



KUWAIT

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

25 April 2012

A large decorative graphic at the bottom of the page, featuring a stylized representation of the Kuwaiti flag. The flag's colors—green, white, and red—are integrated into a jagged, mountain-like shape that spans the width of the page. The green and white sections are positioned above the red section, creating a layered effect.

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 23 March 2012. The report was issued on 25 April 2012.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that for example, a particular event or action, did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Latest News

EVENTS IN KUWAIT FROM 24 MARCH TO 25 APRIL 2012

The Latest News provides a non-exhaustive selection of significant events since 24 March 2012. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

- 17 April 2012 The Kuwait National Assembly members referred to a specialized committee their response to His Highness the Amir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah's inaugural speech of the 14th parliamentary session. ... The MPs said that the Government must have a clear political vision and reform programs to deal with the political situation and crises in the state. They also stressed that the Government should give its highest priority to economic and social development, and upholding the rule of law.
<http://news.kuwaittimes.net/2012/04/17/top-priority-to-development-mps-response-to-amir-speech/>
- 15 April 2012 The National Assembly's legal and legislative committee yesterday agreed to lift the immunity of nine opposition MPs who led hundreds of protesters last November in storming the Assembly building, rapporteur of the panel MP Mohammad Al-Dallal said. The request to lift the immunity was demanded by the public prosecution in order to complete investigation in the case which involves dozens of youth activists and some former MPs.
<http://news.kuwaittimes.net/2012/04/15/panel-lifts-immunity-of-oppn-mps-who-stormed-assembly/>
- 12 April 2012 The National Assembly yesterday overwhelmingly passed key amendments to the country's penal code that stipulate the death penalty for those who insult Prophet Mohammad (Peace Be Upon Him) and his wives. The amendments, passed in the first reading, also stipulate life-term for those who insult the Prophet's (Peace Be Upon Him) companions, in a move to stiffen already-harsh penalties on religious offenses.
<http://news.kuwaittimes.net/2012/04/12/assembly-nods-to-death-penalty-for-blasphemy-mps-press-govt-over-laid-off-kuwaitis/>

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex E – References to source material](#).

Aljazeera <http://english.aljazeera.net/>
Arab Times <http://www.arabtimesonline.com/>
British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>
Kuwait Times <http://www.kuwaittimes.net/>
The Peninsular Qatar <http://www.thepeninsulaqatar.com/>
Reuters <http://www.reuters.com/>

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Background Information

1. GEOGRAPHY

1.01 The Foreign and Commonwealth Office (FCO) Country Profile, Kuwait, last reviewed by the FCO on 27 February 2012, reported that Kuwait is: “Roughly the size of Wales, Kuwait is almost entirely flat and arid. It borders Saudi Arabia to the south, Iraq to the north and west, and the Arabian Gulf coast to the east. At their nearest points, the Kuwaiti and Iranian frontiers are fewer than 20km apart.” [3a] (Geography) The capital is Kuwait City, within 500 square kilometres of which 90 per cent of the population reside. (US Department of State (USSD) Background Note, 27 December 2011) [1d] (People)

1.02 On Kuwait’s religious demography, the USSD Background Note of 27 December 2011 reported:

“Of the country's total population of 3.5 million, approximately 85% are Muslims, including nearly all of its 1.06 million citizens. While the national census does not distinguish between Sunni and Shi'a adherents, approximately 70%-75% of citizens, including the ruling family, belong to the Sunni branch of Islam. The remaining 25-30% of Kuwaiti citizens are Shi'a, with the exception of about 100-200 Christians and a few Baha'is. Among expatriates, there are an estimated 450,000 Christians, 300,000 Hindus, 100,000 Buddhists, 10,000 Sikhs, and 400 Bahai.” [1d] (People)

1.03 The FCO Country Profile, Kuwait, last reviewed by the FCO on 27 February 2012, noted: “...there are estimated to be over 100,000 Bidoon [stateless Arab persons] still in Kuwait.” [3a] (Politics)

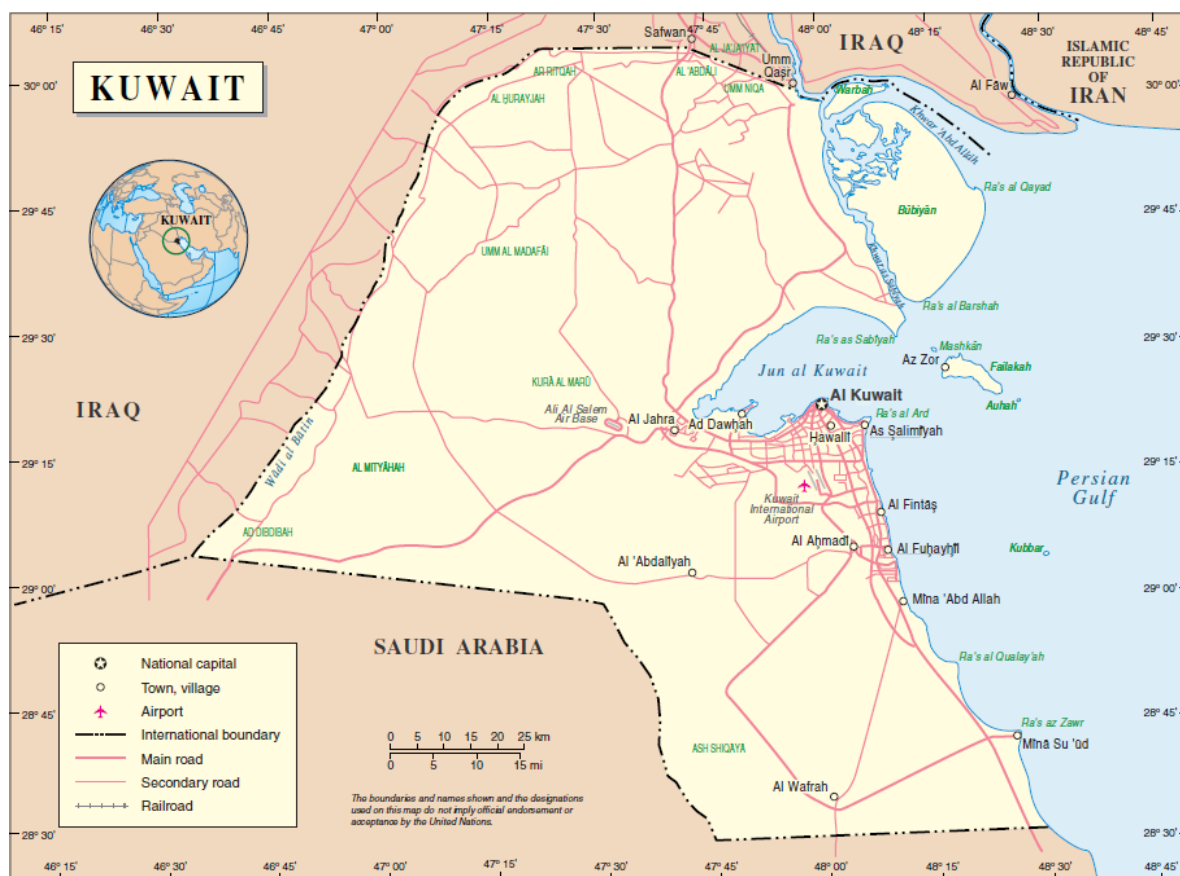
See also [Foreign nationals and non-nationals resident in Kuwait](#), [Freedom of religion, Citizenship and nationality](#) and [Employment rights](#)

1.04 The Languages of Kuwait section on the online version of the Summer Institute of Linguistics, Inc (SIL) International’s Ethnologue: Languages of the World, 2009 reported that the official language of Kuwait was Standard Arabic. [6a] The FCO Country Profile of 27 February 2012 additionally noted that English was the country’s second official language. [3a] (Languages)

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MAP

- 1.05 A May 2010 map of Kuwait published by the United Nations Cartographic Section (UNCS):



[2a]

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2. ECONOMY

- 2.01 The US Department of State (USSD) Background Note, Kuwait, dated 27 December 2011, reported:

“Kuwait is a geographically small but wealthy country with a relatively open economy and self-reported crude oil reserves of nearly 105 billion barrels – approximately 8% of world reserves. Petroleum accounts for nearly half of GDP, 95% of export revenues, and 95% of government income. Kuwaiti officials have committed to increasing oil production to 4 million barrels per day (bpd) by 2020. Due to a budget surplus generated from oil prices, Kuwait survived the economic crisis that began in 2008, and in 2010 it posted its twelfth consecutive budget surplus. Kuwait has done little to diversify and reform its economy, in part because of this positive fiscal situation, but also due to the poor business climate. In addition, the acrimonious relationship between the National Assembly and the executive branch has stymied most movement on economic reforms.” [1d] (Economy)

See also [Political system](#)

- 10 The main text of this COI Report contains the most up to date publicly available information as at 23 March 2012. Further brief information on recent events and reports has been provided in the Latest News section to 25 April 2012.

- 2.02 The estimated figure for the inflation rate of consumer prices in 2011 was 5.6 per cent. (Central Intelligence Agency (CIA) World Factbook, last updated 11 January 2012) [12a] (Economy) The World Bank's Kuwait Data Profile Circa. December 2010, accessed on 10 February 2012, provided the following statistics:

	2000	2005	2008	2009	2010
Gross National Income (GNI) per capita, Atlas method (current US\$)	18,950	34,650
Gross Domestic Product (GDP) (current US\$ (billions))	37.72	80.8	148.78	109.46	..

[4a] (Economy)

- 2.03 The country's currency is the Kuwaiti dinar (KD), see below for exchange rates. (CIA World Factbook, last updated 11 January 2012) [12a] (Economy) The country's major industries were oil, food processing, textiles, furniture and fertilisers with its major trading partners being the UK, Japan, USA and Germany. (FCO Country Profile, reviewed 27 February 2012) [3a] (Basic Economic Facts) In terms of agriculture, "With the exception of fish, most food was imported." (USSD Background Note, Kuwait, 27 December 2011) [1d] (PROFILE-Economy)

- 2.04 The CIA World Factbook, last updated 11 January 2012, listed the estimated unemployment rate for 2004 as 2.2 per cent. [12a] (Economy) The USSD 2009 Country Report on Human Rights Practices: Kuwait (USSD Report 2009), released on 11 March 2010, noted:

"The public sector minimum wage for citizens was 217 dinars (\$756) per month, and the public sector noncitizen wage was 97 dinars (\$338). The public sector minimum wage provided a decent standard of living for a citizen worker and family. ...The MOSAL [Ministry of Social Affairs and Labour] implemented the minimum wage effectively by requiring companies to provide a monthly wage report with supporting documents." [1b] (Section 7e)

- 2.05 The Gulf News article entitled Kuwait introduces minimum wage for private sector workers, dated 16 April 2010, stated:

"Kuwait has set a minimum wage of 60 dinars (Dh763; \$208) for workers in the private sector. 'No worker will be employed or brought to Kuwait to work in the private sector for a salary of less than 60 dinars,' Mohammad Al Afassi, the Social Affairs and Labour Minister, said yesterday. ...The introduction of the minimum wage is part of a drive by Al Afassi to reform the labour market and give the private sector more advantages that will make it attractive to Kuwaiti nationals, who are traditionally keen on working in the public sector with generous benefits." [85a]

See also [Employment rights](#)

- 2.06 The Foreign and Commonwealth Office (FCO) Country Profile, Kuwait, last reviewed by the FCO on 27 February 2012, described Kuwait as a "generous donor of aid." [3a] (Economy) Additionally, the USSD Background Note, Kuwait, dated 27 December 2011, reported:

“Kuwait has been a major source of foreign economic assistance to other states through its Kuwait Fund for Arab Economic Development (KFAED). The fund is an autonomous state institution created in 1961 on the pattern of western and international development agencies and is chaired by the Kuwaiti Foreign Minister. ...During 2011, , the fund signed 15 loan agreements, valued at \$316.27 million, with four Arab countries, five African countries, three countries in East Asia, South Asia, and the Pacific, two countries in Central Asia and Europe, and one country in Latin America and the Caribbean region.” [1d] (ECONOMY-Trade, Finance, and Aid)

2.07 On 23 June 2010, a Reuters FACTBOX on the Gulf monetary union (GMU) reported on the slow progress of the adoption of a single currency by the four signatory states, Saudi Arabia, Kuwait, Qatar and Bahrain; both the United Arab Emirates (UAE) and Oman had previously withdrawn from the agreement. The forerunner for the joint central bank was launched in March 2010, however the Gulf Cooperation Council (GCC) “... Secretary General Abdulrahman al-Attiyah said in May [2010] the single currency was unlikely to be launched by 2015. [While] Kuwait has said a single currency may take up to 10 years.” [24b]

2.08 A recent article on the Al Bawaba website entitled Survey: GCC citizens back single currency plan, dated 8 December 2011, observed:

“The majority of citizens surveyed in the Gulf Cooperation Council (GCC) countries endorsed the proposed GCC single currency, according to a report by the Social and Economic Research Institute (Sesri) at Qatar University. ... The survey was conducted between December 2010 and January 2011 among a total of 2,692 respondents across five GCC countries. The survey results found that a majority of the citizens in Qatar (85 percent), Saudi Arabia (83 percent), the UAE (84 percent) and Bahrain (82 percent) believed that their countries would benefit from being a member of the GCC single currency while Kuwaitis, on the other hand are less certain about such benefit (as only 49 percent of the Kuwaiti respondents said that their country would benefit from being a member of the single currency). ‘Except for Kuwaitis, the majority of the respondents in the other four countries agreed that the introduction of the GCC single currency will foster economic growth in their countries with nearly two-thirds (64 percent) of Qataris and 54 percent of Emiratis strongly believing in this role of the single currency,’ Sesri director Dr. Darwish Al-Emadi said this week at a press conference. ‘Support for the project is highest among Qataris (90 percent), Saudis (72 percent), and Bahraini citizens (72 percent) while Emiratis (59 percent) and Kuwaitis (41 percent) expressed the lowest support for the project,’ Dr. Emadi said.” [52a]

EXCHANGE RATES, AS AT 10 APRIL 2012

2.09 The Oanda.com FX Converter recorded the following exchange rates, as at 10 April 2012:

1 Kuwaiti Dinar (KWD) = 2.25618 British Pound (GBP)	1 GBP = 0.44157 KWD
1 Kuwaiti Dinar (KWD) = 3.58205 US Dollar (USD)	1 USD = 0.27817 KWD

[38a]

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3. HISTORY

- 3.01 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), stated, "For more than 200 years, the al-Sabah dynasty has played a role in ruling Kuwait. A year after the country gained its independence from Britain in 1961, a new constitution gave broad powers to the emir and created the National Assembly. Iraqi forces invaded in August 1990, but a military coalition led by the United States liberated the country in February 1991." [10a]
- 3.02 The Foreign and Commonwealth Office (FCO) Country Profile, last reviewed by the FCO on 27 February 2012, added, "Since that time Kuwait has had to recover from the economic, environmental and psychological damage caused by the occupation. In 2003 it was the launchpad for the invasion of Iraq." [3a] (History)

DEATH OF THE AMIR: JANUARY 2006

- 3.03 The FCO Country Profile, last reviewed on 27 February 2012, stated, "The former Amir of Kuwait, His Highness [HH] Sheikh Jaber Al Ahmad Al Sabah, died on 15 January 2006. His successor is the former Prime Minister, His Highness Sheikh Sabah Al-Ahmad Al-Sabah. HH the Amir appointed Sheikh Nawwaf Al-Ahmed Al-Jaber Al-Sabah as the Crown Prince and Sheikh Nasser Mohammed Al-Ahmed Al-Jaber Al-Sabah as Prime Minister." [3a]

See also [Annex C – Prominent people](#)

ELECTIONS: MAY 2009

- 3.04 The Freedom House Report 2011, noted, "The government resigned on March 16 [2009], leading the emir to dissolve the parliament two days later. For the third time in three years, parliamentary elections were held in May [2009]. Turnout was low, and the results were mixed, with Sunni Islamists, Shiites, liberals, and tribal representatives all winning seats." [10a]
- 3.05 A June 2009 Carnegie Endowment for International Peace article on the outcome of the May 2009 elections reported:

"Despite the change brought about by the election results, this does not rule out the possibility that the assembly could be dissolved before it completes its session in 2013. Although there was 40 percent turnover in the assembly members, underlying factors remain that could create tension between parliament and the government. ...

"As for the new cabinet announced on May 29 [2009], 40 percent of its members are different from the previous one. This will help a bit to ease tensions with parliament. Despite the lower number of women in the new government (down to one, compared with two in the previous government) and an increase in the number of ministers from the ruling family, the introduction of seven new ministers has generated some optimism in public opinion. Although the quota system was applied to guarantee proportional representation of various tribes and ideological persuasions, many of the new ministers are professionals with expertise in their respective fields. Thus the cabinet is viewed as more technocratic in nature. But regardless of the temporary optimism, tension will continue to plague relations between the two branches as long as the government does not come forth with a comprehensive economic development plan." [15d]

See also [Political system](#), [Political affiliation](#), [Women](#), [Annex B – Political organisations](#) and [Annex C – Prominent people](#)

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OTHER DEVELOPMENTS: JUNE 2009 – SEPTEMBER 2011

- 3.06 The Freedom House Report 2011, noted, “In 2009, Kuwait’s Constitutional Court granted married women the right to obtain passports and to travel without their husband’s permission.” [10a] The British Broadcasting Corporation (BBC) Timeline, last updated 11 January 2012 reported, in another decision in the same month [October], the Constitutional Court ruled that women Ministers of Parliament (MPs) were not required to wear an Islamic head cover. [5b] (Assertive parliament)

See also [Women](#)

- 3.07 The Freedom House Report 2011, stated, “Following demands to investigate the prime minister on corruption allegations, the prime minister appeared before the parliament in December [2010]. His appearance marked the first time a Kuwaiti prime minister had ever been questioned by the legislature, though he won the subsequent vote of confidence.” [10a]

See also [Political system](#)

- 3.08 On 12 May 2010, the United Nations (UN) undertook its Universal Periodic Review (UPR) of Kuwait’s human rights record. [Documents](#) considered at the session included the National Report submitted by Kuwait and a compilation of UN information. [40b-40c]

- 3.09 The [Report of the Working Group on the Universal Periodic Review: Kuwait](#), dated 16 June 2010, summarised the proceedings and noted, “Despite Kuwait’s achievements in the field of human rights, some challenges remained, in particular the issue of illegal residents who hid their identities and did not cooperate with the authorities out of fear that they would not be able to acquire Kuwaiti nationality. Nevertheless, Kuwait had provided them with all human services, in particular in the areas of health and education.” [40a] (p4)

See also [Human Rights – Introduction](#), [Foreign nationals and non-nationals resident in Kuwait](#) and [Children](#)

- 3.10 The Peninsular Qatar reported, on 21 February 2011:

“Hundreds of stateless Arabs demonstrated for the third day in Kuwait yesterday to press for basic rights and citizenship. Up to 300 protesters took to the streets in Jahra, west of Kuwait City and around 200 demonstrated in Sulaibiya, south west of the capital, and the two protests remained peaceful unlike the previous two days. ...A number of MPs, meanwhile, filed a request that part of a regular session of parliament on March 8 [2011] be allocated to debate and approve draft laws granting bidoons their basic rights. Opposition MP Hassan Jowhar said he had information that a number of bidoon detainees were tortured by police and some were taken to the military hospital for treatment.” [26b]

See also [Political affiliation](#)

3.11 On 8 March 2011, Aljazeera reported, “Protesters in Kuwait have joined those calling for reform in the Gulf region by demanding sweeping changes in how their oil-rich country is run. Hundreds massed outside the main government building on Tuesday where key offices, including that of Kuwait’s emir and the prime minister, are housed.” [34a] On the same day, an Arab Times article reported, “About 500 people attended [a] protest at the parking lot behind the Central Bank of Kuwait and near the Cabinet building in Kuwait City, including a small number of women, despite the heavy presence of securitymen [sic].” [36a]

3.12 On 28 June 2011 the United Nations Committee Against Torture (UNCAT) considered the second periodic report of Kuwait, which can be accessed via the link [here](#) [19b]

See also [Recent developments](#) and [Political developments](#) subsection

See also [Security forces](#) and [Torture](#) subsection

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4. RECENT DEVELOPMENTS: OCTOBER 2011 – MARCH 2012

POLITICAL DEVELOPMENTS

Run-up to the 2012 parliamentary elections

4.01 In March 2011, an Arab Times article entitled Hundreds in Change Square stated, “The Fifth Fence is one of the youth groups in Kuwait calling for the resignation of the government and ouster of the prime minister to rescue the country from further collapse caused by the widespread corruption and poor performance of state institutions.” [36a]

4.01 The New York Times article Corruption Inquiry Rocks Kuwait, dated 21 September 2011, reported:

“Two of Kuwait’s largest banks thought it a bit suspicious when about \$92 million was transferred into the accounts of two members of Parliament. So the National Bank of Kuwait and the Kuwait Finance House alerted the public prosecutor, who decided last week to open an investigation not just into those suspicious deposits, but also into the account activity of seven other members of Parliament, as well. ...

“Late last month, the Kuwaiti news media first broke the news that the country’s two largest banks were alarmed by multimillion-dollar transfers into the accounts of lawmakers, said Nasser al-Sane, a former lawmaker who now teaches business at Kuwait University. But even as public anger soars, the government has remained tight-lipped about the case, only fueling public suspicions, rumor and speculation. In that environment, popular anger at the royal family, and in particular the prime minister, Nasser Mohamed al-Ahmed al-Sabah, has flourished. ...

“The corruption inquiry threatens to put the government into an impossible position, Mr. Ghabra said. If the emir allows Parliament to remain in place while at least one-fifth of its members are investigated for graft, he risks the growth of ever larger street protests and an erosion of public trust. But if he dissolves Parliament and calls for new elections, public outrage could help usher in a legislature hostile to the monarchy and more assertive in demands for constitutional changes.

“The government has relied on its vast oil wealth to provide Kuwaitis with cradle-to-grave care. But that same wealth has fueled corruption and fed public distrust, said a 2006 United States Embassy cable released by WikiLeaks. ‘The rapid rise in oil prices and the accompanying oil boom has fueled corruption in Kuwait,’ the cable said. ‘Kuwaitis are increasingly beginning to ask where all this money is going.’ That undercurrent has burst into public with the latest revelations. Lawmakers have proclaimed their innocence in the local news media, urging Kuwaitis to join protests for the removal of the prime minister planned for this week and demanding that banks throw open their ledgers for investigators. But the royal family has so far remained silent. The emir and the prime minister are in the United States to attend the opening of the United Nations General Assembly, and Parliament is in recess until October.

“Observers say the scandal has erupted at a time when Kuwait’s leadership faces challenges on multiple fronts. For months, Kuwait City has seen sporadic, if mostly small, demonstrations demanding the removal of the prime minister and a move toward constitutional monarchy, Ms. Khatib said. Those demands, she said, have only grown in light of the corruption probe. Thousands of public-sector employees are also on strike, demanding higher wages and expanded benefits, and opposition lawmakers have urged them to join antigovernment protests. In an interview with The Kuwait Times, Ahmed al-Saadoun, a member of Parliament, said the strikes ‘could signal the beginning of a collapse because we have a failed and incapable government.’” [77a]

4.03 The Congressional Research Service (CRS) paper Kuwait: Security, Reform, and U.S. Policy, published 7 December 2011, stated:

“On November 16, 2011, opposition deputies and oppositionists in the public, including youth-oriented groups calling themselves Fifth Wall, Kafi, and Nahj, forced their way into the Assembly building and demanded the prime minister’s resignation. The Amir issued a decree tightening security at the building, but the political pressure continued and on November 28, 2011, three ministers threatened to resign. Later that day Prime Minister Nasser resigned. Rather than again reappointing Shaykh Nasser as a caretaker, the Amir appointed another royal family member, Defense Minister Shaykh Jabir Mubarak Al Sabah, as prime minister. He was sworn in, but without first naming a new cabinet, on December 4. Two days later, on December 6, 2011, he recommended (and the Amir concurred with) dissolution of the National Assembly and new elections. Although some questioned the constitutionality of the dissolution because a new government had not been fully formed, the dissolution was accepted by major political blocs and the country started preparing for Assembly elections within the constitutionally mandated 60 days. The election was set for February 2, 2012.

