

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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KUWAIT

State of Kuwait

Head of state: **Sabah al-Ahmad al-Jaber al-Sabah**

Head of government: **Jaber al-Mubarak al-Hamad al-Sabah**

The authorities continued to unduly restrict the rights to freedom of expression and peaceful assembly, including by prosecuting and imprisoning government critics under criminal defamation laws. Members of the Bidun minority continued to face discrimination and were denied the right to a nationality. Migrant workers remained inadequately protected against exploitation and abuse. Courts continued to hand down death sentences; no executions were reported.

BACKGROUND

Kuwait led mediation efforts to resolve the Gulf crisis that erupted in June 2017, when Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar. Kuwait remained part of the Saudi Arabia-led coalition engaged in armed conflict in Yemen (see Yemen entry).

The government terminated the employment contracts of over 3,000 foreign employees in the public sector under a nationalization policy.

In September, the government established the National Committee on International Humanitarian Law; its purpose will be to review judicial verdicts and legislation relating to international humanitarian law in light of the Geneva Conventions.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to freedom of expression, association and peaceful assembly remained curtailed. The authorities prosecuted government critics under provisions of the Penal Code that criminalize speech deemed offensive to the emir or disparaging to neighbouring countries. In August, the government proposed a law that would punish with five years in prison anyone who defames or disparages the crown prince or his deputy.

Blogger and online activist Abdullah Saleh was sentenced in his absence to a total of 25 years' imprisonment in different cases simply for expressing views on social media deemed "insulting" to Bahrain, Saudi Arabia and the UAE. In February, the Court of Cassation upheld the prison sentences of 13 people for publicizing or reciting extracts of a speech by former opposition member of parliament Musallam al-Barrak, for which he was sentenced to two years in prison in 2015. In May, Hamad al-Naqi, who had received a 10-year prison sentence in 2012 for "insulting the Prophet Muhammad and the Sunni Muslim rulers of Saudi Arabia and Bahrain on social media", was pardoned and released after serving half his sentence.

In June, Kuwait's minister of social affairs dissolved the board of directors of the Kuwait Liberal Society for participating in a forum on free thought with a Dutch political party, joining the Arab Liberal Federation (a network of political parties) and fundraising during the month of Ramadan without prior official permission. A member of the Society was sentenced to six months in jail for a Twitter post.

In July, the Court of Cassation upheld the convictions of 16 opposition politicians, human rights defenders and peaceful demonstrators, including eight former or current members of parliament, on charges relating to their participation in a 2011 protest. The convictions were based on politically motivated charges after trials that violated international standards of fairness and contravened the rights to freedom of expression and peaceful assembly. Trial observer Pete Weatherby, who was part of a legal team monitoring the trial, was blocked from entering the country.

DISCRIMINATION - BIDUN

In March, a law was passed that allows Bidun to join the military. Parliament also 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 the year.

The authorities continued to withhold citizenship from more than 100,000 Bidun long-term residents of Kuwait, who remained stateless and unable to access a range of public services. In June, the minister of education rejected a parliamentary proposal to register children of Bidun at public schools. According to the ministry's regulations, registration is only allowed for Bidun children born of Kuwaiti mothers, and children and grandchildren of Bidun categorized as "martyrs" after being killed during the Iraqi invasion of 1990.

DEPRIVATION OF NATIONALITY

In October, the Council of Ministers approved the reinstatement of Kuwaiti nationality for several individuals, including government critics, whose citizenship had been revoked several years earlier.

MIGRANT WORKERS

Migrant workers continued to face exploitation and abuse under the *kafala* (sponsorship) system, which ties a worker's visa to their employer and prevents them from changing jobs without the employer's consent. Migrant domestic workers, mostly women, remained especially at risk and exposed to physical, sexual and psychological abuse by their employers.

In February, the Philippines imposed a ban on the deployment of Filipino workers to Kuwait following the murder of a Filipina domestic worker by her employers. It also facilitated the voluntary repatriation of thousands of migrant workers. Following months of diplomatic crisis, the ban was lifted in May after Kuwait and the Philippines signed a bilateral agreement regulating some working conditions for domestic workers.

WOMEN'S RIGHTS

Women continued to face discrimination in law and practice. In particular, the law accords women fewer rights than men in family matters such as divorce, child custody, inheritance, nationality rights and domestic violence.

DEATH PENALTY

Courts continued to hand down death sentences for offences including murder and drug trafficking; no executions were reported.