005 Kuwaiti women won the right to vote and to run in elections. In May 2009 voters elected four women to Parliament. In November Kuwait's Constitutional Court rejected an appeal by a Kuwaiti citizen that two of the women parliamentarians be required to step down because they do not wear the Islamic headscarf. In August a court struck down article 15 of the Passport Law 11/1962 as unconstitutional and allowed married women henceforth to obtain a passport without their husband's permission.

Bidun

Kuwait hosts approximately 120,000 stateless persons, known as the Bidun. The state does not recognize the right of these long-time residents to Kuwaiti nationality or permanent residency. Children of the Bidun are also stateless.

As a consequence of their statelessness, the Bidun cannot freely leave and return to Kuwait; the government issues them one-time travel documents at its discretion. As non-Kuwaitis, they

the government issues them one-time travel documents at its discretion. As non-Kuwaitis, they face restrictions in employment, healthcare, education, marriage, and founding a family. Kuwait issues Bidun with identity cards, but issue and renewal can be accompanied by pressure to sign affidavits renouncing any claim to Kuwaiti nationality. Prosecution and deportation to Iraq and other countries as illegal aliens are possible consequences of failing to sign such waivers.

A 2007 draft law would grant the Bidun civil rights, but not nationality. At this writing it has not been passed.

Freedom of Expression and the Media

In separate cases in October 2009, courts fined two Kuwaiti members of parliament 3,000 dinars (US\$10,500) each for "slandering the government." The first was fined for criticizing the Interior Ministry's treatment of the Bidun, and the second for making allegations of corruption in the Ministry of Health.

Kuwaiti authorities in August 2009 banned the TV show *Your Voice is Heard* after it criticized officials. A 2006 reform of the press law replaced imprisonment as punishment for infractions of the law with high fines.

Sexual Orientation and Gender Identity

Kuwait continues to criminalize consensual homosexual conduct, in contravention of international best practices. Article 193 of Kuwait's penal code punishes consensual sexual intercourse between men over age 21 with up to seven years' imprisonment; if the conduct involves persons under 21, then imprisonment is increased to 10 years.

Kuwait's National Assembly in December 2007 introduced restrictions on privacy and on a person's free choice of dress. The new article 198 of the penal code criminalized "imitating the appearance of a member of the opposite sex," punishable with a sentence of up to one year in prison or a fine of up to 1,000 dinars (US\$3,500). Immediately after the new law passed, police began arresting "cross-dressers," jailing at least 14 people in the first month and subjecting them to abuse and violence while in detention. In mid-March 2008 another wave of arrests took place, and arrests and harassment of individuals who defy state-imposed rules on gender presentation have continued sporadically.

Migrant Worker Rights

More than one million foreign nationals reside in Kuwait, constituting an estimated 80 percent of the country's workforce. Many of them experience exploitative labor conditions including private employers who confiscate their passports or who do not pay their wages, claiming they need to recoup their fees for hiring the worker. Migrant workers themselves often pay exorbitant recruitment fees to labor agents in their home countries, and must then work off their debt in Kuwait. Kuwaiti law limits wage deductions for debt, but these limits are not enforced in practice.

Parliament in May 2009 debated a draft revision of the Labor Law that would incorporate more protective provisions on wages, working hours, and safety. However, it does not establish monitoring mechanisms for workers' rights, and continues to exclude domestic workers from its protections.

Approximately 700,000 migrant women – chiefly from Indonesia, Sri Lanka, and the Philippines – are employed in Kuwait as full-time live-in domestic workers. Their exclusion under the current labor law deprives them of protections afforded other workers, such as a weekly rest day and limits on working hours. Many domestic workers complain of confinement in the house, long working hours without rest, months or years of unpaid wages, and sometimes verbal, physical, and sexual abuse. Domestic workers who fled abusive situations at their workplace have often become stranded at their embassies, at deportation centers, or at recruitment agencies. In October 2009 Indonesia banned further migration of domestic workers to Kuwait in response to having 600 workers trapped in its embassy.

A major barrier to the redress of labor abuses is the sponsorship (*kafala*) system by which a migrant worker's legal residence in Kuwait is tied to his or her employer, who serves as a "sponsor." Migrant workers can only transfer employment with their sponsor's consent, although a reform in August 2009 frees them of this requirement if they have worked more than three years (migrant domestic workers do not benefit from this provision). Sponsorship traps workers in abusive situations, including in situations of forced labor, and blocks their access to means of redress. If an employer withdraws sponsorship, workers who flee abusive workplaces can be arrested and deported for being out of status in the country. Kuwaiti law enforcement officials rarely bring to justice Kuwaitis who abuse their powers as sponsors.

Key International Actors

The United States in the 2009 State Department Trafficking in Persons report classified Kuwait

as Tier 3 – that is, among the most problematic countries – but chose not to impose sanctions for Kuwait's failure to combat human trafficking. The US considers Kuwait a strategic partner in combating terrorism, and in February had US\$8.4 billion in open foreign military sales contracts with Kuwait's Defense Ministry.

The International Labour Organization in October 2009 urged Kuwait to end the sponsorship system.

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