“Subsequently, opposition deputies began nominating themselves as candidates. Primary elections are formally banned, although some tribes hold informal ‘tribal primaries’ to determine who their candidate will be. On December 6, 2011, a group of 20 opposition deputies announced they would compete as one ‘Opposition Bloc.’ Opposition youth leaders, apparently inspired by the 2011 Arab uprisings, announced they would back opposition deputies who would push for a fully elected government (prime minister selected by the Assembly), legalization of political parties, and election law changes. Such announcements confirmed the fears of the royal family that dissolving the Assembly and holding new elections would empower oppositionists sympathetic to the 2011 Arab uprisings. However, refusing to call a new election would have portrayed the government as attempting to cover up its own alleged corruption.

Some secular oppositionists fear that the new election will increase the ranks of Islamist deputies who are well organized.” [49b] (p6)

2012 parliamentary elections

- 4.04 The Brookings Institute paper entitled The Identity of Kuwait’s Election, dated 8 February 2012, stated:

“Thursday’s parliamentary elections in Kuwait reflected the intense drama unfolding in the country over the last four months -- youth-led street protests, corruption charges that implicated 13 Members of Parliament (MPs), the November [2011] storming of the parliament to protest corruption, the dissolution of parliament by the emir, and the resignation of the embattled prime minister. The election campaign was marked by vitriolic rhetoric and violence. And the results empowered a loose Islamist-tribal coalition of opposition candidates which disappointed liberals and set the stage for continued political fireworks in the coming months. Despondent moderates surveying the outcome repeatedly complained that, ‘nobody is representing the middle.’ The election revolved around competition between a coalition of opposition candidates demanding greater transparency and candidates who have been loyal to the government.” [74a]

- 4.05 The AL Akhbar article entitled Kuwait’s Islamist opposition makes gains, no female MPs after vote, dated 3 February 2012, noted:

“Opposition parties that include hard-line Islamists have made significant gains in Kuwait’s latest elections, but no female candidates are expected to win seats in the Gulf state’s fourth parliamentary elections in six years. The Islamist-led opposition won a landslide majority in Kuwait’s snap polls, securing 34 seats in the 50-member parliament. Sunni Islamists, including Salafists, took 23 seats compared with just nine in the dissolved parliament, while liberals claimed only two places against five previously, according to the official results. Female candidates were defeated across the state, with all four previous female MPs losing their seats and no new female candidates elected. ... Sixty-two percent of Kuwaitis cast their ballots, up from 58 percent on the previous election in 2009. The poll will increase the opposition’s power, even though the 15 appointed cabinet ministers, mainly from the ruling al-Sabah family, can vote in the parliament, providing a bloc that often decides crucial votes.” [72a]

- 4.06 The BBC article, Kuwait election: Islamist-led opposition makes gains, dated 3 February 2012, concurred, noting, “Opposition candidates won 34 of the 50 seats in the National Assembly, with 23 of them going to Sunni Islamists. Liberals won nine seats, while women did not win any.” [5a] On 14 February 2012, the Huffington Post stated in its article entitled Kuwait sticks with PM, no women in new Cabinet: “Besides Prime Minister Sheik Jaber Al Hamad Al Sabah, the 16-seat Cabinet has four other members of the ruling family. Jaber was appointed in late November [2011] amid allegations of fiscal corruption against his predecessor. The new 50-member parliament is dominated by opposition lawmakers including hard-line Islamists.” [66a]

- 4.07 On 16 February 2012 the Hurst Blog article Politics and Opposition in Kuwait, observed:

“Kuwait’s National Assembly convenes on 15 February [2012] following the election held on 2 February. After nearly two weeks of feverish speculation, a new government was appointed by the Emir, Sheikh Sabah al-Ahmad Al-Sabah, on 14 February. The Cabinet contained ten new ministers (out of 16) but notably did not include any representative of the Islamist-led opposition bloc in the National Assembly. Nor did it

contain any women, who are consequently unrepresented in the Cabinet for the first time since they were granted the vote in 2005, just as they are now absent from the National Assembly after the four female MPs elected (for the first time) in 2009 failed to win re-election.

“...the major opposition blocs held marathon talks among themselves on 13 February to formulate the terms of any decision to accept any Cabinet positions that might be offered to them (as per the Kuwaiti constitution, each Cabinet must contain at least one elected MP). The talks among 36 opposition and independent MPs resulted in a demand for nine Cabinet positions to give them a majority in the 16-member government, as the price of their agreeing to enter into (and work with) the government. After only being offered three positions (which still would have been a milestone in Kuwaiti politics), the opposition blocs declined to join, leaving just one MP (Shuaib al-Muwaizri) independently joining the Cabinet as Minister for Housing and Parliamentary Affairs.” [78a]

- 4.08 The CRS paper Kuwait: Security, Reform, and U.S. Policy, published 8 February 2012, provides a tabulated summary of the election result, which can be found via the link [here](#) [48b] (p7)

See also [Political system](#), [Political affiliation – February 2012 parliamentary elections](#), and [Women – The performance of women during the February 2012 parliamentary elections](#)

OTHER RECENT DEVELOPMENTS

- 4.09 The Kuwait Times article entitled MPs set up probes into graft, torture, dated 15 March 2012, stated:

“The National Assembly voted yesterday to set up probes into allegations of corruption, smuggling and torture... Members of the new opposition-dominated parliament agreed to set up two commissions of inquiry into allegations of corruption relating to members of the previous parliament... Former prime minister Sheikh Nasser Mohammad Al-Ahmad Al-Sabah is also accused of having transferred hundreds of millions of dollars of public funds into private accounts he held abroad.

“Late last month, Kuwait’s public attorney asked a special judicial tribunal to probe allegations against the former premier as the government asked the Audit Bureau, the state’s accounting watchdog, to examine the alleged transfers. The allegations sparked the collapse of the last government and the dissolution of parliament in November [2011], paving the way for a February [2012] general election which the opposition won.

“A third parliamentary panel will investigate ‘everything related to smuggling diesel’, while a fourth will probe a controversial contract between the state-owned Kuwait Oil Co and Anglo-Dutch giant Shell... Two other panels will probe alleged ‘violations’ against people held in police custody and the enforcement of broadcasting laws. Kuwaiti MPs have the powers to set up parliamentary commissions of inquiry without having to secure government approval.” [44b]

See also [Security forces](#) and [Avenues of complaint](#) subsection. See also [Corruption](#)

- 4.10 The Kuwait Times article Terminate Expatriates, dated 15 March 2012, noted:

“Musallam Al-Barrak, Ali Al-Deqbas, Mohammed Al-Khalifa and Khaled Al-Tahous, Members of the Popular Action Bloc (PAB), recently proposed a draft law to Kuwaitize all government jobs within one year. According to the bill, the Civil Services Commission (CSC) was urged to prepare lists of all Kuwaitis applying for employment, their specialities and gender so that they could be recruited over four phases in various ministries and government establishments. The bill suggested laying off and replacing expatriate government employees. The bill calls for an annual report every January on the total number of Kuwaitized jobs.” [44c]

- 4.11 On 13 February 2012 the Telegraph reported in an article entitled Kuwait’s central bank boss Sheikh Salem Abdulaziz Al Sabah quits after criticising state, that:

“The resignation of Sheikh Salem Abdulaziz Al Sabah was announced in a one-sentence official statement with no further explanation. However some state-backed news agencies reported that Sheikh Salem had been highly critical of the sharp rise in public spending in Kuwait. According to the Kuna news agency, Sheikh Salem had ‘made every effort to outline the urgent need to correct structural imbalances in the national economy, particularly the increase in public expenditures to unprecedented levels.’” [76a]

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5. CONSTITUTION

- 5.01 A constitution for Kuwait, made available by Middle East Information Network, was promulgated as law number 1 on 11 November 1962. [32a] (p1) The first few articles stated:

“Kuwait is an Arab State, independent and fully sovereign. Neither its sovereignty nor any part of its territory may be relinquished. The people of Kuwait are a part of the Arab Nation. (Article 1)

“The religion of the State is Islam, and the Islamic Shari’a shall be a main source of legislation. ... (Article 2)

“Kuwait is a hereditary Emirate, the succession to which shall be in the descendants of the late Mubarak al-Sabah. ... (Article 4(1))

“The System of Government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution.” [32a] (Article 6)

- 5.02 Articles 79 to 122 established the National Assembly and set out the rules governing its formation, rights and duties. [32a]

- 5.03 In terms of individual rights, the Constitution provides for the protection of personal liberty and equality before the law, freedom to hold beliefs and express opinions, and freedom of the press. [32a] (Articles 7, 29, 35-37) The residences of citizens are inviolable. [32a] (Article 38) Torture and the deportation of Kuwaiti citizens are prohibited, and the accused are presumed innocent until proven guilty. [32a] (Articles 28, 31, 34) The Constitution guarantees the independence of the judiciary and designates the Supreme Council of the Judiciary as its highest body and guarantor of judicial independence. [32a]

(Articles 53, 162-173) Freedom of assembly, and to form associations and trade unions is also asserted. [32a] (Articles 43-44)

- 5.04 With regard to social rights, the State is constitutionally obliged to care for the young and to aid the old, the ill and the disabled. [32a] (Articles 10-11) It is obliged to provide public education and to attend to public health. [32a] (Articles 13, 15, 40) Duties of citizens include national defence, the observance of public order, respect for public morals and the payment of taxes. [32a] (Articles 47-49)
- 5.05 The United Nations' Report of the Working Group on the Universal Periodic Review (UN UPR report), released 16 June 2010, stated, "The national Constitution adopted by Kuwait in 1962 guaranteed the separation of powers while ensuring cooperation among them, and thus enhanced democracy and ensured human rights and fundamental freedoms." [40a] (p3)

For information on the authorities' respect for the rights of Kuwaiti citizens, refer to the sections containing human rights information on specific issues and groups, as outlined in the [Contents](#) page.

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6. POLITICAL SYSTEM

- 6.01 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported:

"Kuwait is not an electoral democracy. The ruling family largely sets the policy agenda and dominates political life. The emir has overriding power in the government system and appoints the prime minister and cabinet. Under the constitution, the emir shares legislative power with the 50-member National Assembly [Majles al-Ommah [47a]], which is elected to four-year terms by popular vote. ... The emir has the authority to dissolve the National Assembly at will but must call elections within 60 days. The parliament can overturn decrees issued by the emir while it was not in session. It can also veto the appointment of the country's prime minister, but then it must choose from three alternates put forward by the emir. The parliament also has the power to remove government ministers with a majority vote." [10a]

- 6.02 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011 (USSD Report 2010), stated:

"The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Several tribal affiliations and well-organized unofficial blocs operated as political groupings and held illegal primary elections to maximize their impact in National Assembly. Tribal leaders excluded women from the tribal primaries. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts..." [1f] (Section 3)

See also [Women](#) and [Political rights](#)

- 6.03 The Carnegie Endowment for International Peace publication on Kuwait, dated 29 July 2010, stated: "Political parties are not technically illegal (the constitution does not

discuss them) but are not permitted in practice. De facto, informal political groupings are created to support candidates for the National Assembly.” [15e]

- 6.04 The Inter-Parliamentary Union (IPU) website, last updated on 3 February 2012, recorded the following criteria for candidates to be deemed eligible for election to the National Assembly: qualified electors, minimum age of 30 years, citizens of Kuwait with a Kuwaiti father, resident in the country at the time of the election and have the ability to read and write in Arabic. [47a] (Electoral System-Candidates)
- 6.05 With regards to the right to vote, the IPU website recorded the following eligibility criteria: minimum age of 21 years, citizens of Kuwait with a Kuwaiti father and residence in the country at the time of the election (overseas citizens cannot vote). [47a] (Electoral System-Legal Framework) The same source noted the following reasons for disqualification from voting: imprisonment, persons naturalised within the last 20 years, military personnel and policemen, and persons convicted of a felony or dishonourable crime who had not been rehabilitated. [47a] (Electoral System-Legal Framework)

See also [History](#), [Political affiliation](#), [Annex B – Political organisations](#) and [Annex C – Prominent people](#)

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Human Rights

7. INTRODUCTION

Return to the [Contents](#) page for sections containing detailed human rights information on specific issues and groups.

- 7.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated:

“Principal human rights problems included limitations on citizens' right to change their government. There were reports of security forces abusing prisoners. Authorities limited freedoms of speech, press, assembly, association, and religion. The government limited freedom of movement for certain groups, including foreign workers and stateless Arab residents (called ‘Bidoon’). The status of the Bidoon remained unresolved and they faced social and legal discrimination. Trafficking in persons remained a problem. Women did not enjoy equal rights. Worker rights were limited, and expatriate workers were subject to severe limitations of rights and discrimination as well, especially in the domestic and unskilled service sectors.” [1f]

- 7.02 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated: “Critics of the Prime Minister were harassed and prosecuted. Foreign migrant workers were exploited and abused by employers. Thousands of Bidun resident in Kuwait remained stateless, impeding their access to health, education and other rights. At least three people were sentenced to death; no executions were reported.” [8c] (p1)

- 7.03 Furthermore, the AI Report 2011, noted: “Kuwait’s human rights record was assessed under the UN Universal Periodic Review in May [2010]. In September, the government accepted 114 recommendations, including to improve conditions for foreign migrant workers, and rejected 25 recommendations, including to establish a moratorium on executions.” [8c] (p1)

- 7.04 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), stated:

“In April, journalist Muhammad Abd al-Qader al-Jassem was convicted of slander after he criticized the country's prime minister. The conviction was overturned in July on appeal, though he faced additional charges at year's end, including the prospect of an 18-year prison sentence. The Interior Ministry banned public rallies in September after an escalation of sectarian tensions. That same month, authorities came under criticism for banning more than 30 books at one of the country’s largest book fairs. In December, the government shut down the local bureau of the satellite television channel Al-Jazeera for its coverage of a brutal police crackdown on a public demonstration.” [10a]

- 7.05 The Foreign and Commonwealth Office (FCO) Country Profile, Kuwait, last reviewed by the FCO on 27 February 2012, remarked:

“Kuwait has ratified all six of the core UN human rights conventions. Press freedom is guaranteed by the Kuwaiti Constitution, although despite this a small degree of self-censorship is exercised. There is a high level of freedom of expression and tolerance of Christianity. Kuwait retains the death penalty. The Prime Minister has declared his intention to push for a solution to the long-standing problem of stateless residents of

- Kuwait (the Bidoon). The issue of the Bidoon remains a sore point in Kuwait's Human Rights efforts." [3a] (Human Rights)
- 7.06 For information on the reservations Kuwait has made on certain provisions of the conventions to which it has acceded, refer to the UN Development Programme's Programme on Governance in the Arab Region (UNDP-POGAR) undated web page on Kuwait's [Human Rights](#). [7e] (International Conventions)
- 7.07 For further useful information please also see the United Nations '[Concluding observations of the Human Rights Committee: Kuwait, 103rd session, 17 October – 4 November 2011](#)', dated 18 November 2011. [19a]

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8. SECURITY FORCES

- 8.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, "The police have sole responsibility for the enforcement of laws not related to national security, and State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities. The military is responsible for external security." [1f] (Section 1d)

POLICE

- 8.02 Jane's Sentinel Country Risk Assessment Kuwait, (JSCRA Kuwait) last updated 11 April 2011, gave the following overview of Kuwait's National Police:

"The Kuwait Police is a national organisation which has a complement of about 4,000, the majority being assigned to Kuwait City. It is a semi-military organisation, equipped with small-arms, light weapons and all-terrain vehicles, and is capable of dealing with violent disorder as well as performing normal police duties.

"The police are directly responsible to the Emir through the Ministry of the Interior. In fact, over 90 per cent of the Ministry of the Interior's heads of departments are police officers. The National Police is deployed for public order enforcement and its primary responsibility is internal security. Police units are based in all major urban centres." [28c] (Security and Foreign Forces - Police)

ARMED FORCES

- 8.03 The Central Intelligence Agency (CIA) World Factbook, last updated 8 February 2012, recorded the existence of the "Kuwaiti Land Forces (KLF), Kuwaiti Navy, Kuwaiti Air Force (Al-Quwwat al-Jawwiya al-Kuwaitiya), Kuwaiti National Guard (KNG) (2009)." [12a] (MILITARY-Military branches)

See also [Military service](#)

National Guard

- 8.04 JSCRA Kuwait, Security and Foreign Forces, last updated 11 April 2011, reported:

"The Kuwait National Guard (KNG) is organised into a number of major units. There are three 'guards' or battalions, as well as an armoured vehicle battalion, a special forces

battalion and a military police battalion. The KNG is an all-volunteer force and is estimated to have a strength in excess of 8,500. The Kuwaiti government has defined the KNG's mission as: 'providing assistance to the military and security forces, in addition to the execution of any assignment entrusted to it by the Higher Defence Council, such as safeguarding establishments and utilities of a sensitive nature and importance.'

"Commanded by Sheikh Salem al-Ali al-Sabah, the KNG has the role of protecting the royal family; in the wake of the 1990-1991 Gulf War, it also had the role of patrolling the borders of the UN-controlled 25 km wide demilitarised zone between Kuwait and Iraq, until the zone came to an end with the 2003 US-led invasion of Iraq. Other roles include counter-terrorism operations and ensuring the security of sensitive installations such as diplomatic missions. The KNG has a role in maintaining public order, and personnel have received training in riot control. Training has also been provided by the US on topics such as defending against chemical attack." [28c] (Security and Foreign Forces-National Guard)

- 8.05 JSCRA Kuwait, Security and Foreign Forces, further added: "The KNG reports directly to the Higher Defence Council. Unlike the army and the police, the KNG is made up exclusively of Kuwaitis. Another difference with the army and police forces is that the KNG members are allowed to vote in parliamentary elections." [28c] (Security and Foreign Forces-National Guard)

Civil Defence

- 8.06 JSCRA Kuwait, Security and Foreign Forces, last updated 11 April 2011 further reported, "The Civil Defence was formed before the 1990 Iraqi invasion, largely to cope with the threat from Iraqi bombing. Its strength is believed to be about 2,000. It operates under the aegis of the Ministry of the Interior and is believed to have a particular focus not only on coping with the effects of natural disasters, but also with dealing with the effects of any military invasion by one of Kuwait's neighbours." [28c] (Security and Foreign Forces-Civil Defence)

Kuwait State Security (KSS)

- 8.07 JSCRA Kuwait, Security and Foreign Forces, last updated 11 April 2011 reported:

"The KSS [Kuwait State Security], which comes under the control of the Ministry of the Interior, is responsible for overseeing matters related to national security and the gathering of intelligence. There has been a particular focus on Islamist extremists and the terrorism threat posed by such militants. ...The KSS also has a counter-intelligence role and has been involved in the arrest of individuals suspected of spying for foreign powers. ...There is no information available as to the strength of the KSS." [28c] (Security and Foreign Forces-Kuwait State Security (KSS))

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OTHER GOVERNMENT FORCES

Customs

- 8.08 JSCRA Kuwait, Security and Foreign Forces, last updated 11 April 2011, reported:

“Apart from routine customs duties, the Kuwaiti customs authorities have a particular role in preventing the smuggling of illegal drugs into the country. Kuwait has a heroin problem and courts may impose the death penalty for drugs trafficking. A number of drugs smugglers have been hanged in recent years. In addition, the Kuwaiti customs service has a role in internal security. The service seeks to detect terrorists seeking to enter the country and also to detect attempts to illegally import weapons and explosives for use by terrorists. The service also has a role in combating terrorist financing and money laundering. Being an Islamic state, the Kuwait General Administration of Customs has a role in preventing the importation of alcohol, pork products and pornography, which are illegal in Kuwait. The head of the Kuwaiti customs service is Ibrahim Al Ghanem.” [28c] (Security and Foreign Forces-Customs)

See also [Death penalty](#)

Border Security and Coast Guards

- 8.09 JSCRA Kuwait, Security and Foreign Forces, last updated 11 April 2011 reported: “The General Directorate of Border Security comes under the control of the Ministry of the Interior. The major role of the border guard is to patrol the frontier with Iraq to prevent infiltration by elements that could pose a threat to Kuwaiti security. The Kuwait Coast Guard (KCG), with a strength of about 500, also comes under the control of the Ministry of the Interior.” [28c] (Border Guards)

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

- 8.10 The USSD Report 2010, noted, “The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice. The law permits security forces to monitor private communications with the approval of the attorney general, and this monitoring occurred occasionally.” [1f] (Section 1f)

Arbitrary arrest and detention

- 8.11 The USSD Report 2010, stated, “The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, apart from a few reports that police arbitrarily arrested nonnationals.” [1f] (Section 1d)
- 8.12 The United Nations (UN) Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about the lack of statistics on the number of persons who were condemned by military tribunals in 1991 and are still detained despite having served their sentences. It is also concerned that these cases have not been reviewed by an independent and impartial body. ...The State party should ensure that the cases of persons detained under prison sentences handed down in 1991 by the military tribunals be reviewed, and also that any such persons still detained beyond the completion of their sentences be immediately released.” [19a] (p6)

See also [Foreign nationals and non-nationals resident in Kuwait](#), and [Arrest and detention – legal rights](#)

Torture

- 8.13 The USSD Report 2010, noted:

“Articles 53, 159, and 184 of the criminal law code prohibit torture and other cruel, inhumane, or degrading treatment or punishment; however, there were reports that some police and members of the security forces abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, and there were several reported accounts of police abuse of transgender persons.” [1f] (Section 1b)

- 8.14 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee regrets the lack of legislation criminalizing torture and other cruel, inhuman or degrading treatment in accordance with international standards. ... The State party should adopt in its legislation a definition of torture that fully complies with articles 1 and 4 of the Convention against Torture, and with article 7 of the Covenant. The State party should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and penalized in a manner commensurate with its gravity.” [19a] (p4)

- 8.15 The same report stated:

“The Committee is concerned about alleged practices of torture and inhumane or degrading treatment of prisoners in police custody and in detention centres. ... The State party should ensure independent and prompt investigation and prosecution of State officials responsible for alleged acts of torture or inhumane or degrading treatment, and grant compensation to victims of such acts. The State party should also guarantee full respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners.” [19a] (p5)

- 8.16 The Human Rights Watch (HRW) World Report 2012, covering events of 2011, released 22 January 2012, (HRW World Report 2012) stated with regards to the arrest of Nasser Abdul, a Kuwaiti man, for Tweets critical of the Bahraini and Saudi royal families, that: “According to his lawyer, state security officers beat and insulted Abdul in detention.” [9j] (p586)

See also [Freedom of speech and media](#)

- 8.17 The HRW report entitled They Hunt Us Down for Fun, Discrimination and Police Violence Against Transgender Women in Kuwait (HRW They Hunt Us Down for Fun Report 2012), published January 2012, following a “... two-week field visit to Kuwait city in February 2011 and a follow up visit in December 2011”, [9f] (p8) observed:

“Several torture scandals involving police rocked Kuwaiti society in early 2011. The most notorious, a case involving the death of a detainee due to torture while in police custody, resulted in the resignation of Minister of Interior Sheikh Jaber Al-Khaled Al-Sabah. A parliamentary committee that investigated the death of the citizen, Mohammed al-Mutairi, said that he had been tortured for six days before dying in the Ahmadi Criminal Investigation Department on January 11, 2011.” [9f] (p24)

