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## World Report 2013 - Kuwait

Recurring political disputes between the government and parliament paralyzed political institutions. In February, the Islamist-led opposition made significant gains in parliamentary elections. In June, the Constitutional Court voided the February elections and reinstated the previous parliament, originally elected in 2009. In October, Emir Sabah al-Ahmed al-Sabah dissolved the reinstated parliament and set December 1 to hold a new parliamentary election. However opposition groups, consisting of Islamists, liberals, and nationalists, boycotted the elections.

Kuwait continues to exclude thousands of stateless people, known as Bidun, from full citizenship, despite their longstanding roots in Kuwaiti territory. The government continues to violently disperse Bidun protests while promising to grant Bidun social benefits including government-issued documentation and free education and health care.

Authorities criminally prosecuted individuals for expressing nonviolent political opinions, including web commentary. Kuwaiti courts issued two landmark rulings cancelling legally-sanctioned discrimination against women in the judicial and education sectors.

### Bidun

At least 106,000 Bidun live in Kuwait. After an initial registration period for citizenship ended in 1960, authorities shifted Bidun citizenship applications to a series of administrative committees that have avoided resolving their claims.

Authorities claim that most Bidun are "illegal residents" who deliberately destroyed evidence of other nationality in order to get the generous benefits that the state provides to its citizens.

In March 2011, the government granted Bidun benefits and services such as free health care and education, as well as registration of births, marriages, and deaths. However, those benefits don't provide a path to citizenship. Some Bidun complained that bureaucratic processes prevented many from accessing those benefits.

Since February 2011, hundreds of Bidun have frequently taken to the streets to protest the government's failure to address their citizenship claims. The government issued repeated warnings that Bidun should not gather in public, despite the country's obligation

under international law to protect the right to peaceful assembly. Article 12 of the 1979 Public Gatherings law bars non-Kuwaitis from participating in public gatherings.

The security forces beat Bidun protesters and detained dozens when they suppressed peaceful demonstrations. Detained Bidun reported physical abuse in detention. In one instance, on May 1, security forces violently dispersed around 300 protesters in Taima, northwest of Kuwait City, and arrested 14 of them. The Ministry of Interior said protesters had committed "shameful acts," such as trying to "burn tires and block roads." Local rights activists told Human Rights Watch that the gathering was peaceful. The detained Bidun were freed after nearly two weeks.

According to local activists and lawyers, nearly 180 Bidun and Kuwaitis were tried on charges such as "participating in an illegal gathering," "resisting, insulting, and threatening police officers," and "destroying police property," stemming from their participation in demonstrations in 2011 and 2012.

### **Freedom of Expression**

2012 saw some gains for free expression, but authorities continued to detain and criminally prosecute individuals based on nonviolent political speech, including web commentary.

In December 2011 authorities allowed the bureau of the television news network Al Jazeera to reopen after shutting it down in late 2010 for reporting on security forces' crackdown on opposition protests.

In March 2012, a criminal court suspended *Al Dar* newspaper for three months and sentenced the editor-in-chief, Abd al-Hussain al-Sultan, to a six-month suspended jail term and fined him 1,000 Kuwaiti Dinars (US\$ 3,500) for allegedly publishing articles that "raise[d] sectarian strife and incite[d] to violate public order." The charges arose after the newspaper published three articles that contained statements critical and demeaning to the Shia minority in Kuwait. On May 14, 2012, a court of appeal increased the sentence to a one-year suspended jail term.

In May 2012, parliament amended the country's penal code to authorize the death penalty or life imprisonment for religious blasphemy. However, the emir, who has the power to review legislation, rejected the amendment in June.

On June 5, 2012, a criminal court sentenced Hamad al-Naqi to 10 years' imprisonment for allegedly posting tweets "insulting" the Prophet Muhammad and criticizing the kings of Saudi Arabia and Bahrain. Al-Naqi claimed that someone had hacked his Twitter account and impersonated him. At this writing, his appeal was pending.

In July 2012, police detained Sheikh Meshaal al-Malek al-Sabah, a member of Kuwait's ruling family, for several days over comments he posted on Twitter in which he allegedly accused authorities of corruption and called for reform.

### **Women's Rights**

On April 22, 2012, an administrative court cancelled a ministerial order that barred women from entry-level jobs at the Ministry of Justice. The case stemmed from a July 2011 job announcement in which the ministry said it would accept applications only from "male candidates" for entry level legal researcher positions – a first step to becoming a prosecutor.

In early June 2012, an administrative court ordered Kuwait University to cancel a policy requiring female students to do better in exams than male students in order to enroll in certain departments, including colleges of medicine and architecture. In its ruling the court said that the university had "treated male and female [students] differently." The Court of Appeal upheld the ruling a week later.

Despite these gains, women continue to face discrimination. Kuwait's nationality law denies Kuwaiti women married to foreign men the right to pass their nationality on to their children and spouses, a right held by Kuwaiti men married to foreign spouses. Kuwait has no laws prohibiting domestic violence, sexual harassment, or marital rape.

Households in Kuwait employ more than 600,000 domestic workers, primarily from Asia and East Africa. Kuwait's labor law excludes domestic workers and the restrictive sponsorship (*kafala*) system requires them to obtain permission from their employers to change jobs, effectively trapping many domestic workers with employers who mistreat them. Embassies report receiving thousands of complaints about confinement in the house, months or years of unpaid wages, long work hours without rest, and verbal, physical, and sexual abuse. In a rare conviction in February, a Kuwaiti court sentenced a Kuwaiti woman to death and her husband to ten years in prison for beating and killing a Filipina domestic worker.

### **Personal Freedoms and Privacy**

In May and June 2012, the Kuwaiti police arrested hundreds of young people on spurious grounds which included "imitating the appearance of the opposite sex," practicing satanic rituals, engaging in lewd behavior and immoral activities, prostitution, and homosexuality. Many of these arrests took place during raids on private homes. A month earlier, the Justice Bloc, a Salafi parliamentary group, proposed establishing "a prosecutions office and a police force to combat crimes against public morality," which could potentially lead to an institutionalization of such crackdowns.

These crackdowns follow the arbitrary detention, ill-treatment, torture, sexual harassment, and sexual assault of scores of transgender women by the police since 2007. These arrests and abuses are a result of an amendment to article 198 of the penal code which criminalized "imitating the appearance of the opposite sex," imposing arbitrary restrictions upon individuals' rights to privacy and free expression.

### **Key International Actors**

In April 2012, the United Nation's Committee on the Elimination of Racial Discrimination (CERD) called upon the government to provide a "just, humane and comprehensive solution to the situation" of Bidun.

The United States, in its 2012 State Department Trafficking in Persons report, classified Kuwait as Tier 3 – among the most problematic countries – for the sixth year in a row. The report cited Kuwait's failure to enact comprehensive anti-trafficking legislation, weak victim protection measures, and lack of coordination between various governmental institutions focusing on anti-trafficking issues.

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