See [Extra-judicial killings](#) and [Avenues of complaint](#) below

Also [Foreign nationals and non-nationals resident in Kuwait](#) and [Lesbian, gay, bisexual and transgender persons](#)

Extra-judicial killings

- 8.18 The USSD Report 2010, stated, “There were no reports that the government or its agents committed arbitrary or unlawful killings.” [1f] (Section 1a)
- 8.19 However, on 14 January 2011, Amnesty International reported on the death in detention of “Mohammad Ghazzai al-Mutairi [a Kuwaiti citizen], who had been arrested apparently for possessing alcohol, an offence in Kuwait...” [8b] Amnesty International continued:

“Initially, government officials said he resisted arrest and then died of an existing heart ailment. However, on Tuesday [11 January 2011], Mussallam Al-Barrak, an opposition MP, reportedly produced medical evidence showing that Mohammad Ghazzai al-Mutairi’s body was already cold by the time he was admitted to hospital and that he had been bound by the hands and feet and severely beaten, including around the mouth. His body is said to have been smeared with excrement and the medical evidence to have indicated that a stick had been forced into his rectum, apparently to torture him.” [8b]

See also [Avenues of complaint](#) below for the latest development on this issue

AVENUES OF COMPLAINT

- 8.20 The USSD Report 2010, noted, “The government stated that it investigated all allegations of abuse and punished some of the offenders; however, in most cases the government did not make public either the findings of its investigations or any punishments it imposed.” [1f] (Section 1b) The same report added, “There were reports that some police stations did not take seriously the requests of complaints, especially foreign nationals. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial.” [1f] (Section 1d)

See also [Judiciary](#)

- 8.21 On 28 October 2010, a Reuters article – which made no reference to the allegations of ill-treatment – reported on the upholding of the acquittal of eight Kuwaiti men detained in August 2009 by the Kuwait appeals court; “In May [2010], a criminal court found the men innocent of planning to bomb Camp Arifjan, a vast logistics base for the U.S. military in the desert south of the capital. Authorities had previously said the plot was linked to al Qaeda.” [24a]
- 8.22 The UN Concluding observations of the Committee against Torture: Kuwait, dated 28 June 2011, stated:
- “... according to the information provided to the Committee during the dialogue, the Kuwaiti Ministry of Interior has set up a special department to record public complaints and to follow up on grievances of abuse of authority filed against any officer working at the Ministry of Interior, the Committee regrets the lack of an independent complaint mechanism for receiving and conducting prompt, thorough and impartial investigations of torture reported to the authorities, and for ensuring that those found guilty are appropriately punished ... The State party should establish a fully independent complaint mechanism, ensure prompt, impartial and full investigations into all allegations of torture and prosecute alleged perpetrators and punish those who have been found guilty.” [19b] (p3)

8.23 The same report noted that "... for the period of 2001 – 2011 there were 632 trials on cases of torture, ill-treatment and corporal punishment, and that in 248 cases sentences perpetrators were punished, the Committee however notes that the State party failed to provide information on the exact types of penalties applied to the convicted perpetrators." [19b] (p3)

8.24 In January 2011, Amnesty International reported on the launching of both an Interior Ministry and parliamentary committee investigation into the death in custody of a Kuwaiti citizen, Mohammad Ghazzai al-Mutairi. [8b] Meanwhile, on 7 February 2011, the British Broadcasting Corporation (BBC) reported, "The emir accepted the resignation of [Interior Minister] Sheikh Jaber al-Khaled al-Sabah, who quit last month over the death of a man allegedly tortured by police." [5c]

See also [Political system](#), [Political affiliation](#), [Corruption](#) and [Annex B – Political organisations](#)

8.25 On 13 February 2012, the Kuwait Times article entitled Two officers get life for torturing man to death, reported:

"The criminal court yesterday sentenced two police officers to life in prison for torturing a Kuwaiti man to death at a police station and added two more years each for forgery in official records. The court ordered their removal from their jobs for three years. Three other officers were handed 16 years in jail each, one for 15 years and another for two years, for taking part in torturing Mohammad Ghazzai Al-Maimouni Al-Mutairi to death and three others related to his case. The court, under judge Adel Al-Saqer, fined two other policemen KD 200 each and acquitted 11 others, including two foreign civilian employees at Ahmadi police station. ...

"The torture came to light when Mutairi was taken to Ahmadi KOC hospital and was found dead by doctors who refused to change the medical report to claim that he died of other causes. Mutairi was tortured in a bid to force him to confess that he was dealing in liquor, but his ailing body did not bear the intensity of continuous torture." [44h]

8.26 The HRW report They Hunt Us Down for Fun Report 2012, stated: "The public prosecution investigated 20 individuals for involvement in the incident, 18 of them policemen... This incident received extensive media attention due to the brutality of events leading to al-Mutairi's death and the heated debates it caused in the Kuwaiti parliament between opposition and pro-government MPs. Most other cases go unnoticed." (p24) The same report also noted with regards to transgender women, that: "Transgender women have also reported degrading and humiliating treatment by the police, such as being forced to strip and being paraded around the police station, being forced to dance for officers, sexual humiliation, and verbal taunts and intimidation." [9f] (p24)

For further details please refer to [Lesbian, gay, bisexual and transgender persons](#)

8.27 The United Nations Concluding observations of the Committee against Torture, dated 28 June 2011, stated: "The Committee requests the State party to provide information on the exact circumstances of this case, as well as on any new judicial development." [19b] (p3)

8.28 The Arab Human Rights Index Arab Human Rights Organizations: Prevention of Torture, undated, accessed on 13 February 2012, included the Association for Victims of Torture and Arbitrary Detention in Kuwait noting that: "The association defends and

rehabilitates torture victims and victims of arbitrary detention, it also works to defend and release the detainees and to stop the unlawful acts.” [53a]

See [Torture](#) and [Extra-judicial killings](#) above

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9. MILITARY SERVICE

- 9.01 The Central Intelligence Agency (CIA) World Factbook, last updated 11 January 2012, reported that Kuwaitis were eligible for compulsory military service between 18 and 30 years of age, and this may include women. Additionally, Kuwaitis who were between 18 and 25 years of age were eligible for voluntary military service. [12a] (**MILITARY- Military service age and obligation**)
- 9.02 The CIA World Factbook also noted that conscription was suspended in 2001. [12a] (**MILITARY- Military service age and obligation**) The War Resister’s International (WRI) CO-Update of February-March 2009 noted that the “Kuwait Times reported on 19 February [2009] that the authorities plan to reinstate the conscription law by the end of 2009, after an eight-year hiatus.” [14b] This was not implemented however and, as the WRI CO-Update of August 2010 reported, again sourcing the Kuwait Times, in July 2010 “Kuwaiti politicians and government officials [were] discussing the possibility of reintroducing a period of mandatory military service for male citizens aged between 21 and 30.” [14a]
- 9.03 The Kuwait Times article entitled Kuwait plans compulsory military conscription, dated 21 August 2011, also noted:
- “The new law re-introducing compulsory military conscription in Kuwait will be enacted shortly. The Parliament had suspended it in 2001. However, a draft legislation to enforce it again was submitted to the Parliament recently. According to its provisions, Kuwaiti men aged between 20 to 30 years will have to serve six months to one year in the Army. Students, only sons and members of the diplomatic community will be exempted from enlistment. The aim of the soon-to-be-enforced law is to encourage Kuwaitis to help meet the Defense Ministry’s requirements to defend the country against external aggression.” [44i]
- As of 23 March 2012, there were no reports that military conscription had been reintroduced in Kuwait.
- 9.04 Meanwhile, the United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The Committee is concerned that the State party does not recognize the right of conscientious objection to military service and does not intend to adopt provisions implementing that right. ...The State party should adopt legislation recognizing the right of conscientious objection to military service, and put in place an alternative to military service which is neither punitive nor discriminatory.” [19a] (p5)

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10. JUDICIARY

- 10.01 The United Nations Development Programme's Programme on Governance in the Arab Region (UNDP-POGAR) undated page on the Judiciary in Kuwait, accessed 15 February 2012, reported, "The legal system of Kuwait is an amalgam of British common law, French civil law, Islamic legal principles, and Egyptian law. The Kuwaiti Constitution of 1962 provides for an independent judiciary, and Law No. 19 of 1959 (amended in Law No. 19 of 1990) regulates the organization and functioning of the judiciary." [7d] (Judicial Foundation and Legal Codification) The 2006 website of the Law Offices of Mishari Al-Ghazali – a law firm based in Kuwait City – accessed 15 February 2012, also noted, "According to the Constitution, Islam is 'a' main source of legislation and not 'the' main source. Therefore, the legal system is based on the Latin Civil Law, which is highly affected by the Egyptian law that is mostly derived from the French law. Nonetheless, the Islamic Sharia is fully applied in family law matters." [20a]
- 10.02 The Global Law and Justice article Kuwait's Legal System and Legal Research, by Ahmed Aly Khedr, published January/February 2010, stated: "The Judicial Authority shall be vested in courts of law as prescribed in the Constitution; and court judgments shall be pronounced in the name of the Amir, according to (Article 164) of the Constitution." [54a] (Section 3, The Judicial Authority)

See also [Constitution](#)

- 10.03 The UNDP-POGAR, undated, accessed on 15 February 2012, further stated, "The official language of the court is Arabic, although other languages are not prohibited. Court proceedings are public unless keeping the peace requires they be closed, and some Court decisions are made public in the official Gazette." [7d] (Judicial Authority and Appointment of Judges)

ORGANISATION

- 10.04 Jane's Sentinel Country Risk Assessment Kuwait, (JSCRA Kuwait) last updated 3 January 2012, stated Kuwait's judicial system:
- "... includes courts of the first degree (criminal, magistrates, civil, domestic and commercial courts), as well as a Misdemeanour Court of Appeal and a High Court of Appeal. The domestic court is divided into separate chambers for Sunni, Shia and non-Muslim communities. A Constitutional Court interprets the articles of the constitution and rules on disputes over the constitutional legitimacy of laws, statutes and by-laws. All other courts are bound by the decisions of the Constitutional Court." [28b] (Judiciary)
- 10.05 The Global Law and Justice article, Kuwait's Legal System and Legal Research, by Ahmed Aly Khedr, published January/February 2010, stated:
- "The judiciary is structured in three levels. At the base of the hierarchy are the Courts of First Instance. These Courts handle civil, commercial, personal status and penal matters separately. Judgments in cases involving misdemeanors punishable by less than three years of imprisonment or fines of less than 250 Kuwaiti dinars cannot be appealed to a higher level court; commercial and civil judgments involving fines less than 1000 dinars are final. The Courts of Appeal, which sit in panels of three judges, serve as both intermediate and final courts of appeal." [54a] (Section 3, The Judicial Authority)
- 10.06 The UNDP-POGAR, undated, accessed on 15 February 2012, on the Judiciary in Kuwait reported: "The Court of Cassation, added to the system in 1990, sits at the apex of the Kuwaiti judiciary and serves as the final court of appeal. Divided into Commercial,

Civil, and Criminal Boards, the Court's judgments are not legally binding on the lower courts, yet they are normally respected." [7d] (Supreme Court)

- 10.07 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated: "Sharia courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the Sharia courts the testimony of a man is equal to that of two women." [1f] (Section 6)

See also [Women](#)

- 10.08 The Global Law and Justice article, Kuwait's Legal System and Legal Research, by Ahmed Aly Khedr, published January/February 2010, stated: "According to the provisions of Article 164 of the Constitution, the jurisdiction of Military tribunals is restricted, save when martial law is in force, to military crimes committed by staff of the armed and the security forces within the limitations specified by the law." [54a] (Section 3, The Judicial Authority)

- 10.09 The UNDP-POGAR, undated, accessed on 15 February 2012, further reported, "Law No. 26 of 1969 established the Court of State Security, which is authorized to try cases related to the internal and external security of the state. The Court is composed of three members who are recommended by the Minister of Justice and authorized by decree. Judgments made by this court cannot be appealed." [7d] (Special Bodies)

For further useful information please refer to the Carnegie Endowment for International Peace publication on Kuwait, dated 29 July 2010, Judiciary section. The report can be found via the link [here](#) [15e]

Constitutional Court

- 10.10 The UNDP-POGAR, undated, accessed on 15 February 2012, on the Judiciary in Kuwait stated, "Law No. 14 of 1973 established the Constitutional Court, which has exclusive jurisdiction to interpret the constitutionality of legislation and is empowered to review electoral contestations. The Court is comprised of five members who are chosen by the Judicial Council by secret election, and one reserve member who is appointed by decree." [7d] (Constitutionality of Laws – Judicial Review)

- 10.11 The Global Law and Justice article, Kuwait's Legal System and Legal Research, by Ahmed Aly Khedr, published January/February 2010, stated:

"According to the provisions of (Article 173) of the Constitution, the law shall specify the competent judicial body for settling disputes pertaining to the constitutionality of laws and regulations and define its powers and method of challenging and procedures to be followed before the said body. It shall also specify the consequences of judgment regarding unconstitutionality ... Although judges of the other courts may be non-Kuwaiti, judges of the Constitutional Court must be Kuwaiti nationals. An important guide to the judiciary in rendering opinions about legislation is the Explanatory Note stating the intentions of the legislature that frequently accompany legislative acts." [54a] (Section 3, The Judicial Authority)

For further useful information please refer to the Carnegie Endowment for International Peace publication on Kuwait, dated 29 July 2010, Judiciary section. The report can be found via the link [here](#) [15e]

INDEPENDENCE AND FAIR TRIAL

10.12 The USSD Report 2010 noted:

“The law provides for an independent judiciary and the right to a fair trial and states that ‘judges shall not be subject to any authority;’ however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens.” [1f] (Section 1e)

10.13 The Global Law and Justice article, Kuwait’s Legal System and Legal Research, by Ahmed Aly Khedr, published January/February 2010, stated:

“Articles 162:173 of Constitution stipulate that the judicial authority shall be independent and it shall be vested in courts of different types and grades. The courts shall make their judgments according to the law. The Judges are independent and they shall not be subject to any power in the exercise of their judicial functions as provided by the law and no interference whatsoever shall be permitted with court proceedings and the course of justice.” [54a] (Section 3, The Judicial Authority)

10.14 The United Nations (UN) Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about the system by which judges are appointed by the Amir, and is also concerned that the independence of the judiciary is affected by the direct dependency of the Supreme Judiciary on the Ministry of Justice, and by the lack of clarity on the status and security of tenure of foreign judges appointed in the State party. ...

“The State party should guarantee the independence of the judiciary through the reform of the mechanisms of appointment, promotion and evaluation of judges, and through the removal of the dependency between the Supreme Judiciary and the Ministry of Justice. The State party should also revise the modalities of the appointment and tenure of foreign judges, to ensure their total independence, autonomy and impartiality.” [19a] (p6)

10.15 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch approves judicial promotions.” [10a] The Freedom House report, Women’s Rights in the Middle East and North Africa 2010, released 3 March 2010, stated, “The criminal procedures code provides all residents, regardless of their gender or nationality, with equal access to courts and entitles them to a court-assigned lawyer and an interpreter. All victims have the right to seek recompense through the courts, but enforcement mechanisms to ensure the implementation of judicial decisions remain weak.” [10b] (p5)

10.16 The undated website of the Law Offices of Mishari Al-Ghazali, accessed 15 February 2012, stated, “Judges in Kuwait are identified as juristic persons whose culture and knowledge have been academically attained. Along the side of judges, members of the Public Prosecution affiliate closely and are entrusted with defending the public interests

of the community. Both judges and public prosecutors are appointed through a decree in accordance with the proposal of the Minister of Justice.” [20a] (**Judicial Structure in the State of Kuwait**)

10.17 The UNDP-POGAR, undated, accessed on 15 February 2012, reported:

“Members of the judiciary must have training from an accredited institution, and a minimum of six years of legal experience. Judges are appointed by Emiri decree, and may not assume any other profession after appointment. The Judicial Council must authorize the impeachment of a judge, and the Judiciary Disciplinary Council must exercise disciplinary action. The retirement age of members of the judiciary is 65. The legal profession is governed by Law No. 42 of 1964. A practicing lawyer must be registered in the list of lawyers, and is required to be of Kuwaiti nationality and hold a degree from an institution recognized by Kuwait University, which also has a Faculty of Law.” [7d] (**Judicial Education and Profession**)

10.18 The USSD Report 2010, stated, “The law provides for an independent and impartial judiciary in civil matters; however, rulings occasionally were not enforced. Administrative punishments, such as travel bans, are also available in civil matters.” [1f] (**Section 1e**)
Additionally:

“By law criminal trials are public unless a court or the government decides ‘maintenance of public order’ or ‘preservation of public morals’ necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the rights to confront their accusers and to appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants used these services. Defendants have the right to confront witnesses against them and to present their own witnesses. Defendants and their attorneys generally have access to government-held evidence relevant to their cases and to appeal their cases to a higher court. The law affords these protections to all citizens.” [1f] (**Section 1e**)

10.19 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The Committee is concerned that the testimonies of women before the courts have less value than those of men. ...The State party should amend its legislation and practice to ensure that judicial authorities always give women’s testimonies the same legal and practical value as their male counterparts.” [19a] (p3)

LAWS OF KUWAIT

10.20 The undated website of the Law Offices of Mishari Al-Ghazali, accessed 15 February 2012, reported:

“Amongst the laws of Kuwait is the Civil Law, which is rather the spinal cord of all other laws for any and every instance or matter not regulated in such laws. The Penal Code is also a fundamental law in Kuwait that includes the general provisions applicable to crimes, penalties and culpable acts. Corporate and Commercial Laws play in addition significant rolls [sic] in regulating the dynamic economy and commerce of the state. The Code of Civil and Commercial Procedures, the Law of Evidence and the Law of Criminal Procedures further contribute to these fundamental laws.” [20a] (**Fundamental Laws**)

- 10.21 The same website also stated, “Jurisprudence in Kuwait is derived from legislations, customs, and jurisprudential opinions of judges based on legal precedents and jurisprudence in general.” [20a] (Jurisprudence Sources)
- 10.22 The UNDP-POGAR undated, accessed on 15 February 2012, stated, “The major legal codifications include the Civil Code, contained in Decree Law No. 67 of 1980; the Code of Civil Procedure, contained in Law No. 38 of 1980 (amended in Law No. 47 of 1994); the Commercial Code, contained in the Law of Commerce No. 68 of 1980 (amended by Law No. 45 of 1989); the Penal Code, contained in Law No. 16 of 1960; and the Code of Criminal Procedure, contained in Law No. 17 of 1960.” [7d] (Judicial Foundation and Legal Codification)

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11. ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, “The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. There were a few reports that police sometimes arbitrarily arrested nonnationals.” [1f] (Section 1d) The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Authorities may detain suspects for four days without charge.” [10a]
- 11.02 The USSD Report 2010 report continued:
- “A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit. There were few reports of police arresting and detaining foreign nationals without a warrant during the year. The courts generally do not accept cases without warrants issued prior to arrests. Detainees were generally allowed access to their lawyers and family members. However, in compliance with the penal code a suspected criminal may be held at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always respected. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. Detainees were informed promptly of the charges against them. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer will be assigned to them.” [1f] (Section 1d)
- 11.03 On detention, the USSD Report 2010 stated, “Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.” [1f] (Section 1d) Additionally, “During the year [2010] foreign nationals at the Talha Deportation Center were generally incarcerated between 10 days and two months awaiting deportation. Some prisoners were held for longer periods if they lacked required travel documents. There were reports of security forces abusing prisoners in the deportation center.” [1f] (Section 1d)

- 11.04 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned that a person detained may be held in police custody for a period of four days before being brought before an investigating official, and that this period can be extended up to 21 days. The Committee is also concerned about allegations according to which the detained person does not have immediate access to counsel and contact with his family. ...

“The State party should adopt legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. The State party should also guarantee that all other aspects of its law and practice on pre-trial detention are harmonized with the requirements of article 9 of the Covenant, including by providing detained persons with immediate access to counsel and contact with their families.” [19a] (p4-5)

- 11.05 The United Nations Concluding observations of the Committee against Torture: Kuwait, dated 28 June 2011, stated: “The Committee welcomes that a Bill has been submitted to amend article 60 of the Criminal Law Procedure of 1960 in order to reduce the maximum period of police custody without written order from four days to 48 hours maximum.” [19b] (p5)

See also [Security forces](#), [Prison conditions](#) and [Foreign nationals and non-nationals resident in Kuwait](#)

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12. PRISON CONDITIONS

- 12.01 The International Centre for Prison Studies, World Prison Brief, Kuwait, undated, accessed on 15 February 2012, provided the following information:

Country	KUWAIT
Ministry responsible	Ministry of the Interior
Prison administration	General Department of Rehabilitation and Law Enforcement
Head of prison administration (and title)	(General) Khaled Al-Deyain
Prison population total (including pre-trial detainees / remand prisoners)	4,179 at 2010 (U.S. State Department human rights report)
Prison population rate (per 100,000 of national population)	137 based on an estimated national population of 3.05 million at mid-2010 (United Nations)
Pre-trial detainees / remand prisoners (percentage of prison population)	c.10% (2010)
Female prisoners (percentage of prison population)	4.8% (2010)

population)			
Foreign prisoners (percentage of prison population)	13.5%		(2003)
Number of establishments / institutions	3		(2010)
Official capacity of prison system	3,200		(2010)
Occupancy level (based on official capacity)	130.6%		(2010)
Recent prison population trend (year, prison population total, prison population rate)	1997	1,735	(102)
	2001	2,920	(146)
	2005	c.3,500	(c.130)
	2009	4,045	(136)

[55a]

- 12.02 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) reported:

“The Central Prison Complex houses the country’s only three prisons: a low-security men’s prison, a high-security men’s prison, and a women’s prison. The prison complex slightly exceeded its 3,200-person capacity; there were 201 inmates in the women’s prison and 3,978 inmates in the men’s prisons. Within the prisons, juveniles were detained separately from adults. The country also has a 1,000-person capacity deportation center in Talha that is not part of the prison complex. Some detention facilities lacked adequate sanitation and sufficient medical staff. There were reports of security forces abusing prisoners.” [1f] (Section 1c) The United Nations (UN) Concluding observations of the Committee against Torture: Kuwait, dated 28 June 2011, reported that “... the Committee is seriously concerned at the general conditions of detention in all types of detention facilities.” [19b] (p5)

- 12.03 The same report continued:

“The Committee requests the State party to provide detailed information on general conditions of detention, including the rate of occupancy in all types of detention facilities. The State party should take urgent measures to bring the conditions of detention in all detention facilities into line with the Standard Minimum Rules for the Treatment of Prisoners, improving the food and the health care provided to detainees and strengthening the judicial supervision and independent monitoring of conditions of detention.” [19b] (p5)

- 12.04 The UN’s Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, observed: “The committee ...notes with concern the practice of placing female detainees under male supervision in pretrial detentions and remand prisons.” [19c] (p7)

- 12.05 The USSD Country Reports on Terrorism 2010 – Chapter 2 – Country Reports: Middle East and North Africa Overview, released 18 August 2011, reported:

“The al-Salam Center, opened by the Government of Kuwait in 2009 – is a treatment facility modelled [sic] after the Kingdom of Saudi Arabia's rehabilitation center – to rehabilitate religious extremists, including Kuwaitis repatriated from Guantanamo Bay Detention Center. The facility is located in a secured area within Kuwait's Central Prison and is governed by a board of government officials, medical experts, and a religious scholar.” [1e] (Kuwait)

- 12.06 The Freedom House report, Women's Rights in the Middle East and North Africa 2010 noted that “Women are housed in a separate prison from men, and those who are pregnant are exempted from prison work and receive special treatment in terms of food and rest.” [10b] (p6) The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events of 2010, published 12 May 2011, reported, “The government permits visits by human rights activists to prisons, where overcrowding remains a problem.” [10a]
- 12.07 Furthermore, on the monitoring of prison conditions, the USSD Report 2010, stated: “The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC). The ICRC visited all three prisons and the detention center and, unlike in 2009, the government did not obstruct representatives of the Kuwait Human Rights Society from visiting prisons several prisoners during the year.” [1f] (Section 1c)
- 12.08 The International Committee of the Red Cross (ICRC), Annual Report 2010, Kuwait, published May 2011, reported:
- “In Kuwait, security detainees, both Kuwaiti and foreign nationals, as well as Iraqi nationals, Palestinians and stateless persons held in the central prison for men or in the deportation centre, received visits from the ICRC, conducted according to its standard procedures, to check on their treatment and living conditions. Detainees held in the Kuwait central prison were visited in March to assess their overall conditions of detention, particularly medical services and infrastructure, as a follow-up to an ICRC visit carried out in 2009 to study the Kuwaiti detention system as a whole. This led to the start of a dialogue with the detaining authorities regarding cooperation on prison health matters.” [42a] (p464)
- 12.09 The ICRC report continued: “In ...Kuwait ..., the detaining authorities received confidential feedback and recommendations from ICRC delegates after visits. Special attention was paid to respect for detainees' judicial rights, including their access to legal counsel.” [42a] (p465)
- 12.10 The USSD Report 2010 on access to personal visitors concurred, noting: “Prisoners had reasonable access to personal visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions.” [2f] (Section 1c)

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13. DEATH PENALTY

- 13.01 The United Nations (UN) Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The State party should eliminate the

violations of article 6, paragraph 2 involved in maintaining in its legislation the death penalty for offenses that cannot be considered the most serious crimes within the meaning of the Covenant. The State party should also formalize the current de facto moratorium on the death penalty, and accede to the Second Optional Protocol to the Covenant.” [19a] (p4)

- 13.02 The UN Human Rights Council (HRC) Report of the Working Group on the Universal Periodic Review (UPR), published 16 June 2010, relayed the following response to questions by the Kuwaiti delegation:

“Kuwait, as an Islamic State, applied the death penalty, among other punishments. It was applied in the most restrained and restricted manner and only for the most heinous and dangerous crimes. It was considered a deterrent to such crimes and was aimed at ensuring the safety of society. It was applied only after respect for all the guarantees and safeguards of due process of law and fair trial had been ensured at all levels. The death sentence was not applied to persons younger than 18 or women who had just given birth. Capital punishment was carried out only after the ratification of the Emir of Kuwait, who had the right to commute the sentence. The last death sentence carried out in Kuwait had been in 2007.” [40a] (p8)

- 13.03 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated:

“At least two men and one woman were sentenced to death for murder. One death sentence was reported to have been commuted on appeal. No executions were reported.

- In January, the death sentence against a Filipina domestic worker, Jakatia Pawa, was upheld by the Court of Cassation. She was sentenced to death in 2008 for the murder of her employer’s 22-year-old daughter.

“In December, Kuwait was one of the minority of states that voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.” [8c] (p2-3)

BLOOD MONEY

- 13.04 The Hands Off Cain 2011 report covering 2010 and the first six months of 2011, stated, “According to Islamic law, the relatives of the victim of a crime have three options: to allow the execution to take place, to spare the murderer’s life to receive blessings from God, or to grant clemency in exchange for diyeh, or blood money.” [29b] (Blood Money) In illustration of this, the Hands off Cain report covering 2009 and the first six months of 2010, related the case of Filipino Bienvenido Espino, who was sentenced to death for killing another Overseas Foreign Worker in Kuwait in 2007. The Amir of Kuwait was now able to grant a pardon following the victim’s family’s May 2009 agreement to forgive Espino. [29a] (Kuwait)

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14. POLITICAL AFFILIATION

- 14.01 The United States Department of State (USSD) Background Note, released 13 March 2012, reported, “The government does not officially recognize political parties; however, de facto political blocs, typically organized along ideological lines, exist and are active in

the National Assembly.” [1d] (Government and Political Conditions) The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Formal political parties are banned. While political groupings, such as parliamentary blocs, have been allowed to emerge, the government has impeded their activities through harassment and arrests.” [10a] (Political rights and civil liberties)

FREEDOM OF POLITICAL EXPRESSION

- 14.02 The Freedom House Report 2011, reported: “Kuwait is not an electoral democracy. The ruling family largely sets the policy agenda and dominates political life. The emir has overriding power in the government system and appoints the prime minister and cabinet. Under the constitution, the emir shares legislative power with the 50-member National Assembly, which is elected to four-year terms by popular vote.” [10a] (Political rights and civil liberties)
- 14.03 The Freedom House Report 2011, noted: “The 1962 constitution provides men and women with equal rights. Kuwaiti women have the right to vote and run as candidates in parliamentary and local elections. For the first time in Kuwait's history, four women won seats in the 2009 parliamentary elections.” [10a] (Political rights and civil liberties)
- 14.04 With regards to the right to vote, the Inter Parliamentary Union (IPU) website, last updated on 3 February 2012, recorded the following eligibility criteria:
- minimum age of 21 years,
 - citizens of Kuwait with a Kuwaiti father and
 - residence in the country at the time of the election (overseas citizens cannot vote). [47a] (Electoral System-Legal Framework)
- 14.05 The same source noted the following reasons for disqualification from voting:
- imprisonment,
 - persons naturalised within the last 20 years,
 - military personnel and policemen, and
 - persons convicted of a felony or dishonourable crime who had not been rehabilitated. [47a] (Electoral System-Legal Framework)

See also [History](#), [Recent developments](#), [Political system](#), [Freedom of speech and media](#) and [Women](#)

February 2012 parliamentary elections

To give the reader a broader understanding concerning the February 2012 elections, please read the following section in conjunction with [Recent developments – Political developments](#), and [Women – The performance of women during the February 2012 parliamentary elections](#)

- 14.06 The Al Jazeera Centre For Studies paper entitled Kuwait’s 2012 National Assembly Elections and the Future of Kuwait Democracy, published 29 February 2012, stated:
- “In spite of ...[the] tumultuous electoral climate, the election was characterised by the highest levels of transparency and integrity. Transparent glass boxes were used to cast ballots and the counting of votes was open to all and broadcast live. Furthermore,

election monitoring was also done in a different way. In an unprecedented move, the Kuwaiti authorities agreed to employ independent electoral observers to monitor the election process.” [79a] (p3)

See the [Al Jazeera Centre For Studies report](#) of 29 February 2012 for a more detailed analysis of the election.

- 14.07 The Brookings Institute paper entitled The Identity of Kuwait’s Election, dated 8 February 2012, asserted that, “... demographic changes and the material issues of welfare and corruption seem to have driven the election results – particularly fury over evidence of official corruption and the absence of accountability. This resulted in a 54 percent turnover in the parliament.” [74a]
- 14.08 The USSD Background Note, released 13 March 2012, reported: “The February 2012 parliamentary elections were free and fair. While women participated for the fourth time as voters and candidates, no women were elected to the parliament for the first time since 2009. The February 2012 parliamentary elections were the third held under a five-constituency system in place since 2006.” [1d]

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.09 The Freedom House Report 2011 noted: “Freedoms of assembly and association are provided for by law, though the government constrains these rights in practice.” [10a] (Political rights and civil liberties)

- 14.10 A Carnegie Endowment for International Peace paper entitled Kuwaiti Democracy in Crisis, dated 16 May 2009, remarked:

“Residents of various Arab societies often speak of the ‘red lines’ in their political systems – areas where freedom of speech and action end and where transgressors face harsh measures. Such red lines certainly existed in the past in Kuwait, but over the past two decades they have been slowly transformed into ‘amber lights’ – areas where Kuwaitis tread with caution perhaps, but are no longer intimidated. And that has contributed to the growing sense of uncertainty in Kuwait today. ... Political parties, despite their lack of legal recognition, operate openly. Tribes defy the law and openly hold primaries before parliamentary elections. (Red Lines into Amber Lights)

“Kuwaitis increasingly speak of the disintegration of red lines as less exhilarating than thoroughly disorienting. What are the rules governing politics? It is not the case that all restraints have been dropped – organizers of tribal primaries have been arrested; outspoken politicians have been hauled in for questioning; and the threat of parliamentary suspension suggests that far more extensive measures might be taken.” [15b] (Dizziness and Disorientation)

Association

- 14.11 The US State Department Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) remarked, “The law provides for freedom of association; however, the government restricted this right in practice. The law prohibits officially licensed groups from engaging in political activities.” [1f] (Section 2b)
- 14.12 Jane’s Sentinel Country Risk Assessment Kuwait, (JSCRA Kuwait) last updated 9 January 2012, reported:

“The formation of an official party has not prevented the informal alliances from continuing their work, with the Ummah party conducting its work along these lines. The main alliances are: two Sunni Islamic groups; the Islamic Constitutional Movement (ICM), formerly the supporters of the Muslim Brotherhood; the Islamic Popular Grouping (IPG), a Salafist group following a more fundamentalist interpretation of Islam; the Shia Islamic Popular Alliance (IPA); the liberal Kuwait Democratic Forum (KDF) dominated by former Arab nationalists; the National Democratic Rally, which follows a more reformist and independent agenda; and the Popular Action Bloc, which is headed by former parliamentary speaker, Ahmad al-Sadoun, and focuses on popular issues such as housing, government reform and salary rises. In September 2010, a new political bloc calling itself ‘Group of 30’ was announced composed of independent MPs.” [28a] (Political Parties)

- 14.13 The Arab Times reported in early March 2011 on the formation of three groups calling for political reform; Al-Soor al-Khames (The Fifth Fence), Kafi (Enough) and Noreed (We Want). [36a-36b] In its 7 March 2011 article entitled Protests aims to remove PM, the Arab Times remarked, “The political opposition blocs who are supporting the March 8 rallies are the Popular Action Bloc and the Development and Reform Bloc as well as the Islamic Salafi Alliance and the Islamic Constitutional Movement (ICM). They have been increasing the pressure to establish a new government, headed by a prime minister other than Sheikh Nasser Al-Mohammed Al-Sabah.” [36b]

- 14.14 The Freedom House Report 2011, reported:

“The government routinely restricts the registration and licensing of associations and nongovernmental organizations (NGOs), forcing dozens of groups to operate without legal standing or state assistance. Representatives of licensed NGOs must obtain government permission to attend foreign conferences on behalf of their organizations.” [10a] (Political rights and civil liberties)

- 14.15 A Kuwait News Agency article entitled Al-Kharafi stresses need for political parties in Kuwait, dated 20 February 2012, stated:

“Kuwaiti National Assembly speaker Jassem Al-Kharafi said that Kuwaiti government needed a backup in the parliament to pass its legislations and implement its reform program, stressing that such a backup could not possibly exist without organizing political parties. In a televised interview aired by an Orbit channel on Thursday night [16 February] Al-Kharafi said that the nature of Kuwaiti society and the freedoms guaranteed by Kuwaiti constitution should not hold back Kuwaitis from improving their democratic experience by forming political parties. However, the anticipated legislations to form political parties might not occur soon because trends such as tribalism and sectarianism still have an impact on the Kuwaiti democratic experience, he added. Al-Kharafi asserted that the existing trend toward establishing Kuwaiti political blocs was a step in the right direction, noting that domestic politics lacked real opposition. He said that current political blocs in Kuwait have been a reality and those who formed these blocs were smarter than those who broke the law and formed illegitimate political parties. ‘These blocs form the nucleus for political parties although some of them do not have a large representation in the parliament and others lack representation all together,’ he said. Nonetheless, the political blocs in the Kuwaiti parliament have not been able to sustain consistent policies, which highlighted the importance of organizing official parties in the future, he said.” [58a]

See also [History](#), [Recent developments](#), [Political system](#), [Human rights institutions, organisations and activists](#), [Employment rights](#), [Annex B – Political organisations](#) and [Annex C – Prominent people](#)

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Assembly

The following section should be read in conjunction with [Foreign nationals and non-nationals resident in Kuwait](#) for information covering the Bidun [2011 demonstrations](#)

14.16 The USSD Report 2010, stated, “The law provides for freedom of assembly. Organizers of public gatherings of more than 20 persons must obtain prior approval from the Ministry of Interior.” [1f] (Section 2b) The Freedom House Report 2011 reported, “Kuwaitis must notify authorities of a public meeting or protest, but do not need a permit.” [10a] (Political rights and civil liberties) A Human Rights Watch (HRW) April 2010 article, Kuwait: Stop Persecuting Egyptian Opposition, reported, “Article 12 of Kuwait’s 1979 law concerning public gatherings prohibits non-citizens from participating in processions, demonstrations, or public gatherings in Kuwait.” [9e]

14.17 The United Nations (UN) Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about persistent reports that the State party’s authorities unreasonably refuse to deliver authorisations and disperse peaceful demonstrations by excessive use of force, restricting the right of individuals to the freedom of peaceful assembly. ...The State party should revise its regulations, policy and practice, and ensure that all individuals under its jurisdiction fully enjoy their rights under article 21 of the Covenant. It should ensure that the exercise of this right in [sic] not subject to restrictions other than the ones permissible under the Covenant.” [19a] (p6)

14.18 The UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante - Addendum 1 - Communications to and from Governments, dated 17 May 2011, observed:

“On 3 May 2010, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion sent a letter of allegation to the Government concerning the alleged arrest and detention of 33 Egyptian nationals, as well as forced deportation of some of these concerned nationals. According to the information received, 33 Egyptian citizens lawfully residing and working in Kuwait were arrested by the Kuwait State Security on 8 and 9 April 2010. It was alleged that their arrests were connected to their involvement in the ‘National Association for Change’, a political group founded by the Egyptian opposition candidate, Dr. Mohammad Al-Baradei.

“The first round of arrests took place on 8 April 2010. Three Egyptian nationals were arrested and detained after they attended a meeting of Al-Baradei supporters at a local café. Then on 9 April 2010, 30 Egyptian nationals were arrested by the State Security while they were gathering in front of the Sultan Center supermarket and restaurant in Al-Samia to discuss the arrests which took place on 8 April 2010. The arrest and detention of these 33 Egyptian nationals had been reportedly carried out pursuant to Kuwait’s law

prohibiting non-citizens from participating in processions, demonstrations, or public gatherings in Kuwait.

“17 of those arrested had been reportedly deported to Egypt on 10 April 2010. There were concerns about the safety of those who were deported, in light of reports that more than 90 demonstrators calling for political reforms in Egypt, including supporters of Dr. Mohammad Al-Baradei, have been subjected to violence and arrested by the Egyptian security forces in the month of April.” [56a] (p19)

- 14.19 The Freedom House Report 2011 stated: “In August 2010, Shiite activist Yasser Abdullah Habib made provocative comments in London denouncing one of the prophet’s wives, prompting some Kuwaiti Sunnis to call for public demonstrations. As sectarian tensions escalated, the Interior Ministry banned public rallies in September. ... In December, riot police responded violently to protests against proposed changes to the constitution, seriously injuring several people.” [10a] (Political rights and civil liberties)

See also [Security forces](#) – [Arbitrary arrest and detention](#), [Arrest and detention](#) - legal rights

- 14.20 On 9 February 2011, the Peninsular Qatar stated that Kuwaiti youth group, the Fifth Fence, had postponed an anti-government rally until 8 March 2011 in “response to the acceptance of the interior minister’s resignation”... “The Fifth Fence had stressed that the proposed protest was not linked to any external events, a clear reference to the massive anti-regime demonstrations still raging in Egypt.” [26a] In March 2011, an Arab Times article remarked, “The Fifth Fence is one of the youth groups in Kuwait calling for the resignation of the government and ouster of the prime minister to rescue the country from further collapse caused by the widespread corruption and poor performance of state institutions.” [36a]

For further information see also [Security forces](#) - [Avenues of complaint](#)

- 14.21 On 8 March 2011, Aljazeera reported, “Protesters in Kuwait have joined those calling for reform in the Gulf region by demanding sweeping changes in how their oil-rich country is run. Hundreds massed outside the main government building on Tuesday where key offices, including that of Kuwait’s emir and the prime minister, are housed.” [34a]
- 14.22 On the same day, an Arab Times article reported:

“About 500 people attended [the] protest at the parking lot behind the Central Bank of Kuwait and near the Cabinet building in Kuwait City, including a small number of women, despite the heavy presence of securitymen [sic]. ...

“Stressing the protest actions will continue until Kuwait regains its lost glory, [former veteran lawmaker/MP Ahmad] Al-Khateeb said, ‘We are not like the others [countries in the region]. We have a Constitution. We participated in drafting it and we have sworn to abide by it. We have to protect our Constitution by taking two important steps — restore its dignity and change it for the better.’ ... , the members of major opposition blocs, including the Popular Labor, Development and Reform and National Action, ... attended the protest, in addition to many political activists and columnists.” [36a]

Diwaniyas (traditional gatherings)

- 14.23 The USSD Report 2010, noted: “Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanias. A few women held female-only diwanias, and a small number of diwanias were open to both sexes.” [1f] (Section 2b)
- 14.24 The Freedom House Report 2011 reported: “Kuwait has a tradition of allowing relatively open and free private discussion, often conducted in traditional gatherings (diwaniat) that typically include only men.” [10a] (Political Rights and Civil Liberties)
- 14.25 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated:
- “On 8 December [2010], the police forcibly dispersed a public gathering at the house of Jama’an al-Harbash, a member of parliament (MP), and reportedly assaulted several MPs and others who then required hospital treatment. One of them, human rights defender Dr ‘Obaid al-Wasmi, filed a formal complaint the next day against the Interior Ministry and the police officers he alleged had assaulted him; two days later, he was arrested. On 20 December, he appeared before the Criminal Court to face six charges, including spreading false information abroad, taking part in a public gathering with criminal intent, and insulting the Amir.” [8c] (p2)
- 14.26 On 11 December 2010, the HRW article entitled Kuwait: Permit Peaceful Political Gatherings, reported on the same event, and stated:
- “[Juma’an al-]Harbish told Human Rights Watch that some of the group went outside to sit in the garden of his home because it had become crowded inside. A special forces officer entered the garden and told them that they would have to go inside, and they asked him to give them time to do so. At some point, the officer said, ‘This is the last time I am asking,’ Harbish recalled. At that point, security forces had assembled around the home and in the garden, numbering in the hundreds, according to Harbish’s estimate. Then, members of the security forces began hitting people with their batons. ‘Those inside the house were frightened, so they stayed there for some time. Eventually they were able to leave the house in groups of ten,’ Harbish said. ‘They have closed diwanias before, but never in this violent way.’” [9c]

See also [Recent developments](#) and [Political system](#)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.27 The USSD Report 2010 noted, “There were no reports of political prisoners or detainees.” [1f] (Section 1e) The same report remarked:
- “The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Several tribal affiliations and well-organized unofficial blocs operated as political groupings and held illegal primary elections to maximize their impact in National Assembly. Tribal leaders excluded women from the tribal primaries. Assembly candidates must nominate themselves as individuals and may run for election in any of the country’s electoral districts...” [1f] (Section 3)
- 14.28 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated:

“Khaled al-Fadala, Secretary General of the National Democratic Alliance, a grouping of liberal political organizations, was sentenced to three months’ imprisonment and a fine on 30 June [2010] after he was convicted of insulting the Prime Minister in a speech criticizing corruption in Kuwait. He began serving his sentence on 2 July but was released 10 days later. The Court of Cassation found that there had been procedural irregularities and ordered his retrial.” [8c] (p1)

- 14.29 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned that no legal framework regulates the existence of political parties. Political groups are thereby hindered from organizing events that require official authorization, from seeking funds and from participating effectively in the political life of the State party ... The State party should adopt a legal framework regulating the existence of political parties, and enabling them to participate effectively and formally in Kuwaiti political life.” [19a] (p6)

- 14.30 Meanwhile, the Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012, (HRW World Report 2012) noted that “While 2011 saw some gains for free expression ... [authorities] continued to detain and criminally prosecute individuals based on nonviolent political speech, including web commentary.” [9j] (p586)

See also [History](#), [Recent developments](#), [Political system](#), [Women](#) and [Annex B – Political organisations](#)

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15. FREEDOM OF SPEECH AND MEDIA

- 15.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, “The constitution [articles 36 and 37 [10c]] provides for freedom of speech and the press ‘in accordance with the conditions and in the circumstances defined by law.’ In practice the government sometimes did not respect these rights, and journalists and publishers practiced self-censorship. Restrictions on the country’s press freedoms increased during the year.” [1f] (Section 2a) In Reporters Without Borders (RWB) Press Freedom Index 2011, which calculated and measured press freedom around the world, Kuwait rose 9 places from 2010 to 78th in a list rising to 179 countries (the country ranked first has the most press freedom). [16c] (Middle East & North Africa)
- 15.02 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Kuwaiti authorities continue to limit criticism and debate on politics in the press. Press offenses are no longer criminal in nature, but offenders still face steep fines. Kuwaiti law also prohibits and continues to demand jail time for the publication of material that insults God, the prophets, or Islam, and forbids criticism of the emir, disclosing secret or private information, and calling for the regime's overthrow.” [10a]
- 15.03 The RWB Country Report: Kuwait, accessed 5 April 2012, also noted that, “...since press law reform in 2006 that abolished the use of prison sentences. ... a newspaper can only be closed down on the order of a court.” [16a] The USSD Report 2010 stated:

“The government restricted freedoms of the press and of speech, particularly in instances related to national security. The law also specifically prohibits the publication

of material insulting Islam, the emir, the constitution, or the neutrality of the courts or public prosecutor's office. The law mandates jail terms for anyone who 'defames religion,' and any Muslim citizen may file criminal charges against an author the citizen believes has defamed Islam, the ruling family, or public morals. ... Pointed criticism of other ministers and other high-ranking government officials continued to be widespread and was permitted. During the reporting period, several individuals were charged with insulting the ruling family and, under separate legal provisions, slandering the prime minister." [1f] (Section 2a)

- 15.04 The Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012, (HRW World Report 2012) noted: "In June [2011] the government arrested and detained for four months Nasser Abdul, a 26-year-old Kuwaiti man, for Tweets critical of the Bahraini and Saudi royal families. According to his lawyer, state security officers beat and insulted Abdul in detention." [9j] (p586)
- 15.05 On 14 March 2012 RWB article Six month prison sentence for newspaper editor, stated:
- "Reporters Without Borders is very concerned about the six-month prison sentence that a Kuwait City court imposed on Abdul Hussein Al-Sultan, the editor of the pro-Shiite daily Al-Dar, on 12 March [2012]. 'This sentence, combined with an order suspending the newspaper's publication for three months, in the wake of two other recent suspension orders, demonstrates a pattern of official harassment,' the press freedom organization said, calling for the lifting of the suspension and the dismissal of all charges against Al-Sultan.
- "Reports Without Borders has also learned that a hearing is scheduled on 21 May for 11 people accused of invading the offices of television network Al-Watan on 31 January. Fourteen members of the security forces were wounded during the incident, as were three journalists..." [16b]
- 15.06 The Internet World Stats Kuwait, Internet Usage and Telecommunications, page last updated on 14 September 2011, noted that as of June 2010 there was 1,100,000 internet users, comprising 39.4 percent of the population. [59a]
- 15.07 The Freedom House report entitled Freedom of the Press 2011, Kuwait, dated 23 September 2011 (FH Freedom of the Press Report 2011), stated:
- "About 38 percent of the population used the internet in 2010, more than six times the percentage in 2000. The government continued to debate how best to regulate this growing medium. The government monitored internet communications for defamation and security threats, and the Ministry of Communications (MOC) continued to block websites suspected of 'inciting terrorism and instability.' The state already requires all internet-service providers to install and operate systems to block websites carrying material that is deemed anti-Islamic, Islamic extremist, or pornographic, as well as certain types of political websites. However, the blocking policies are not always clear or consistent." [10d]
- 15.08 The USSD Report 2010 report, also noted: "The Ministry of Communications (MOC) ... required Internet service providers to block religious and pornographic Web sites that 'violate Kuwait's customs and traditions,' in addition to political sites which the government finds offensive." [1f] (Section 2a)

- 15.09 The Freedom House Report 2011, stated “Kuwaitis enjoy access to the internet, though the government has instructed internet service providers to block certain sites for political or moral reasons.” [10a] The HRW World Report 2012, reported that during 2011 authorities increased internet surveillance. [9] (p586)

JOURNALISTS AND THE MEDIA

- 15.10 The FH Freedom of the Press Report 2011, stated: “Kuwait’s media environment, long considered one of the most open in the Middle East, regressed in 2010 amid increasing self-censorship, intimidation, and government pressure.” [10d]

- 15.11 The Freedom House Report 2011 stated:

“Kuwait has more than 10 daily and weekly Arabic newspapers and two English-language dailies. The state owns four television stations and nine radio stations, but there are also a number of private outlets, including the satellite television station Al-Rai. Foreign media outlets have generally operated relatively freely in Kuwait. However, in December [2010], the government shut down the bureau of satellite television channel Al-Jazeera for its coverage of a police crackdown on a political demonstration in the same month.” [10a]

- 15.12 The RWB Country Report: Kuwait accessed 5 April 2012, stated, “Kuwaiti media are undoubtedly the freest in the region and have been closely covering tensions between the government and the parliamentary opposition that have shaken the emirate for more than two years.” Nevertheless, “There are effectively some ‘red lines’ that the emirate’s journalists cannot cross. The person of the head of state and members of the royal family or people holding key posts all remain sensitive subjects that are not raised. The level of self-censorship among Kuwaiti journalists is still quite high.” [16a]

- 15.13 The HRW World Report 2012, noted: “In early February [2011] the emir ordered the Ministry of Information to withdraw all lawsuits it had filed against local media. However, the local Al Jazeera bureau, closed by government order in 2010 after covering security forces’ crackdown on a peaceful gathering, remained shuttered.” [9] (p586)

- 15.14 With regards to the treatment of journalists and media outlets, the FH Freedom of the Press Report 2011 noted:

“Journalists and media outlets occasionally face physical harassment. In October 2010, 10 people were injured when the headquarters of the privately owned satellite television station Scope TV was attacked by an armed mob searching for the station’s owner, Fajr al-Saeed, and her brother, Mohammed Talal al-Saeed. Fajr al-Saeed was under criminal investigation at the time for airing a comedy show that mocked members of the parliament. The show was pulled from the air in August after three episodes, and al-Saeed was accused of ‘inciting the overthrow of the government’ and ‘pressuring for a change of regime through use of force.’ She could face the death penalty or life in prison; the date of the trial had not been set by year’s end. The October attack appeared to be in response to comments made by a Scope TV talk-show host the previous day, implying that a member of the ruling family (also a ministry official) was responsible for the legal action against al-Saeed.” [10d]

- 15.15 The Committee to Protect Journalists’ Attacks on the Press 2010 – Middle East and North Africa Developments, released 15 February 2011, reported:

“In January [2010], the Ministry of Information proposed restrictive amendments to the press law and the audio-visual law. The amendments would set harsher penalties for slander and defamation and impose criminal penalties for speech that ‘threatened national unity.’ The proposals would also double, to two years, the existing prison penalty for blasphemy. The amendments prompted an outcry from Kuwaiti journalists who issued a statement urging the government to reject the amendments. The law was pending in parliament in late year [sic].” [41b] (Kuwait)

- 15.16 As of 22 February 2012, the amendments to the publications law were not reported to have been passed.

See also [Political affiliation](#) and [Freedom of religion](#)

- 15.17 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about the excessive restrictions on freedom of expression that are contained in the Press and Publication Law and in related legislation, including prohibitions on legitimate criticism of government officials and other public figures. The Committee is also concerned about allegations of arbitrary arrest, detention, trial and deportation of persons who make use of their freedom of opinion and expression through the media and through the Internet. ...

“The State party should revise the Press and Publication Law and related laws ...in order to guarantee all persons the full exercise of their freedoms of opinion and expression. The State party should also protect media pluralism, and should consider decriminalizing defamation.” [19a] (p6)

- 15.18 The FH Freedom of the Press Report 2011, noted:

“The Press and Publications Law, revised in 2006, extends some important protections to the media, but it prohibits the publication of material that insults God, the prophets, or Islam. It also forbids criticism of the emir, the disclosure of secret or private information, and calling for the overthrow of the regime. Over 600 alleged violations of the law were reported in 2010, a dramatic increase from 2009. Further amendments were proposed by the Ministry of Information (MOI) in January 2010 after a local television station aired a story that was offensive to tribal families. The amendments, which had not been adopted at year’s end, would increase penalties for slander and libel and criminalize speech that ‘threatened national unity.’” [10d]

- 15.19 The RWB article entitled Vote campaign marred by attacks and prosecutions against media, dated 7 February 2012, stated:

“Reporters Without Borders wishes to express its concern over moves taken against a number of media organizations during the campaign for the parliamentary elections held on 2 February [2012]. While the country heads the list of Arab states in the 2011 world press freedom index, the heightened political tension surrounding the elections had an impact on the media and Reporters Without Borders recorded several infringements of press freedom. Some analysts believe the victory of tribal-based and Islamist candidates is a cause for concern as far as the future of press freedom is concerned.” [16d]

See also [Political system](#), [Recent developments](#) – [Political development](#) subsection, [Political affiliation](#) - [February 2012 parliamentary elections](#), and [Women](#) – [The performance of women during the February 2012 parliamentary elections](#), which all provide further information on the February 2012 parliamentary elections and political demonstrations.

15.20 The RWB article of 7 February 2012 further asserted:

“Reporters Without Borders urges the Kuwaiti authorities to abandon all proceedings pending against the media and to continue to enforce the principles of media pluralism and independence. Three daily papers and a television station are under threat of judicial proceedings launched by the information minister, Sheikh Hamad Jaber Al Ali Al Sabah. On 1 February [2012], the newspaper Al-Qabas reported that the minister had suspended publication of the daily Al-Dar because of two reports deemed to promote discord between communities and incitement to public disorder and to advocate hatred of some religious groups and elements of society. The information minister was reported to have launched the proceedings in the interests of national security and civil peace under provisions in the penal code and a 2006 law that regulates printing and distribution. Like Al-Dar, the satellite channel Scope TV was also reported to be the subject of a prosecution since it broadcast comments by a candidate in the third electoral district, Mohamed Al-Jouwaihel, a liberal fiercely opposed to tribal control of politics who was reported to have strongly criticized the tribes involved. In the wake of his comments, supporters of tribal leaders set fire to the candidate’s premises. According to the newspaper Al-Qabas, the information minister was due to hold a meeting of legal advisers to hand the case over to the public prosecutor. The government clearly indicates its misgivings when the media are critical of the rise in tribal power.” [16d]

15.21 The [Reporters Without Borders](#) website reports regularly on specific cases of the restriction or harassment of the press, including journalists and bloggers, and can be accessed for updated information. [16c-16g] The [Committee to Protect Journalists](#) (CPJ) website may also provide updated information. [41a] See also the latest CPJ publication [CPJ Attacks on the Press in 2011](#), published 21 February 2012 for further useful cases concerning press freedom. [41c]

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16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 The undated page on Human Rights, accessed 15 February 2012, of the United Nations Development Programme’s Programme on Governance in the Arab Region (UNDP-POGAR), reported:

“Kuwait has two types of human rights institutions, a parliamentary committee and non-governmental organizations (NGOs). A parliamentary committee called ‘Committee for the Protection of Human Rights’ was formed on October 24, 1992. The committee works on removing provisions that contradict human rights off Kuwaiti legislation; monitors the performance of government agencies in terms of their adherence to human rights principles; receives complaints and comments on practices that violate human rights, and forms fact-finding committees on issues within its jurisdiction. In the area of NGOs, Kuwait witnessed the establishment of NGOs that defend women’s rights, such as ‘The Kuwaiti Union of Women’s Associations’ and ‘Women’s Cultural and Social Society’ (1963). The Kuwaiti Society for Advancement of Arab Children was established

in (1980). Kuwait also allowed a de-facto existence, rather than legal existence, of some human rights NGOs. However, in 2004 Kuwait took an important step forward by licensing the first human rights organization, namely 'The Kuwaiti Society for Human Rights'." [7e] (Human Rights Institutions)

- 16.02 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

"The Committee welcomes the Ministerial Decision No. 77 of 2011 establishing a special committee to draft a bill on the creation of a national human rights institution, and the measures taken to ensure that the institution complies with the A-status criteria at the international level. Nonetheless, the Committee is concerned about the delays in creating such an institution, and about the resources that it will be provided with to discharge its functions.

"The State party should: (i) Implement its intention to create a national human rights institution as soon as possible; (ii) Ensure that the institution will be in full compliance with the Principles relating to the Status of National Institutions (Paris Principles, adopted by the General Assembly in its resolution 48/134 of 20 December 1993), including ensuring that its budgetary provisions permit the national institution to discharge its functions effectively." [19a] (p2)

- 16.03 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated:

"The government uses its power to license associations as a means of political control. There were 73 officially licensed nongovernmental organizations (NGOs) in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) did not license any new NGOs during the year. There remained 149 NGOs pending licensing by the MOSAL; many have been waiting years for approval.

"The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of 12,000 dinars (approximately \$41,800) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL resumed issuing licenses following a period of refusing to do so, received no financial assistance. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. It can also reject an NGO's application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO's name prior to licensing and sometimes did so on the grounds that the name was too close to that of an already existing NGO. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences as official representatives of their organization. The degree of government supervision and financing called into question the NGOs' independence and nongovernmental status." [1f] (Section 2b)

- 16.04 The USSD Report 2010 also noted:

"NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the

Kuwait Human Rights Society (KHRS) and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen local unlicensed human rights groups operated without government restriction during the year. The government and various National Assembly committees met regularly with local NGOs, and responded to their inquiries.” [1f] (Section 5)

16.05 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events of 2010, published 12 May 2011, reported, “The government routinely restricts the registration and licensing of associations and nongovernmental organizations (NGOs), forcing dozens of groups to operate without legal standing or state assistance. Representatives of licensed NGOs must obtain government permission to attend foreign conferences on behalf of their organizations.” [10a]

16.06 The Freedom House report, Women’s Rights in the Middle East and North Africa 2010, released 3 March 2010, reported:

“Women’s rights activists are generally free to advocate openly against discriminatory laws and women’s unequal access to justice. Although activists and organizations, in particular the Women’s Cultural and Social Society (WCSS), have lobbied for laws that would permit women to pass their Kuwaiti citizenship to their noncitizen children, the government has not taken any measures to address gender inequality in nationality laws.” [10b] (p6)

See also [Citizenship and nationality](#) and [Political affiliation – Association](#) and [Women](#)

16.07 On international NGOs, the USSD Report 2010 report remarked, “The government permitted international human rights organizations to visit the country. ... The government cooperated with International governmental organizations and permitted visits of their representatives.” [1f] (Section 5)

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17. CORRUPTION

17.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated:

“The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption, and though it and a government-formed committee reported various allegations of corruption and irregularities, there were no public high-profile corruption cases before the courts during the year. Parliament also frequently announced inquiries into suspected misuses of public funds, but none of these resulted in prosecution during the year. The World Bank’s Worldwide Governance Indicators for 2009 reflected a decline from 2008 in public authorities’ perceived control of corruption, which remained a problem.

“The Ministry of Interior and the Ministry of Social Affairs and Labor revealed dozens of cases during the year of ministry employees forging documents to enable the

importation of foreign workers. Violations were referred to investigative bodies within the ministries and then sent to the attorney general's office for action. Courts rarely took rigorous action against the violators.” [1f] (Section 4)

- 17.02 In Transparency International’s (TI) 2011 Corruption Perception Index Kuwait ranked 54th out of 182 countries worldwide. Kuwait scored 4.6 out of 10. (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [17a] The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Corruption remains a dominant political issue, and lawmakers continue to pressure the government to address this problem. In July 2010, a Kuwaiti appeals court overturned the conviction of – and three month prison sentence for – Khalid al-Fadhala, a leader of the National Democratic Alliance, who accused the prime minister of corruption.” [10a] (Political Rights and Civil Liberties)

For information on the UN Conventions and other agreements signed by Kuwait on corruption issues; government institutions and initiatives; civil society initiatives and anti-money laundering work, refer to the United Nations Development Programme’s Programme on Governance in the Arab Region’s (UNDP-POGAR) undated page on [Anti-corruption: Kuwait](#). [7b]

See also [Recent Developments](#)

ELECTORAL CORRUPTION

- 17.03 The Freedom House survey, Freedom in the World 2011, reported, “A 2006 law reduced the number of multimember electoral districts from 25 to 5 in an effort to curb corruption and manipulation.” [10a] (p2)

- 17.04 A June 2009 web commentary, Moving Out of Kuwait’s Political Impasse, by the Carnegie Endowment for International Peace, stated:

“The 2006 measure was supposed to diminish vote buying and tribal voting and encourage broadly programmatic politics. It had the precise opposite effect; in the 2008 and 2009 elections, the role of blocs and proto-parties declined, large tribes made the transition effortlessly (smaller ones were often big losers), vote buying apparently continued, and the successful candidates generally owed their election to a host of individual factors (deep pockets being one of the most important).” [15c] (Ways to Move Forward?)

- 17.05 The Israel National News article entitled Kuwait Corruption Scandal Widens Into Vote Buying Probe, dated 12 February 2011, asserted:

“In September [2010], Kuwait's public prosecutor launched an unprecedented probe into the bank accounts of the 15 lawmakers after three banks reported that large deposits were added to the accounts from unknown sources. ... The opposition has alleged that the funds, estimated at \$350 million, were paid by the government to secure votes on crucial issues, including motions of no-confidence against the premier and his ministers. The Kuwaiti government has denied the allegations.” [60a]

See also [Political system](#), [Political affiliation](#), [Recent Developments](#) and [Annex B – Political organisations](#)

POLICE CORRUPTION

- 17.06 The USSD Report 2010 report stated, “There were also reports of citizens' complaints about having to pay intermediaries to receive routine government services. Additionally, there were some reports of police corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. In addition, there were widespread reports that police showed favoritism towards citizens.” [1f] (Section 1d)

See also [Security forces](#) and [Foreign nationals and non-nationals resident in Kuwait](#)

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18. FREEDOM OF RELIGION

- 18.01 The US State Department International Religious Freedom Report 2011 (USSD IRF Report 2011), published 13 September 2011 noted:

“The constitution calls for ‘absolute freedom’ of belief and for freedom of religious practice in accordance with established customs, provided that it does not conflict with public policy or morals; however, the government limits this right. The constitution states that Islam is the state religion and that Shari’a (Islamic law) is a main source of legislation. Article 12 of the constitution requires the state to safeguard ‘the heritage of Islam.’” [1a]

- 18.02 The Kuwait National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 (Universal Periodic Review (UPR)), dated 22 February 2010, remarked, “... the State grants the followers of all denominations of the revealed religions the freedom to practise their religion and to establish their own places of worship without any interference or restrictions, subject only to the maintenance of public order.” [40b] (p14)

- 18.03 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about discrimination by the State party on grounds of religion, including the ineligibility of non-Muslims for naturalization, and the restrictions imposed for the construction and access to places of worship, especially for Hindus, Sikhs and Buddhists. ...The State party should guarantee the right of all persons to practice their religion or belief in an appropriate place of worship, and to be considered for naturalization without discrimination on the basis of religion.” [19a] (p5)

- 18.04 The USSD IRF Report 2010, noted:

“There were laws against blasphemy, apostasy, and proselytizing. While the number of situations to which these laws applied was extremely limited, the government actively enforced them, particularly the prohibition on non-Muslim proselytizing to Muslims. ...The government financially supported proselytism by Sunni Muslims towards non-Sunni foreign residents but did not allow conversion away from Islam, in keeping with the state's Islamic tenets. ...The 1980 amendment to the 1959 Nationality Law prohibits the naturalization of non-Muslims. The law allows Christian citizens to transmit their citizenship to their descendents.” [1a] (Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework)

- 18.05 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The State party should revise its legislation on blasphemy and related laws, and the application thereof to ensure their strict compliance with the Covenant, bearing in mind that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except pursuant to article 19, paragraph 3, and in the specific circumstances envisaged in article 20, paragraph 2 of the Covenant” [19a] (p5)

- 18.06 In the Compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) for the UPR, dated 12 February 2010, it was remarked that “The HR [Human Rights] Committee was concerned that the legal consequence of a conversion from Islam to another religion may result in the loss of Kuwaiti nationality.” [40c] (p9)

See also [Citizenship and nationality](#), [Judiciary](#) and [Women](#)

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RELIGIOUS GROUPS

- 18.07 The USSD IRF Report 2011 stated:

“Estimates derived from voting records and personal status documents indicated that 70 percent of citizens, including the ruling family, belong to the Sunni branch of Islam. The national census does not distinguish between Shia and Sunni Muslims. Most of the remaining 30 percent of citizens are Shia Muslims. There are approximately 150-200 Christian citizens and a small number of Bahai citizens. An estimated 150,000 noncitizen residents are Shia. While some areas have relatively high concentrations of either Sunnis or Shia, most areas are fairly well integrated religiously.

“The Christian population is estimated to be more than 450,000 and consists mostly of foreign residents. ... There are also an estimated 300,000 Hindus, 100,000 Buddhists, 10,000 Sikhs, and 400 Baha’i.” [1a] (Section I. Religious Demography)

- 18.08 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Islam is the state religion, but religious minorities are generally permitted to practice their faiths in private. Shiite Muslims, who make up around a third of the population, enjoy full political rights but are subject to some discrimination and harassment.” [10a] (Political rights and civil liberties)

- 18.09 The USSD IRF Report 2011 noted:

“The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches worked with a variety of government entities in conducting their affairs. This included the Ministry of Social Affairs and Labor for visas and residence permits for clergy and other staff, the Municipality of Kuwait for building permits and land concerns, and the Ministry of Interior for security and police protection for places of worship.” [1a] (Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework)

- 18.10 The same report continued:

“The procedures for registration and licensing of religious groups appeared to be similar to those for nongovernmental organizations (NGOs). Unregistered religious groups worshiped at unofficial, private spaces or borrowed the worship spaces of existing groups. The government did not interfere with such private gatherings.

“Members of religious groups not sanctioned in the Qur’an such as the Baha’i, Buddhists, Hindus, and Sikhs could not build places of worship or other religious facilities. Unrecognized religious groups were allowed to worship privately in their homes without government interference.” [1a] (Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework)

See also [Political affiliation – Association](#) and [Human rights institutions, organisations and activists](#)

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19. FOREIGN NATIONALS AND NON-NATIONALS RESIDENT IN KUWAIT

- 19.01 The US Department of State Background Note, last updated 13 March 2012, reported that the population of Kuwait in 2011 consisted of “...3,632,009 people, including approximately 1.16 million Kuwaiti citizens, 2.47 million non-Kuwaiti nationals, and 100,000 stateless persons [Bidun/Bidoon].” [1d] (People) The Foreign and Commonwealth Office (FCO) Country Profile, last reviewed by the FCO on 27 February 2012, reported that the people resident in Kuwait comprised of Kuwaitis (estimated 33% of population), Egyptians, Syrians, Iranians, Palestinians, Asians (Indians, Sri Lankans, Bangladeshis, Pakistanis, Filipinos, Afghanis, Chinese), Americans and Europeans. [3a] (People) The FCO Country Profile also noted, “...there are estimated to be over 100,000 Bidoon still in Kuwait.” [3a] (POLITICS – Elections)

FOREIGN NATIONALS (ALSO REFERRED TO AS EXPATRIATES)

- 19.02 Kuwaitiah.net, Residence Visa, undated, last accessed on 20 March 2012, stated:
- “To live permanently in Kuwait, expatriates other than GCC [Gulf Cooperation Council] citizens must have iqama, ie a residence permit. A person discovered without a valid iqama which are known colloquially by the article numbers in the immigration regulations [sic]. The three main types are work visas, domestic and dependent visas, all of which require a sponsor. An expatriate may however sponsor his own residence, with or without being permitted to work, provided he has lived in Kuwait for many years and has substantial financial means.” [21b] (Obtaining Residence)
- See also [Exit and return](#)
- 19.03 The Human Rights Watch (HRW) World Report 2012, covering events of 2011, released 22 January 2012, (HRW World Report 2012), noted: “Migrant workers in Kuwait, who comprise 80 percent of the country’s workforce, continued to face exploitation and abuse under the sponsorship system.” [9j] (Migrant Worker Rights)

See also [Employment rights](#)

- 19.04 An October 2010 HRW report, [Walls at Every Turn – Abuse of Migrant Domestic Workers through Kuwait’s Sponsorship System](#), noted that, in addition to poor treatment with regard to their work, foreign nationals also face other workplace abuses; such as

sexual, physical, and psychological abuse, denial of adequate food and health care and restrictions on their freedom of movement, including forced confinement in the workplace. [9g] (p48-57)

19.05 Kuwaitiah.net's Education, undated, last accessed on 20 March 2012, stated, "Attendance at state schools is restricted to Kuwait children, the children of teachers working for the ME [Ministry of Education] and the children of expatriates who obtained residence prior to 1960. All other expatriate children must be educated privately." [21a] (Education in Kuwait (A brief summary)) In the United Nations Human Rights Council (UN HRC) Report of the Working Group on the Universal Periodic Review (UPR), dated 16 June 2010, the Kuwait delegation responded to questions noting, "Kuwait has also allowed for foreign residents to receive education in accordance with the systems of their countries of origin." [40a] (p7)

19.06 In the June 2010 UPR Working Group report, the Kuwait delegation also stated:

"As stipulated in the Constitution, Kuwait had committed to providing health-care services as a human right to all residents, without discrimination and with the highest possible quality. These services were provided to citizens free of charge, while residents paid token fees. All children of citizens, as well as the children of illegal residents and non-Kuwaiti children, were covered by governmental health-care services. Medical treatment in the event of emergencies and in cases of HIV/AIDS and cancer was provided to all children free of charge." [40a] (p7)

See also [Children](#) and [Medical issues](#)

FOREIGN REFUGEES

19.07 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released on 8 April 2011 (USSD Report 2010), stated:

"The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The laws do not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. The country's immigration regulations prohibit local settlement for asylum seekers. In practice, however, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees; the government often kept such persons in detention until they agreed to return to their home country or made alternative travel arrangements, and it rarely granted them permission to live and work in the country." [1f] (Section 2d)

19.08 The United States Committee for Refugees and Immigrants (USCRI) World Refugee Survey 2009, released 17 June 2009, reported, "Although Kuwait continued to reject categorically Iraqi asylum seekers, it hosted around 35,000 Iraqis, most of whom entered on three-month visit visas and then overstayed. An estimated 6,000 Palestinians lived in Kuwait, many of them having arrived between 1948 and 1967, although the Government considered them expatriates. Kuwait hosted an undetermined number of Ahwazi Arabs from Iran." [25a] (Introduction)

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BIDUN (ALSO BIDOON, BEDOON, BEDOUN, BEDUN)

- 19.09 The Refugees International (RI) paper entitled, *Without Citizenship: Statelessness, discrimination and repression in Kuwait*, published 13 May 2011, stated: “‘Bidoon’ means ‘without’ in Arabic, indicating that this group – estimated to range between 90,000 and 180,000 people – lives without nationality. Not considered as nationals by Kuwait or any other state, bidoon are stateless.” [18b] (p2) The Freedom House Report entitled *Freedom in the World 2011, Kuwait*, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), reported: “Stateless residents, known as bidoon, are estimated to number 100,000. They are considered illegal residents, do not have full citizenship rights, and often live in wretched conditions.” [10a] The HRW World Report 2012, noted: “At least 106,000 stateless persons, known as Bidun, live in Kuwait.” [9j] (p584)
- 19.10 The USSD Report 2010 stated, “Although the exact number of Bidoon residents was unknown, the Ministry of Planning estimated there were more than 100,000 Bidoon in the country at the end of 2006, the last year the government collected those statistics.” [1f] (Section 2d) The Foreign and Commonwealth Office (FCO) Country Profile, last reviewed by the FCO on 27 February 2012, concurred noting, “... there are estimated to be over 100,000 Bidoon still in Kuwait.” [3a] (Politics-Elections)

Origins of statelessness in Kuwait

- 19.11 The Open Society Foundations paper entitled *Stateless in Kuwait: Who are the Bidoon?*, dated 24 March 2011, explained: “‘Bidoon’ refers to a diverse group of people who at the time of independence were not given Kuwaiti nationality. When the British ended the protectorate in 1961, about one-third of the population was given nationality on the basis of being ‘founding fathers’ of the new nation state, another third were naturalized as citizens, and the rest were considered to be bidoon jinsiya—or ‘without nationality,’ in Arabic.” [48a]
- 19.12 The Refugees International (RI) paper *Without Citizenship: Statelessness, discrimination and repression in Kuwait*, published 13 May 2011, stated:
- “Many bidoon failed to acquire nationality at independence. Some did not qualify under the law – in other words they were not able to show residential ties to Kuwait prior to 1920. Others – and this was a greater problem at the time – did not quite appreciate the importance of having a nationality and failed to register as citizens. Men employed in the oil fields, for example, were sometimes unable or unwilling to take time off to travel to the city for the purpose of registration. Some bidoon descend from Bedouin tribes that used to move across large areas of land in what is today Kuwait, Saudi Arabia, Iraq and Syria. The concept of nationality was foreign to many of these people, and lack of nationality did not pose a major problem for many bidoon as they could continue to work in the public sector, including for the police force and the military. This explains in part why citizenship status may vary among members of the same family, despite their sharing the very same ancestral ties to the country. However, the fact that they did not register, of course, does not mean that they did not have a right to Kuwaiti nationality in accordance with the law.” [18b] (p4-5)
- 19.13 The Human Rights Watch (HRW) report *Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness*, dated June 2011, asserted: “Kuwait’s Bidun population

originates from three broad categories: 1) those whose ancestors failed to apply for nationality or lacked necessary documentation at the time of Kuwait's independence in 1961; 2) those recruited to work in Kuwait's army or police force during the 1960s who permanently settled in Kuwait, along with their families; and 3) children of Kuwaiti mothers and stateless or foreign fathers." [9h] (p3)

19.14 The same source further explained:

"Statelessness in Kuwait, as in neighboring Gulf countries, stems from restrictive citizenship laws, and from the lack of effective mechanisms to hear and review applicants' claims for citizenship. The problem has its roots in recent history. Kuwait's population in the 19th and into the 20th century consisted of settled citizens who lived inside the walls [of] Kuwait City, working in ship-building, pearl diving, and trade; and Bedouin, or tribal nomads, who lived in the surrounding territories, frequently crossing borders between the present-day Gulf states. At the turn of the 20th century approximately 50,000 people lived in Kuwait City, but after the discovery of oil in the 1930s, the city expanded substantially as Bedouin began to settle there, or to establish towns nearby.

"In 1959, in preparation for achieving full independence from Britain, Kuwait issued Law No. 15 governing Kuwaiti nationality. This law (the Nationality Law, ...) set forth the conditions determining residents' eligibility for nationality, as well as the rights to citizenship and the other privileges of nationals. At the time the authorities attempted to register all residents of Kuwait, and identify those eligible for nationality. However, many of those living in outlying areas – primarily of Bedouin origin – either did not learn about the nationality drive, or neglected to register their claims. Some could not read or write and those who kept no written records faced particular difficulties proving that they met the legal requirements of the new Nationality Law. Others simply put little stock in the new concept of nationality, failing to foresee the rights and benefits that would accrue to citizens in later decades as Kuwait's wealth increased and government services expanded. ...

"...between 1960 and 1987, the Kuwaiti government amended the Nationality Law seven times, each time introducing further restrictions on eligibility. Amendments included a 1960 restriction that limited the number of naturalizations that could take place each year to 50 [this law changed in 1990 allowing 2000 naturalisations a year], a 1980 amendment removing a Kuwaiti woman's ability to transmit her citizenship to her children; and a 1981 amendment that specified that only Muslims could qualify for Kuwaiti nationality." [9h] (p12) See [Citizenship laws, census and committees](#) for further details

19.15 The RI paper, *Without Citizenship: Statelessness, discrimination and repression in Kuwait*, published 13 May 2011, stated:

"In the mid-1980s, the situation for bidoon began to rapidly deteriorate. The Nationality Act was amended several times between 1960 and 1985, making access to nationality increasingly difficult. For the first time, in 1986 the government began to apply the Alien Residence Act to bidoon, effectively stripping them of most of the rights they had enjoyed since independence and re-classifying them as 'illegal residents.' This was allegedly part of a policy pursued by the Minister of Interior at the time – Shaikh Salem al-Sabah – and ultimately aimed to drive bidoon out of the country. Stateless persons were suddenly fired from government jobs, and over the next few years access to public education became more limited, and bidoon began experiencing problems acquiring

and renewing drivers' licenses and travel documents. These developments should also be seen in the light of the climate of suspicion that was present throughout the region as a result of the Iran-Iraq War." [18b] (p5)

- 19.16 The RI Field Report 2012, noted: "Most bidoun live in two communities of makeshift housing about 18 miles outside of Kuwait City." [18d] (Background) The same report also noted the Bidun communities are so marginalized that one Kuwait national who participated in the 2011 demonstrations didn't know where Taima Square was. [18d] (Background)

Iraqi invasion: August 1990

- 19.17 The HRW report entitled Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, explained:

"The Kuwaiti government's attitude towards the Bidun further hardened following the Iraqi invasion of August 1990 and the ensuing war to liberate Kuwait. Prior to 1990 the official number of Bidun resident in Kuwait was around 250,000. However many Bidun who fled the country during the war found themselves stranded outside of Kuwait. Most Bidun could not flee to Saudi Arabia (as many Kuwaitis did), because they lacked passports and could not enter the country. Instead they escaped to villages and other remote areas in Iraq. Iraq did not require travel documents from those arriving from Kuwait, which the Iraqi government considered its newly annexed 'nineteenth province.' When these Bidun attempted to return to Kuwait following liberation, they were refused entry at the Kuwaiti border. Thousands of Bidun lived in refugee camps along the Iraq-Kuwait border for up to eight months following Kuwait's liberation from occupation. In 1991, after the war had ended, official figures placed the number of Biduns in Kuwait at approximately 125,000, half of what it had been prior to the 1990 invasion." [9h] (p14)

- 19.18 The RI paper Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated:

"In the aftermath of the 1990-1991 Iraqi invasion and occupation of Kuwait, bidoun military and police personnel were fired en masse – even those who had fought in the Kuwaiti resistance. Only a small fraction of them were later rehired. In 1993, bidoun were made to pay for healthcare and were denied birth, death, marriage, and divorce certificates. Many were forced into the informal economy. Now, bidoun must routinely pay bribes, drive without official licenses, live illegally in homes owned by Kuwaiti friends, or accept a false nationality in exchange for official documents.

"Acknowledging the situation was unsustainable, in 1993 the Central Committee to Resolve the Status of Illegal Residents was established. Three years later, a royal decree established the Committee for Illegal Residents' Affairs. And in November 2010, a subsequent royal decree replaced this committee with the Central System to Resolve Illegal Residents' Status (hereafter, the Bidoun Committee)." [18c] (Advances on Paper for Bidoun, but Little Progress in Practice)

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Citizenship laws, census and committees

- 19.19 The USSD Report 2010, stated: "According to the law, citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit

citizenship unless the mother is divorced or widowed from the nonnational father. The law further fails to provide nonnationals, including Bidoon and non-Muslims, a clear or defined opportunity to gain nationality” [1f] (Section 2d, Stateless Persons)

- 19.20 The HRW report, *Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness*, dated June 2011, stated:

“Kuwait’s 1959 Nationality Law sets forth the criteria for Kuwaiti nationality as well as the rights of ‘original’ and naturalized citizens. Article 1 of the Nationality Law declared as Kuwaiti citizens those who had settled in Kuwait and maintained residence there since 1920. These were the members of Kuwait’s ‘founding families’ – families from dakhil as-sur, that is, inside the walls, of the old fortifications of Kuwait City. Under article 4, Arabs resident in Kuwait for at least 15 years (20 years for non-Arabs) could be naturalized provided they were Muslim, knew Arabic, and had lawful means of earning a living. However, naturalized Kuwaitis enjoyed fewer citizenship rights than those declared as citizens by article 1: they could not vote for 30 years and could be stripped of their nationality more easily. Those eligible for naturalization included children born to a Kuwaiti mother and a stateless father (a provision repealed in 1980), children born to a Kuwaiti mother and an unknown father or a father who failed to establish his paternity by law, and individuals recommended by the Minister of Interior.” [9h] (p17-18)

- 19.21 An unofficial translation of the [1959 Nationality Law](#), including amendments, was available via the website of the United Nations High Commissioner for Refugees (UNHCR). [32b]

- 19.22 The RI paper, *Without Citizenship: Statelessness, discrimination and repression in Kuwait*, published 13 May 2011, reported that “... the Nationality Act created several classes of citizens, the primary distinction being between those who are so-called ‘original Kuwaitis’ and those who are naturalized citizens.” [18b] (p2) The report further noted:

“Different classes of citizenship are maintained to this day, and the rights that come with Kuwaiti citizenship vary significantly depending on the article under which citizenship is acquired. Kuwaitis will identify themselves when asked as ‘Article-1-citizens,’ ‘Article-5-citizens’ and so on. Full political rights are only awarded to those who acquire nationality under Article 1 or 2 – the so-called ‘original Kuwaitis.’ Indeed, naturalized citizens only acquire the right to vote after 30 years of residence. ...

“Article 2 provides an automatic right to citizenship for descendants of the ‘original Kuwaitis’ provided that descent is through the paternal blood-line. Article 3 grants nationality to foundlings (an abandoned child of unknown parentage), and Articles 4 and 5 provide for acquisition of nationality through naturalization. Significantly, naturalization decisions are entirely and ultimately taken by the Minister of Interior.” [18b] (p2-3)

See also [Citizenship and nationality](#)

- 19.23 A November 2007 paper produced by the FCO recorded:

“An Executive Committee for Illegal Residents (ECIR) was established in 1993 to regularise the bidun’s status. It categorised them into two groups: those who were registered in the 1965 census and those who were not. Those who registered with the ECIR by 1996 received temporary residency rights. After 1996 the Government

encouraged the bidun who were not eligible for nationality (because they could not demonstrate strong ties to Kuwait or because they were believed by the authorities to possess other nationalities) and who failed to register that year, to register themselves as non-nationals and to seek residency. The government set a deadline of June 2000 for bidun to come forward with evidence of their true nationalities, so as to be documented. Around 5,000 did so in the twelve months up to this deadline.” [3b] (p2-3)

- 19.24 The HRW report, *Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness*, dated June 2011, stated:

“The Central System to Resolve Illegal Residents’ Status, generally known as the Bidun committee, is the sole government body through which Bidun can register and seek resolution of their claims for Kuwaiti citizenship. The committee’s procedures are opaque and applicants may never be told the reason for non-review, delay, or denial of nationality. Nor can the Bidun challenge matters relating to their citizenship claims or status through the judicial system. A 1990 law governing the judiciary took away courts’ jurisdiction over all matters relating to national sovereignty, including citizenship claims as well as administrative decisions to deny the Bidun temporary travel documents, or other government documentation. Only small numbers of applicants become naturalized Kuwaiti citizens each year. Kuwaiti law limits the number of citizens that can be naturalized annually to 2000, and naturalizations consistently fall well below the permitted quota. For these reasons, at least 106,000 claims for nationality remain unresolved with the Bidun committee.” [9h] (p4)

- 19.25 The RI Field Report 2012, stated:

“Over the last 12 years more than 80,000 applications for nationality have sat before the Kuwait government’s ‘Bidoun Committee.’ Bidoun with Kuwaiti mothers are included in this queue because Kuwait’s nationality law is discriminatory and does not permit a woman to confer nationality on her children or spouse. On rare occasions, the committee has conferred nationality on some bidoun, a few hundred in 2006, 2007 and 2008, and 1800 in 2005. Since 2009 the Bidoun Committee has not conferred nationality on any bidoun. The arbitrary nature of these adjudications keeps many bidoun in a constant state of fear, and some bidoun were opposed to the demonstrations as a result. They were afraid that by asserting their rights, the goal of nationality would be lost for themselves and their families.” [18d] (*The Unfulfilled Promise of Nationality*)

- 19.26 The USSD Report 2010, stated: “During the year as in 2009, the government did not grant citizenship to any Bidoon. ... Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the government maintained that the vast majority of Bidoon were concealing their true identities and were not actually stateless.” [1f] (*Section 2d, Stateless Persons*) The same report concluded: “The government may deny a citizenship application by a Bidoon resident based on security or criminal violations committed by the individual’s family members.” [1f] (*Section 1f, Arbitrary Interference with Privacy, Family, Home, or Correspondence*)

- 19.27 Furthermore, with regards to the use of security blocks, the RI Field Report 2012, observed:

“Kuwait has set a precedent of using security concerns to block nationality claims. Originally intended to deny nationality to those bidoun who fought alongside Iraq during the 1991 occupation, the use of a ‘security block’ has grown exponentially to include

activists and others, often without their knowledge or the reason for the block. A security block prevents access to a variety of government services, and makes the acquisition of nationality almost impossible. RI was told by a human rights organization that 850 individuals have a security block due to perceived collaboration with the Iraqis, but that the list is likely greater than 3000. Some believe the list includes as many as 30,000 individuals. RI was also told that even within the 850 there are surely errors as many Kuwaitis were used as 'moles' on the Iraqi side as an intelligence mechanism and therefore should not be considered collaborators. No application for nationality should be denied due to a security block unless it is demonstrated that the person actively supported Iraq during the 1991 invasion." [18d] (The Unfulfilled Promise of Nationality)

19.28 The same report further noted: "Kuwait's government publicly warned activists that participation in demonstrations would result in a permanent security block on their nationality files and possible deportation. But for many of the bidoun RI met, this carrot and stick approach to nationality had lost its force." [18d] (The Unfulfilled Promise of Nationality)

19.29 Furthermore, the same report noted:

"As one man told RI, he was willing to sacrifice his own opportunity to gain nationality if it meant his two-year-old daughter may acquire it someday. RI learned that since Kuwait could not deport stateless individuals, because no other country has an obligation to accept them, it would use 'deportation' jails. If ordered deported, a bidoun could spend years in jail, awaiting an 'amnesty' that may or may not come. It is unknown how many bidoun individuals are in this situation, but it is exactly the type of information that the UNHCR should easily be able to acquire and address." [18d] (The Unfulfilled Promise of Nationality)

19.30 Furthermore, regarding the Bidun Committee, the RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated: "The creation of the 'Bidoun Committee' to process citizenship claims and reduce the incidence of statelessness and the provision of the 11 'facilities' (social benefits for registered stateless persons) are welcome steps. However, to date, no citizenship cases have been adjudicated and the facilities have been poorly implemented." [18c]

19.31 The HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, noted:

"The Bidun committee issues Bidun who registered between 1996 and 2000, a cut-off date set by ministerial decree, with security cards (informally known as 'green cards'). What security cards entitle holders to and what classification as a security card holder entails remain unclear. The cards display personal data including the registrant's name, address, and birth date, but state on their reverse side that 'this card does not serve as proof of identity, and may be used only for specified purposes.'" [9h] (p19)

19.32 Furthermore, regarding the security cards issued by the Bidun committee, Bidun interviewed by HRW said that:

"... the security cards establish their holders' relationship to the committee and are widely recognized throughout the country as being held only by the Bidun. Efforts by Human Rights Watch to obtain legislative provisions concerning security cards were unsuccessful and requests for information about security cards from the government remain unanswered. Security cards must be renewed either yearly or once every two

years, depending on the class of card. Some Bidun reported that they could renew their cards, and those of their offspring, simply by presenting their previous cards and documents proving their registration in the 1965 census or residence in Kuwait before that time. Other Bidun said that they had to undergo interviews each time they wished to renew their cards.” [9h] (p19)

19.33 Furthermore, the same HRW report, dated June 2011, asserted:

“In November 2010 Kuwait’s Supreme Council of Higher Planning announced the results of a study which found that there were 106,000 persons of ‘unspecified nationality’ in the country. Of these, 34,000 remained valid candidates for citizenship while 68,000 had ‘other origins.’ Those deemed to have other origins would have a limited time in which to ‘correct their status’, by which officials meant to produce passports or other evidence of citizenship from other countries. Those who failed to do so could face deportation. Officials stated that they based these findings upon information received from schools and government institutions. However, the Council did not announce their methodology or make their report public, nor did they provide a list of the names of those in either category.

“Conclusions of a November 2010 Supreme Planning Council Study

Number	Status	Recommendation
34,000	Registered in 1965 census	Eligible for naturalization
42,000	“Already Iraqi citizens”	Have three years to correct status before legal action may be taken
26,000	Other “known origins”	Have 3 years to correct status before legal action may be taken
4,000	Unknown	
106,000	Total number of Bidun registered with various government authorities	

[9h] (p20-21)

19.34 Meanwhile, the RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated:

“While bidoun are now supposed to be offered the right to put ‘non-Kuwaiti’ on their civil documents, RI [Refugees International] was told on numerous occasions that bidoun were pressured by government officials to accept a randomly-allocated nationality in exchange for receiving a child’s birth certificate, a driver’s license, or other official documents. RI was informed of several incidents where multiple nationalities were assigned to a single set of siblings, or where bidoun in the military had to accept a false nationality in exchange for a one-time retirement benefit. While it is impossible to ascertain with any certainty how many people are coerced into accepting an assigned nationality (as opposed to those with real claims to an alternative nationality), for the bidoun their inability to exercise their human rights is the same.” [18c] (Forced Allocation of Nationality)

For further information concerning the 2011 Bidun demonstrations, please refer to [2011 demonstrations](#) subsection

Status, documentation and rights

19.35 The RI Field Report 2012, stated:

“Although the bidoun lived in Kuwait long before its independence in 1961, they are considered by the authorities as ‘illegal residents’ and refused birth certificates, public schooling, marriage certificates, and the right to peacefully assemble. Bidoun also face barriers to health care; some bidoun can access limited health insurance and others are denied health care altogether. ...

“They must rent accommodations, as they have no right to own, sell, or pass property onto their children upon death. Despite their multi-generational presence in the nation, the bidoun are not recognized as legally residing in Kuwait, and in almost all circumstances, they are not permitted to leave because the government refuses to issue travel documents.” [18d] (Background)

19.36 The USSD Report 2010, stated: “The status of the Bidoon remained unresolved and they faced social and legal discrimination.” [1f]

19.37 The USSD Report 2010 continued:

“The government continued to discriminate against Bidoon in areas such as education, employment, medical care, and freedom of movement. Bidoon children may not attend public schools. The government accepted Bidoon in some government positions. Although some Bidoon worked in the armed forces or police and there are no legal strictures that prevent their service, the Bidoon have effectively been barred from enlisting in either force since 1985. Bidoon often faced difficulty in qualifying for the subsidized health care that citizens received, and the government also made it difficult for Bidoon to obtain official documents necessary for employment or travel, such as birth certificates, civil identification cards, driver licenses, and marriage certificates.” [1f] (Section 2d, Stateless persons)

19.38 The AI Report 2011, published 13 May 2011, reported, “...Thousands of Bidun long resident in Kuwait have continued to be denied Kuwaiti nationality and are currently stateless. As such, they are denied access to health, education, employment and social services on an equitable basis with Kuwaiti citizens.” [8c] (Discrimination-the Bidun) The RI Field Report 2012, noted:

“In the meantime, the Government of Kuwait has asserted that bidoun have access to 11 government benefits (sometimes referred to as ‘facilities’ or ‘rights’) such as education, birth certificates and health care. RI was told that the bidoun may receive about \$360 toward payment of private school tuition, but this covers only half the cost. As a result, some families still can’t afford education and other families are making choices between children. Addressing the absence of opportunities to attend school, one bidoun woman explained, ‘Growing up knowing you have no future – your brain is limited.’ Some access to health care does seem to be available to those bidoun with identification, but because reportedly 70 percent of the population does not have documentation, this is a small benefit. Kuwait is not issuing bidoun birth certificates. Instead it may issue a ‘birth statement’, which explicitly states that the newborn’s nationality is ‘illegal’. The bidoun are permitted the right to work for NGOs, which make up a small portion of Kuwait’s workforce, and some may be employed by the civil service and the military. RI was told that other benefits promised by the government are entirely inaccessible, or unevenly enjoyed by bidoun depending on personal connections.” [18d] (Access to Government Benefits)

See also [Documentation](#) subsection below

- 19.39 Following the February and March 2011 demonstrations by Bidun over the "... government's failure to act on their citizenship applications" [9] (p586), the HRW World Report 2012, covering events of 2011, released 22 January 2012, noted: "In response to the protests, the government promised benefits, including free health care; free education at private schools that primarily serve Bidun children; birth, marriage, and death certificate[s]; and improved access to jobs. Bidun have confirmed receiving many of these benefits, but continue to cite problems accessing employment and increased difficulty receiving passports." [9] (p586)

See also [2011 demonstrations](#) for further information on the 2011 Bidun demonstrations. See also [Documentation](#) subsection below

- 19.40 The RI paper, Without Citizenship Statelessness, discrimination and repression in Kuwait, published 13 May 2011, stated:

"Most bidoons are afraid to speak publically about their situation, as they fear repercussions against themselves or their families. An interviewee told the Justice Initiative and Refugees International that bidoon who have spoken publically about their problems at international conferences have faced persecution on their return to Kuwait. One common measure is to label individuals as security threats which prohibit them and their families from (ever) naturalising as citizens. In addition to these government-sanctioned forms of abuse, ill-treatment in the work place is frequently reported. Educated and trained young people are being denied jobs, and often resort to the underground economy to make a living. ... Employers that hire bidoon also have to pay a fine if they are caught, an expense typically deducted from the salary of the bidoon employee [an interviewee told Refugees International]." [18b] (p11)

- 19.41 The HRW World Report 2012, covering events of 2011, released 22 January 2012, noted: "As 'illegal residents', the Bidun cannot legally hold most public and private sector jobs, and Bidun children may not enrol in free government schools. Unregistered Bidun, whose citizenship applications the authorities have either closed or refused to register, are even more vulnerable than others, with restrictions on their freedom of movement and constant fear of deportations." [9] (p585-586)

- 19.42 The United Nations (UN) Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

"While taking note that a Central Body was established in November 2010 to find a solution for the stateless Bedoons ..., currently viewed by the State party as a category of 'illegal residents,' the Committee remains concerned about the stereotypes and widespread discrimination they suffer. ... The State party should put an end to discrimination against the Bedoons, including in the application of its nationality law, and should ensure that all persons in its territory enjoy the rights set out in the Covenant." [19a] (p3)

- 19.43 The UN Committee Against Torture (CAT) Consideration of reports submitted by States parties under article 19 of the Convention - Kuwait, dated 28 June 2011, stated:

"The Committee expresses its concern at the situation of at least 100,000 people, who are not legally recognized by the State, known as the 'Bidun' (without nationality) and allegedly victims of various types of discrimination and ill-treatment. The State party

should enact specific legislation in order to protect 'Bidun' people and recognize their legal status. The State party should adopt all adequate legal and practical measures to simplify and facilitate the regularization and integration of these persons and their children. It should ensure that these persons enjoy all human rights without discrimination of any kind. The State party should also adopt the necessary measures to guarantee that these persons are informed of their rights in a language they understand and have access to the fundamental legal safeguards from the moment they are deprived of their liberty, without any discrimination." [51a] (p7-8)

- 19.44 With regards to Bidun women, the HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, observed:

"... Kuwaiti law determines that a child's nationality is that of his or her father, not of the mother or both parents. This discrimination against women expands the problem of statelessness, as the children of Bidun men and women become stateless. Kuwaiti women may pass their nationality on to their children only when the father is unknown or fails to establish legal paternity, when the couple divorces, or upon the death of the stateless husband." [9h] (p43)

For more detailed information regarding citizenship rights affecting the Bidun, please refer above to [Citizenship laws, census and committees](#).

- 19.45 The RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated:

"Limited opportunities are available to the bidoun community in general, but bidoun women confront even greater constraints. RI was told that the only perceived hope for many bidoun women is to marry a Kuwaiti man to pass citizenship to their children and to potentially attain citizenship themselves. However, dependence on Kuwaiti men's legal rights inevitably puts some bidoun women at risk of exploitation and abuse. RI heard accounts of Kuwaiti men who refused to pass citizenship to their bidoun wives in order to prevent them from filing domestic abuse complaints. Conversely, RI met a number of bidoun women who elected to never marry: they refused to make themselves more vulnerable to exploitation and did not want to have children through marriage to a bidoun man since the children would also be stateless." [18c] (**Bidoun Women Suffer the Consequences of Statelessness**)

- 19.46 The report further noted:

"There are no statistics available on domestic violence against bidoun women, but RI was told that this is a common phenomenon. As one bidoun woman told RI, 'Our husbands can't find work because they are bidoun; they feel useless. Kuwaiti women don't get abused at home like bidoun women do because their families don't face the same stresses.' RI was told that very few bidoun women report domestic violence, since they fear their husbands could end up with a 'security block' that could affect the entire family's access to documentation, as well as bring shame on the family.

"Bidoun women and Kuwaiti women married to bidoun men told RI they had suffered sexual harassment at the hands of government officials when applying for documents for themselves and their families. Since the issuance of documents to bidoun is discretionary, officials are placed in a powerful position that some abuse. The women to whom RI spoke had no idea where they could go to register complaints against officials

who abused their authority, and most feared that a complaint could result in a blemish both on their citizenship file and the files of their family members. ...

“Bidoun women have few prospects for employment. Largely restricted to low-paying jobs with no security, those who do find employment typically work in nurseries, daycare, or as secretaries, earning a fraction of what Kuwaiti women in these same positions earn. A small number of bidoun women become teachers, but only in low-paying private schools, earning roughly 150 KD (US \$450) per month. Kuwaiti teachers in public schools earn around 850 KD (US \$2,550). Unemployed bidoun women often feel pressure to provide for their poverty-stricken families and are at a heightened risk of exploitation. RI was informed of situations where bidoun women and girls were forced into prostitution, which is particularly dangerous in a conservative society like Kuwait, where women are ostracized – or worse – for shaming their families.” [18c] (**Bidoun Women Suffer the Consequences of Statelessness**)

See also [Women and Citizenship laws, census and committees for further information on security blocks](#)

- 19.47 The HRW report, *Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness*, dated June 2011, highlighted particular concern regarding the Biduns rights to health, education, and employment, stating:

“In order to register in government schools or the state university or to legally hold employment individuals in Kuwait must present a civil ID card. These are issued by the state to Kuwaiti citizens and foreign nationals who hold valid residence visas. But because the Bidun do not have legal resident status in Kuwait the government does not issue them civil ID cards. Bidun who register with the Bidun committee and hold security cards can register their children in private schools (for which the government pays fees for some students). They can also receive treatment at government hospitals and clinics. However, Bidun without security cards do not have access to educational funding. Furthermore, they say they are not eligible for treatment at government medical institutions and can only work illegally.” [9h] (p31)

See also [Documentation](#) subsection below

- 19.48 Furthermore, regarding education for Bidun children, the same report observed:

“While the government has taken steps towards providing Bidun children access to free elementary education, after removing this right a generation ago, it has failed to guarantee access as a right for all children in its jurisdiction. Children at the primarily-Bidun schools who fail their exams, as well as those whose parents have security offenses registered in their names, do not receive school funding, including for primary school. Moreover, the government takes no steps to enforce elementary school attendance for Bidun children. Without enforcement mechanisms Bidun girls risk being kept out of school, because when families cannot afford to educate all children they typically choose to educate sons over daughters. Lack of enforcement also leaves Bidun children at risk of child labor.

“By providing mostly separate educational institutions for citizen and Bidun children, with lower educational standards at primarily Bidun schools, the government also fails to uphold its obligations under the Convention Against Discrimination in Education. Moreover, by restricting free government schools to Kuwaiti citizens only, the government fails to ensure that Bidun children, including those who lack ‘security cards,’

will have access to free and compulsory primary education, as required by Article 26 of the UDHR [Universal Declaration of Human Rights]”. [9h] (p33)

See also [Children](#) and subsection on [Education](#)

- 19.49 The RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated:

“Bidoun children receive inferior education that does not equip them for a successful future in Kuwaiti society. They are very rarely permitted to attend public schools (unless they have a Kuwaiti mother). An educational charity helps pay private school fees for some bidoun families, but many families told RI that this assistance does not cover all costs, and that private schools have raised their fees knowing that the government provides subsidies. This is particularly harmful for girls, as bidoun families with limited means prioritize sending their boys to school. To qualify for educational assistance, the child’s family must have a valid identity card issued by the Bidoun Committee and the child must have passed his or her relevant exams. If the identity card is expired or the child fails the exams, s/he is forced out of school. As a result, many bidoun children end up working illegally as street vendors, often in conditions of excessive heat and without protection from police, who may abuse them with total impunity.” [18c] (Bidoun Children Left Without a Future)

- 19.50 Furthermore, the HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, stated:

“The government does not provide Bidun children who lack security cards with educational funding. A girls’ school administrator told Human Rights Watch, ‘I have been working in this school for 19 years. The number of students is going down.’ [The government] is setting more conditions [before they can obtain funding]. Now, [their parents] must have a valid green card’. According to a list of documents required for school registration she provided, Bidun children without a parent who works in the army or police force must produce the green cards or both the father and mother to enrol in school. [9h] (p35-36)

Documentation

- 19.51 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The Committee is... concerned about the practice of withholding documents, including some certificates to which all persons born or married in the State party’s territory are entitled.” [19a] (p3)
- 19.52 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, noted: “The Committee is ...concerned about reports that the issuance and renewal of identity cards for the Bidoun – ‘illegal residents’ is subject to the requirement that they sign affidavits renouncing any claim to Kuwaiti nationality.” [19c] (p9)
- 19.53 The RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, observed:

“In order to access civil documents bidoun must request clearance from the Bidoun Committee. Frequently, bidoun are denied their applications because their names appear on the ‘security block’ list. The government maintains that the ‘security block’ is

reserved for bidoun who collaborated with Iraq during the 1990-91 invasion and occupation. But RI was told on numerous occasions that bidoun may face a 'security block' for any reason – from civic activism to minor crimes, or even because of a personal conflict with a powerful individual. Bidoun live in constant fear of being added to the 'security block' list. One bidoun who still holds a government job told RI he encouraged his son not to participate in political organizing because it could lead to a 'security block' for the entire family, which would jeopardize the family's employment. Once blacklisted, individuals on the 'security block' cannot review the reasons for their listing or challenge them before a judicial body. ...

"The Ministry of Interior should inform individuals of the reasons for their 'security block' and allow them to challenge their listings in court. This will help ensure that bidoun are not denied access to the 11 facilities arbitrarily while they await a final determination of their citizenship status." [18c] (**Codify the Rights by Decree: The Promised 11 Facilities – Security Block**) For further information on the 11 facilities, please refer to the RI report via the link [here](#)

- 19.54 The HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, reported:

"Eight Bidun interviewed by Human Rights Watch said that in practice the Bidun committee refused to provide the clearance necessary for them to obtain birth, marriage, and death certificates unless they agreed to forfeit their claims to Kuwaiti nationality. Six Bidun said that they had not been able to obtain [a] birth certificate for their child, two said that they were unable to obtain a marriage certificate, and three said that they were unable to obtain a death certificate. Some received letters saying that the committee had information establishing that they were in fact nationals of countries such as Saudi Arabia, Iraq, Iran and Jordan, and that they must 'correct their status' (that is, renounce their claim to Kuwaiti citizenship) before receiving the requested documentation. Bidun activists say that authorities base determinations of an individual's 'true nationality' upon undisclosed intelligence that the applicant may not contest." [9h] (p25-26)

For further information, following interviews with Biduns, on access to birth, marriage and death certificates, please refer directly to the HRW report via link [here](#)

- 19.55 The RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, with regards to Bidun women obtaining marriage certificates, asserted: "For bidoun women in Kuwait, the inability to obtain marriage certificates can have severe consequences, including limiting their access to proper medical assistance when giving birth. Without a marriage certificate the birth of a baby in Kuwait is considered illegal, and therefore the mother cannot give birth in a public hospital." [18c] (**Bidoun Women Suffer the Consequences of Statelessness**)
- 19.56 The same report on the issue of a child's rights to a birth certificate, noted: "...for many years Kuwaiti authorities stopped providing birth certificates to children with bidoun fathers. The adverse impacts of this policy persist for bidoun children who have no documentation of their identity. Even today, bidoun children over the age of six can only obtain birth certificates if DNA tests prove the child's relationship with their parents." [18c] (**Bidoun Children Left Without A Future**)
- 19.57 The USSD Report 2010, stated:

“On March 19 [2010], the National Assembly's Health and Labor Committee issued a two-month ultimatum for the Ministry of Health to issue birth certificates to Bidoon newborns. On May 18, the Council of Ministers passed a resolution to issue birth certificates to all children of citizens married to Bidoon women. This resolution was based on precedents set in 2009. In March 2009 the Court of First Instance issued a marriage certificate to a Bidoon woman married to a citizen. In April 2009 and again in May 2009, the same court affirmed a Bidoon man's right to receive a marriage certificate and birth certificates for his children. Neither the justice nor health ministry complied with these 2009 court orders or the resolution of the Council of Ministers during the year.” [1f] (Section 2d, Stateless Persons)

Travel documents/Article 17

19.58 The November 2007 paper produced by the FCO reported:

“Travel documents are not issued routinely to bidoon, so many have no means of leaving Kuwait. However, some bidoon were given temporary travel documents under Article 17 of the Kuwaiti Nationality Law which allows the issue of a Kuwaiti travel document to any person deemed to require it. They are often issued to bidoon in government service travelling abroad on official business and their families. According to the Department of Nationality and Travel Documents, Article 17 documents may also be issued to bidoon for medical treatment outside Kuwait (for which the applicant has to provide medical reports from Kuwaiti and overseas hospitals or physicians); for study at university overseas (where accompanied by the university's letter of admission); or, for amendment of a bidoon's legal status in Kuwait (for which they should submit a letter from an embassy in Kuwait acknowledging that he/she holds their nationality).

“Article 17 documents look almost identical to Kuwaiti passports, the key difference being that they do not confer nationality on the holder. They are issued only within Kuwait (ie not at diplomatic missions outside Kuwait) and have to be renewed through the Ministry of Interior.

“According to the Kuwaiti Passport Office all Kuwaiti travel documents, including Article 17, allow re-entry into Kuwait as long as they are within their validity date. But the situation is more complex and fluid than this suggests with some Article 17 documents bearing different endorsements.

“Holders of Article 17 documents applying for visas for travel abroad may seek from the Ministry of Foreign Affairs a letter stating that there is no objection to the applicant leaving Kuwait and that they will be re-admitted on return.” [3b] (p4-5)

19.59 The HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, stated:

“Pursuant to Article 17 of Law No.11 of 1962 concerning passports (the ‘Passports Law’), the Kuwaiti government theoretically issues travel documents in the form of ‘temporary passports’ to Bidun who hold security cards. In practice, however, the Passports Authority currently grants Bidun such temporary passports only to travel for education, medical treatment, or religious pilgrimage. Typically these remain valid only for the trip cited in an individual's application. Nawwaf al-Badr, a Bidun resident and member of the Committee for Kuwaiti Bidun, told Human Rights Watch, ‘Our ‘passport’ is a different color. It is only good for one trip.’” [9h] (p29)

- 19.60 The HRW World Report 2012, noted: “The Bidun cannot freely leave and return to Kuwait. The government issues them temporary passports at its discretion, mostly valid for only one journey.” [9j] (p584)
- 19.61 A Middle East North Africa.Financial Network (MENA.FN) – Arab Times article of February 2010 reported on the cessation of the issuing of Article 17 passport, stating, “Sources say it was found that these passports were being issued without following proper security procedures and without checking with State Security Department, Criminal Evidence Department and Executive Committee for Illegal Residents. The department has cancelled many passports which were issued in this manner, note sources.” [30a] However, the Report of the Working Group on the Universal Periodic Review (UPR), released 16 June 2010, noted that, in response to questions, the Kuwaiti delegation asserted that stateless persons or “illegal residents” had the right “... to be provided with passports for religious, medical or education purposes.” [40a] (p12)
- 19.62 The HRW report, Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, dated June 2011, noted “Bidun who do not hold security cards from the committee cannot receive even temporary passports” [9h] (p30)
- 19.63 The Arab Times article, Mol [Ministry of Interior] Preps Law To Grant Kuwaiti Citizenship To Eligible Bedouns, Dept Denies Stopping Travel Docus Under Article 17, dated 29 December 2011, stated: “...the Al-Shahed daily has reported that the General Department for Passports and Citizenship has refuted rumors that it has stopped the issuance of travel documents under Article 17 to Bedouns. He [Chairperson of the Central System for Remediating the Stateless Residents Saleh Al-Fadalah] said the development has even eased the processes of acquiring passports for Bedouns. He stated priorities are given to those who want to receive medical treatment or education abroad.” [36d]
- 19.64 The USSD Report 2010, stated: “The government restricted the ability of the Bidoon population to travel abroad. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue ‘Article 17’ passports (temporary travel documents that do not confer nationality) for Bidoon.” [1f] (Section 2d, Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)
- 19.65 On 6 March 2012 the Arab Times reported in its article entitled: 2 held as Bedouns use stolen Kuwaiti passports to travel out, that: “Security men have arrested two Bedoun youths who allegedly stole Kuwaiti passports and sold them to other Bedouns who wanted to travel abroad... The youths were arrested while offering to sell a forged passport to an undercover police agent for KD 1,200. The forgers allegedly stole passports from cars and replaced the holder’s photograph with that of the buyer. They admitted to selling 16 forged passports so far.” [36c]

Alien Reporting Cards

- 19.66 Two Immigration and Refugee Board of Canada (IRB) Responses to Information Requests of [June 2003](#) [35b] and [December 2003](#) [35a] provided information on the Alien Reporting Cards, which were issued by the Government of Kuwait until the middle of 2003 when they ceased to renew them. Issuance of the card was a means to obtain correct bidun numbers for the purpose of a population census and it explicitly indicated that it was not a form of identification. The card/document was a plastic, wallet-sized card and divided into three columns with a photograph of the subject in the far left column.

Please note that no more information on Alien Reporting Cards was found at the time this COI Report was written.

2011 demonstrations

- 19.67 In early 2011, unrest in Kuwait over calls for reform, and the situation of the stateless Bidun manifested itself in public protests. HRW reported on 19 February 2011 that:
- “Hundreds of stateless residents of Kuwait took to the streets on February 18, 2011, to demand their rights, with dozens seeking treatment for injuries in local hospitals and dozens more detained by state security, ... According to interviews with Bidun and Kuwaiti human rights activists, authorities arrested at least 120 individuals during Friday’s demonstrations, and approximately 30 people sought treatment for injuries incurred during the demonstrations at a nearby hospital and a clinic. However, Interior Minister Ahmad al-Hamoud al-Sabah told Human Rights Watch that his forces had arrested only 42 people, and that the ministry planned to release some today, while it would release others after investigations into allegations of violence were complete. None of the detainees have been brought before judges.” [9b]
- 19.68 The RI field report entitled Kuwait: Bidoun Nationality Demands Can’t Be Silenced, dated 5 March 2012, (RI Field Report 2012) stated: “Called ‘bidoun’ over the last twelve months thousands have been gathering peacefully in Taima Square to insist that the government recognize their Kuwaiti nationality. Tear gas, rubber bullets, and beatings have all been used to quell the demonstrators.” [18d]
- 19.69 The Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012, (HRW World Report 2012) stated:
- “In February and March 2011 hundreds of Bidun protested the government’s failure to act on their citizenship applications. Security forces used water cannons, tear gas, smoke bombs, and concussion grenades (sound bombs) to break up the demonstrations; they beat some protestors, and detained dozens. Bidun detained during the protests reported beatings and physical abuse in detention. In response to the protests, the government promised benefits, including free health care; free education at private schools that primarily serve Bidun children; birth, marriage, and death certificate; and improved access to jobs. Bidun have confirmed receiving many of these benefits, but continue to cite problems accessing employment and increased difficulty receiving passports.” [9j] (p586)
- 19.70 The HRW World Report 2012 also observed: “In addition to violently dispersing Bidun protests in February and April [2011], authorities repeatedly warned foreign nationals not to participate in public demonstrations and threatened to deport them. In August police officers turned non-Kuwaitis away from protests calling for the expulsion of Syria’s ambassador from the country.” [9j] (p586) Furthermore, the Refugees International field report entitled Kuwait: Bidoun Nationality Demands Can’t Be Silenced, dated 5 March 2012, (RI Field Report 2012) stated: “Kuwait’s government publicly warned activists that participation in demonstrations would result in a permanent security block on their nationality files and possible deportation. But for many of the bidoun RI met, this carrot and stick approach to nationality had lost its force.” [18d] (**The Unfulfilled Promise of Nationality**)

For further information concerning ‘security block’ please refer to [Citizenship laws, census and committees](#) subsection

- 19.71 Furthermore, the Al Arabiya News article entitled Kuwait to deport stateless protesters: report, dated 17 January 2012, observed:

“Kuwait has decided to deport stateless people who took part in protests demanding citizenship which turned violent... The decision was taken at a meeting of the Central Agency for Illegal Residents, which deals with the stateless people known as bidoons, chaired by Interior Minister Sheikh Ahmad al-Humud al-Sabah, al-Anbaa newspaper reported. Other measures included dismissing all bidoons from the army and the police force if they or their children attended the protests, and evicting them from housing provided by the government. The government also decided to confiscate security IDs from any protester bidoons, their only form of identification, and cancel their applications for Kuwaiti nationality.” [57a]

- 19.72 Meanwhile, there has been a recommencing of demonstrations by Bidouns during December 2011, as reported in the RI Field Report 2012, which stated:

“Recommencing in December 2011, thousands of bidoun have gathered peacefully on Fridays to demand that the government take action on their individual applications for nationality. Prior to and during their protests, the bidoun made a concerted effort to counter negative stereotypes about them by donating blood, handing out flowers to the special forces guarding the demonstrations, offering tea and coffee to the police, and cleaning up garbage after the gatherings.

“In response to the gatherings, the Government of Kuwait used tear gas, rubber bullets, sound bombs, beatings, detentions, and trials to quell the bidoun’s peaceful assembly. While these events took place, citizen journalists made videos and took photographs. As a result, many instances of abuse are well documented on Twitter and Facebook, including the beating of a woman. Among the arrested were children, the mentally disabled, and the elderly. One of the arrested bidoun was a man who had lost his child because the Government of Kuwait would not permit the six-year-old to travel to Saudi Arabia for cancer treatment, even though transportation to and from the country, as well as all medical services, had been donated. Several male bidoun who were detained detailed four consistent forms of grave mistreatment: sexual abuse, beatings, solitary confinement, and as many as 32 people being packed into small jail cells. With little room, they took turns standing for long hours and then sleeping on a cement floor.” [18d] (Excessive force used to quell Bidoun protests)

- 19.73 On 15 January 2012 an Agence France-Presse (AFP) article entitled Kuwait govt backs crackdown on stateless protests, reported:

“Kuwait's security forces were right to suppress protesters demanding citizenship rights, the cabinet said Sunday, after recent demonstrations by the so-called ‘stateless’ turned violent. ‘The council of ministers expresses its backing and support for the measures being taken by the interior ministry to ... confront all forms of violence,’ said a statement issued after Kuwait's weekly cabinet meeting. It said that only ‘enemies of Kuwait’ benefit from such chaos and warned that stateless, officially known as illegal residents or bidoons, will not be able to achieve their demands through violence. Demonstrations by stateless people turned violent in the past two days when riot police fired tear gas and used batons to disperse protesters who were demanding citizenship and other basic rights. Dozens were wounded and over 100 arrested, according to the Kuwaiti Bidoons Committee, while the interior ministry said 21 policemen were injured, five of them hospitalised.

“Interior Minister Sheikh Ahmad al-Humoud Al-Sabah charged Sunday that the people who demonstrated are those who know they do not qualify for Kuwaiti citizenship and were being instigated by people outside Kuwait... Sheikh Ahmad told a press conference that the Gulf state has a plan to resolve the bidoons problem over the next five years which includes granting citizenship to deserving candidates. Since March, 526 people have been naturalised and others will be announced soon, the minister said.” [80a]

19.74 The RI Field Report 2012 further observed:

“While RI was in Kuwait in February, 71 members of the bidoun community had already been in jail for more than 40 days due to their participation in demonstrations in December 2011 and January 2012. In late February 2012, the government released 59 individuals. But as of writing, 12 remain in jail. Reportedly the 59 obtained release after a Member of Parliament threatened to file a request for interrogation of the Prime Minister regarding the detention of individuals who participated in the bidoun gatherings, as well as others arrested for their critical comments about the government. RI was told that the Prime Minister avoided the appeal by agreeing to an arrangement in which 59 bidoun would be released from detention along with unrelated individuals arrested for their critical comments about the government. Bond was set at \$1600, which not all the bidoun could afford, so charities and individuals stepped in to help make payments. Within days, the government had arrested three more individuals considered activists and organizers of the gatherings. One of the individuals was arrested at the airport. He had planned to complete the Hajj, a pilgrimage to Mecca.

“In December 2012, a judge dismissed charges against 31 bidoun arrested for peaceful assembly in February 2011 because he said that the bidoun had been ‘gathering’, and the Kuwaiti constitution permits all ‘individuals’ to gather. Legal counsel and human rights groups do not expect that the upcoming trials will result in a similar decision.” [18d] (Excessive force used to quell Bidoun protests)

Government plans for reform

19.75 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated: “In November [2010], the government announced what it called a comprehensive plan to resolve the problems facing the Bidoun community, indicating that many would be accorded Kuwaiti nationality although more than half would not and so would remain stateless.” [8c] (p2)

19.76 The Congressional Research Service paper, Kuwait: Security, Reform, and U.S. Policy, published 7 December 2011, reported: “On October 26, 2010, Prime Minister Nasser said the government would soon implement a plan to resolve the legal and economic status of the bidoons, although the lack of resolution contributed to the March 11, 2011, demonstration... Following that demonstration, the government set up a ‘Central System for Remediating the Status of Illegal Residents,’ with a mandate to resolve the status of the bidoons within five years.” [49a] (p7)

19.77 The Kuwait Times article, Kuwait to reassess bedouins’ security files soon: CSRSIR [Central System for Remediating the Status of Illegal Residents] head, published 25 July 2011, reported:

“The head of the government body established to resolve the problems facing Kuwait's bedoon (stateless) population revealed on Saturday [25 July] that a committee set up to evaluate the security files of all bedoon people will begin its work in the next few days. In a press release issued to announce the move, Saleh Al-Fadhala, the Executive Director of the Central System for Remediating the Status of Illegal Residents (CSRSIR), said that the committee in question ‘was established out of our eagerness to achieve the public interest and uphold state security. In its examination and evaluation of the bedoon people's claims, the committee will rely on ‘clear-cut proof and evidence for the sake of justice and fairness,’ he said, adding, ‘Kuwait's security and safety is a red line that can never be compromised. Al-Fadhala vowed to exercise a zero tolerance policy towards those who offended Kuwait during the brutal Iraqi invasion and occupation of 1990-91, voicing hope that the committee would complete all its work before the end of 2011 ‘in order to close this file once and for all.’” [44g]

- 19.78 The RI paper, Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, dated 17 October 2011, stated:

“A prominent Kuwaiti political scientist advised RI that the Bidoun Committee is seeking a bureaucratic exit from a political problem. Thus, instead of resolving the issue of citizenship for bidoun, they seek to define the problem out of existence. Changing the official term from bidoun to ‘illegal residents,’ or assigning a false nationality, will result in fewer bidoun on paper. But it will not reduce the number of stateless people in Kuwait who suffer a lack of civil rights and nationality.” [18c] (Forced Allocation of Nationality)

- 19.79 Meanwhile, the Arab Times article, Mol Preps Law To Grant Kuwaiti Citizenship To Eligible Bedouns, Dept Denies Stopping Travel Docus Under Article 17, dated 29 December 2011, stated:

“Deputy Prime Minister, Minister of Defense and Minister of Interior Sheikh Ahmad Hmoud Al-Jaber Al-Sabah said ...that the issue of Bedouns (stateless residents) is a personal issue for him, adding that he is about to prepare a law in cooperation with the Central Apparatus for (stateless residents) to grant those eligible the Kuwaiti citizenship. Sheikh Ahmad said in a press statement that the processing of the law comes to finalize this thorny issue which Kuwait will not leave unresolved and will not leave those who do not deserve citizenship or abandon its responsibility towards them. He added that all those who adjust their status would be granted permanent or limited residency according to their legal status.

“He explained that there are four segments that deserve citizenship and there is no dispute about that including relatives of Kuwaiti nationals from the first degree, persons who were included in the census of 1965, sons of divorced Kuwaiti women as well as the segment of military including the army and the police, pointing out that the process of their naturalization were being conducted in accordance with procedures gradually.

“He stated that all segments of stateless residents are currently enjoying a good social status in terms of treatment, education and employment, a matter that is hard to find in the world, even in the most democratic countries.

“He noted that raising the issue through rallies, gatherings, demonstrations and attempts to harm the country and the security services through the rumors and publications on the social networking websites Twitter and Facebook as well as other websites on the Internet will achieve nothing but excitement and questioning the

credibility of the efforts made by the State and the Central Agency for stateless residents in this regard.

“Meanwhile, Chairperson of the Central System for Remediating the Stateless Residents Saleh Al-Fadalah has reaffirmed the statement given by the Minister of Interior Sheikh Ahmad Al-Hmoud on the nationalization of Bedouns, reports Al-Rai daily. The daily added the minister had earlier said efforts are ongoing in line with the roadmap which was adopted earlier to solve the problem of this denomination of people.

“Al-Fadalah added that statement of the minister is in line with a report presented to him by the agency on the numbers of the Bedouns who meet the requirements to obtain the citizenship. He said the final processes to end their issue are near completion. He also said those who do not meet the requirements will be given civil rights for education, healthcare and birth, death and marriage certificates on humanitarian grounds.” [36d]

19.80 More recently the RI Field Report 2012, stated:

“On February 17, 2012, the Government of Kuwait provided a statement assessing its efforts toward eliminating racial discrimination to the Geneva-based United Nations Committee on the Elimination of Racial Discrimination. In its statement, the government asserted that 93,000 individuals had been registered as unlawful residents, and a ‘central body was created to address the needs of unlawful residents, such as free medical care, free education and issuance of birth, death, marriage and divorce certificates, and driver’s licenses.’ Despite recent documentation demonstrating excessive use of force against peaceful demonstrators, the failure to meaningfully implement any government benefits, and no movement on nationality files since 2009, the Country Rapporteur and the Committee considered Kuwait’s progress toward implementing the provisions of the Convention satisfactory. This finding is in direct contradiction to the bidoun experience and by not confronting Kuwaiti government on the actual treatment of the bidoun, the Committee was derelict in its duties.” [18d] (An International Failure of Accountability)

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20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS (LGBT)

LEGAL RIGHTS

Lesbians and gay men

20.01 The United States Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated:

“Homosexuality and cross-dressing are illegal. The law punishes homosexual behaviour between men older than 21 with imprisonment of up of to seven years; those engaging in homosexual activity with men younger than 21 may be imprisoned for as long as 10 years.” [1f] (Section 6) The International Lesbian, Gay, Bisexual, Trans and Intersex Association’s (ILGA) State Sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults, released May 2010, noted these provisions were contained in articles 193 and 192 of the Penal Code, Law No. 16 of 2 June 1960, as amended in 1976. [11a] (p26)

- 20.02 The Human Rights Watch (HRW) World Report 2011, on events in 2010, released 24 January 2011, concurred, “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 the age of 21, with up to seven years imprisonment (10 years, if under 21 years old).” [9d] (Sexual Orientation and Gender Identity)
- 20.03 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:
- “The Committee is concerned about the criminalization of sexual relations between consenting adults of the same sex, and also about the new criminal offense of ‘imitating members of the opposite sex’. It is also concerned about reported acts of violence against lesbian, gay, bisexual and transgender (LGBT) persons, including reports of harassment, arbitrary arrest and detention, abuse, torture, sexual assault and harassment of individuals on the basis of their sexual orientation or gender identity.” [19a] (p6-7)
- 20.04 The UN report made the following recommendations:
- “The State party should decriminalize sexual relations between consenting adults of the same sex, and repeal the offense of imitating the opposite sex, in order to bring its legislation in line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity.” [19a] (p6-7)
- See also [Transgender persons](#) below
- 20.05 ILGA’s May 2010 survey stated female to female sex was legal [11a] (p26) The USSD Report 2010 concurred, noting: “No laws criminalize sexual behaviour between women.” [1f] (Section 6)

Transgender persons

- 20.06 The Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012 (HRW World Report 2012), stated: “In 2007 Kuwait passed an amendment to article 198 of the penal code, which criminalized ‘imitating the appearance of the opposite sex,’ imposing arbitrary restrictions upon individual’s rights to privacy and free expression.” [9j] (p588) The USSD Report 2010 observed: “The law imposes a fine of 1,059 dinars (approximately \$3,700) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public.” [1f] (Section 6)
- 20.07 The Human Rights Watch report entitled They Hunt Us Down for Fun, Discrimination and Police Violence Against Transgender Women in Kuwait (HRW They Hunt Us Down for Fun Report 2012), published January 2012, following a “... two-week field visit to Kuwait city in February 2011 and a follow up visit in December 2011” (p8) also noted:
- “A previously generic public decency law now stipulated that anyone ‘imitating the opposite sex in any way’ would face one year in prison, a 1,000 Kuwaiti dinar fine (approximately US\$3,600), or both. The amendment did not criminalize any specific behaviour or act, but rather physical appearance, the acceptable parameters of which were to be arbitrarily defined by individual police. These provisions have created a sea-

change in the lives of Kuwaiti transgender women. Many have become the most recent victims of abuse by police, who often take advantage of the amendment to article 198 to harass, sexually assault, and arbitrarily arrest them.” [9f] (p1)

- 20.08 In March 2008, the HRW article entitled Kuwait: Halt Dress-Code Crackdown, also reported that “Kuwait allows transgender people neither to change their legal identity to match the gender in which they live, nor to adapt their physical appearance through gender reassignment surgery.” [9a]

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

- 20.09 The Gay Law Net website Laws, Kuwait, undated, accessed 24 February 2012, stated: “In June 2008, in an attempt to 'protect its youth' the Kuwaiti government reportedly was stepping up a campaign to 'rid' the country of gay and transexual citizens.” [61a]

Lesbians and gay men

- 20.10 The GayMiddleEast.com undated Gay Kuwait News webpage contained a short article dated 2 December 2009, which stated, “Police have arrested a 20-year-old Kuwaiti and a Lebanese gay for committing immoral acts inside a car. They were caught in the parking lot of a commercial complex, reports Alam Alyawm daily. The ‘lovers’ were arrested at a late evening hour by police patrol from Hawalli.” [39a]

Transgender persons

- 20.11 The HRW They Hunt Us Down for Fun Report 2012, stated: “The passage of the discriminatory amendment to article 198 criminalizing ‘imitating the opposite sex’ has paved the way for police to arbitrarily detain, torture, and sexually harass and abuse transgender women in Kuwait with impunity. Despite a formal state recognition of Gender Identity Disorder, arrests of transgender women continue unabated.” [9f] (p50)
- 20.12 Following the 2007 amendment to article 198 of the penal code, the HRW World Report 2012 noted: “Police have since arrested scores of transgender women (persons designated male at birth but who identify and present themselves as female) under this law. Human Rights Watch has documented multiple arrests of 33 transgender women, many of whom have reported ill-treatment in detention, torture, sexual harassment, and assault. Victims say they rarely report police abuse due to fear of retaliation and police threats of rearrest.” [9j] (p588) The HRW They Hunt Us Down for Fun Report 2012, observed: “All the women interviewed described some form of police abuse, at times rising to the level of torture, degrading and humiliating treatment, and sexual assault or harassment – although police deny mistreatment.” [9f] (p2)
- 20.13 The USSD Report 2010 remarked:
- “During the year [2010] there were more than a dozen reports of police arresting transgender persons at malls and markets, beating them in custody and shaving their heads, and then generally releasing them without charges. The government did not condone abuse by officials of transgender persons, but it also did not punish the abusers. For example, on December 31 [2010], police arrested two women for allegedly dressing and acting like men, according to the local press; the women were released the next day. In March 2009 Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing. By year's end there were no updates in this case” [1f] (Section 6) The HRW They Hunt Us Down for Fun Report 2012, noted: “... transgender

women – who were previously often seen in malls, coffee shops, and other public spaces, particularly the city’s social center Salmiya – have since 2008 been the main focus of police arrests for allegedly violating the amendment to article 198.” [9f] (p2)

20.14 The same report further observed:

“Among the abuses transgender women report suffering at the hands of police are beatings and physical abuse with fists and cables, verbal taunts, and humiliation that includes forcing them to clean toilets and being paraded naked inside the police station. Sexual harassment is also a common complaint. In some cases transgender women reported that police had blackmailed them for sex, threatening them with arrest if they did not comply, an act that constitutes sexual assault. Several transgender women have told Human Rights Watch that police use the law and vulnerability of transgender individuals as a way to have easy, consequence-free sex.

“Transgender women interviewed said they rarely report the police mistreatment, abuse, and sexual assault they encounter for fear of re-arrest, retaliation, and direct threats by the perpetrators, whether civilian or police. These fears are not unfounded; many transsexuals told Human Rights Watch they were arrested simply for going to the police station to report an unrelated crime.” [9f] (p3)

20.15 As noted further:

“... transgender women reported a host of due process and procedural violations connected to their arrest and detention. Many said that police arrested them even though they had done nothing to ‘imitate’ the opposite sex and forced them to dress in women’s clothes at the police station to justify the charge against them; others said that they faced arrest even when reporting other crimes. Police often detained them well beyond the four day pre-charge detention period permitted by Kuwaiti law, they said, and typically failed to inform their families of their whereabouts or did not allow them to meet with their lawyers.

“Article 198 has not just led to arrests and police abuse, it has permeated every aspect of transgender lives. It does not criminalize any specific behaviour or act, but mere physical appearance, the acceptable parameters of which are arbitrarily defined by individual police. ...

“Even driving around the city can be perilous, with transgender women reporting that they risk police picking them up at numerous checkpoints on main highways and side streets. Indeed, the situation has become so dire that many transgender women said they live under what amounts to self-imposed house arrest to avoid the dangers that police and the broader public pose.” [9f] (p4)

20.16 The same report also observed: “...police have no right to conduct body inspections without permission from the public prosecutor, yet it is common practice for them to force transgender women detainees to strip in front of them to determine, for example, whether they are wearing female underwear or whether they have had breast implants, particularly if they were arrested while wearing male or gender neutral clothing. Such behavior is often accompanied by humiliating sexual harassment.” [9f] (p33)

20.17 For further information which outlines the main findings arising from the evidence gathered and detailed police abuse of transgender women, please refer to the HRW [They Hunt Us Down for Fun Report 2012](#) which can be found via the link [here](#) [9f]

See also [Security forces – Arbitrary arrest and detention](#)

SOCIETAL TREATMENT AND ATTITUDES

- 20.18 The USSD Report 2010, noted: “There were no official NGOs [non-governmental organisations] focused on lesbian, gay, bisexual, or transgender matters, though unofficial ones existed. Societal discrimination based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either.” [1f] (Section 6)
- 20.19 The HRW They Hunt Us Down for Fun Report 2012, on transgender women, observed: “Transgender women have reported that ordinary citizens in public spaces report them to police, encouraged by an unrelenting vilification campaign in Kuwaiti media that portrays them as a destructive force and a threat to the fabric of Kuwaiti society. They also said that hospital doctors have reported them to police after noting the gender on their government issued IDs, which they are required to present, does not match their appearance and presentation – effectively limiting their access to health care.” [9f] (p4)
- 20.20 The same report further asserted: “It is not just police who have taken sexual advantage of transgender women since the passage of the amendment to article 198. Civilians are also aware of the law from arrests reported in the Kuwaiti press, and numerous TV programs that have addressed the issue, usually in a derogatory and vilifying manner. Transgender women told Human Rights Watch that civilian men have taken advantage of the vulnerable position to which the law relegates transgender women: they assume, with reason, that their victims will not report them out of fear of retaliation and because they worry that they will be arrested themselves if they complain.” [9f] (p40)

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21. WOMEN

For information about girls the following information throughout this section should be considered together with material found under [Children](#).

OVERVIEW

- 21.01 The Freedom House (FH) report, Women’s Rights in the Middle East and North Africa 2010, released 2 March 2010 (FH Women’s Rights Report 2010), remarked: “Since the 1960s, Kuwaiti women have enjoyed access to higher education and relative freedom to advocate for improved economic and cultural rights, particularly as compared to women in neighboring countries. Kuwait’s first women’s organizations actively lobbied for the broader involvement of women in the labor market, equal political rights, and greater cultural and educational opportunities. It was the 1990–91 Iraqi occupation of Kuwait, however, that arguably served as a catalyst for the eventual liberalization of women’s political and social rights.” [10b] (p1)
- 21.02 The Heinrich Boll Stiftung Report, Diversity and Female Political Participation: Views on and from the Arab World, Volume 21, published 25 October 2010 (HBS Diversity and Female Political Participation Report 2010), explained:

80 The main text of this COI Report contains the most up to date publicly available information as at 23 March 2012. Further brief information on recent events and reports has been provided in the Latest News section to 25 April 2012.

“The status of women in Kuwaiti society depends on their social background, despite a Personal Status Law that has codified the rights and duties of female Kuwaiti nationals since 1984 ... Gender equality is not a benchmark of this law, since women are attributed the role of mere followers of men ... Mobility and general opportunities may differ considerably. Belonging to a notable family of high reputation, for instance, may lead to much more open access to any social field than being part of a poor tribal community. Kuwait is one of the richest countries of the world, with a rapid economic and demographic development. But with no modernization model of its own, since modernization and democratization are imported models ..., and with a traditional way of thinking, women in Kuwait still need to struggle for gender equality.” [64a] (p100)

- 21.03 The FH report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), stated:

“The 1962 constitution provides men and women with equal rights. Kuwaiti women have the right to vote and run as candidates in parliamentary and local elections. For the first time in Kuwait's history, four women won seats in the 2009 parliamentary elections. Women also comprise more than 60 percent of the student body at several leading Kuwaiti universities. Nevertheless, women face discrimination in several areas of law and society and remain underrepresented in the workforce.” [10a]

- 21.04 The Congressional Research Service paper entitled Kuwait: Security, Reform, and U.S. Policy, published 7 December 2011, also remarked: “... Women in Kuwait can drive, unlike their counterparts in neighboring Saudi Arabia, and there are several non-governmental organizations run by Kuwaiti women, such as the Kuwait Women's Cultural and Social Society, that are dedicated to improving rights for women and to agitating on several different issues unrelated to gender. Still, women are subject to a broad array of discriminatory practices and abuses.” [49a] (p7)

- 21.05 Kuwait's National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 [Universal Periodic Review (UPR)] of February 2010 stated:

“The State of Kuwait takes a close interest in the welfare of women and has given women more rights than duties in recognition of their active role in the maintenance of society and social stability. Women enjoy the same rights as men in many areas of life, without any discrimination, in particular with regard to civil, political and trade union freedoms, the right to education and health care, the right to own property, freedom of expression and freedom of association.” [40b] (p14)

- 21.06 As noted in the undated [Concluding Observations](#) of the 30th Session of the United Nations Committee on the Elimination of Discrimination Against Women (UN CEDAW), following its meetings on 15 and 23 January 2004, Kuwait had acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women in 1994. [13a] (p1) The FH Women's Rights Report 2010, reported, “Kuwait ... [made] reservations on Article 9, paragraph 2 concerning citizenship rights and Article 7 regarding equal voting rights. Reservations were also appended to Article 16, paragraph 1(f), which calls for equal rights on guardianship and the adoption of children, on the grounds that they were incompatible with Shari'a.” [10b] (p6) The undated page on Gender of the United Nations Development Programme's Programme on Governance in the Arab Region (UNDP POGAR), accessed 27 February 2012, noted “Kuwait also refused to accept the authority of the international dispute resolution mechanisms created by the CEDAW.” [7a]

- 21.07 The US Department of State Country Report on Human Rights Practices 2010, Kuwait released 8 April 2011, (USSD Report 2010) noted, “Women have some political rights; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system, and they continued to face discrimination in many social and legal areas. Nevertheless, some women attained prominent positions in government and business. A parliamentary committee for women’s and family affairs exists, and female parliamentarians made up four of its five members.” [1f] (Section 6)
- 21.08 The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated: “Women continued to face discrimination in law and practice. However, the government enacted new legislation to make Kuwaiti women eligible to receive the state social allowance if their husbands do not receive it and to provide for paid maternity leave for women employed by the state.” [8c] (p2)
- 21.09 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:
- “The Committee is ...concerned about persisting stereotypes of the role of women in the family and in society at large. ...The State party should enhance its efforts to eliminate gender stereotypes on the role and responsibilities of men and women in the family and in society, including through the adoption, if necessary, of temporary special measures to further increase the participation of women in public and political life, as well as the private sector.” [19a] (p2)
- See also [Political rights](#)
- 21.10 Kuwait’s national report to the Universal Periodic Review of February 2010 stated, the Women’s Affairs Committee, which was “Established by Cabinet decision No. 634 of 30 June 2002, ... liaises between national bodies such as government institutions and civil society organizations on women’s issues, proposing general and targeted policies on women and also representing women in Arab and international forums.” [40b] (p7)
- 21.11 The Organisation for Economic Co-operation and Development’s Social Institutions & Gender Index (SIGI) 2009 provides a measure of gender discrimination based on five areas of social institutions: family code, physical integrity, son preference, civil liberties and ownership rights. For further information refer to the background paper [here](#). [62a] The index listed 102 non-OECD [Organisation for Economic Cooperation and Development] countries. The SIGI 2009 listed women in Kuwait as subject to a high degree of gender discrimination, rating Kuwait 71st out of the 102 countries ranked. [62b]

LEGAL RIGHTS

- 21.12 The FH Women’s Rights Report 2010 stated:
- “Although Kuwait’s constitution recognizes the principle of equality among its citizens regardless of ‘race, origin, language, or religion,’ it contains no specific protections against gender-based discrimination, and national laws continue to discriminate against women. In a few glaring instances, such as the Social Security Law (No. 22 of 1987) and the Housing Assistance Law (No. 47 of 1993), Kuwait’s laws and policies still treat women as dependents of men rather than individuals with equal rights and responsibilities.” [10b] (p4)

- 21.13 The Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012 (HRW World Report 2012), stated:

“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 citizen ship [sic] after 10 years of marriage. In June 2011 Kuwaiti women were granted the right to sponsor their foreign husbands and children. However, this privilege is not extended to women who were previously naturalized, if they are widowed or divorced.” [9j] (p587-588)

- 21.14 The United Nations High Commissioner for Refugees (UNHCR) Background Note on Gender Equality, Nationality Laws and Statelessness, published 8 March 2012, provides a table showing 26 States subdivided into three categories or colours, with regards to the uneven ability of women to confer nationality on their children. Kuwait has been categorised using a dark orange colour, signifying a state that “... have no, or very limited, exceptions to their rules that do not provide mothers with the right to confer their nationality to their children – these laws create the greatest risk of statelessness.” [71a] (p2) To view the table, please refer to the main report via the link [here](#).

See also [Citizenship and nationality](#)

- 21.15 The FH Women’s Rights Report 2010 noted, “Personal matters, including marriage, divorce, and inheritance, are governed by Shari’a but handled in the state’s court system. For these matters, Sunni and Shiite Muslims have recourse to courts that adhere to their respective schools of Islam. Family law courts value the testimony of a woman as half that of a man, but all other courts consider the testimony of men and women to be equal.” [10b] (p5) The HRW World Report 2012, stated: “Kuwait adjudicates family law and personal status matters for Sunni and Shia Muslims pursuant to interpretations of Islamic law, with no option to seek adjudication pursuant to a civil code. The law in particular discriminates against women in matters of divorce, inheritance, and child custody, granting men privileged status in these matters.” [9j] (p588)

See also [Social and economic rights](#) below

- 21.16 The FH Women’s Rights Report 2010 asserted:

“Kuwait’s penal code is generally nondiscriminatory, although it still permits reduced sentences for men who commit honor killings. In principle, all perpetrators of murder, rape, kidnapping, or violence against women are subject to penalties ranging from lengthy prison sentences to the death penalty. According to Article 153 of the Penal Code (No. 16 of 1960), however, if a husband kills his wife or her illicit partner during an adulterous act, his sentence is capped at three years in prison. The same penalty applies for anyone who, in the heat of the moment, kills his daughter, sister, or mother for their involvement in acts of zina (unlawful sexual relations) carried out before him.” [10b] (p5)

- 21.17 Furthermore, the United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, concurred, and noted “The Committee is concerned that the testimonies of women before the courts have less value than those of men.” [19a] (p3)

See also [Violence against women](#) below

- 21.18 Amnesty International's annual Report 2010 – The State of the World's Human Rights, released 28 May 2010 reported, "In October [2009], the Constitutional Court ruled that the 1962 law requiring a husband's permission for a woman to obtain a passport contravened constitutional provisions guaranteeing personal freedom and gender equality." [8a] (p202) The FH Women's Rights Report 2010 added, "Now all women over 21 years old may obtain a passport without permission from their husbands or guardians. Social norms, rather than law, require Kuwaiti women to notify or, depending on the strictness of their family, get permission from their parents to travel abroad...". [10b] (p8) The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, concurred, and noted a number of "...legislative measures and judicial decisions since 2004, aimed at eliminating discrimination against women", including "The Supreme Court's judgement ruling against the requirement in article 15 of Act No. 11 of 1962 that the husband must agree to the women's request for a passport, thereby enhancing the freedom of movement of women." [19c] (p2)

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Children](#), [Citizenship and nationality](#) and [Employment rights](#)

POLITICAL RIGHTS

- 21.19 The Central Intelligence Agency (CIA) World Factbook (CIA World Factbook), updated 8 February 2012, noted that universal suffrage existed at 21 years of age. [12a] (Government) The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, welcomed the steps taken by the Kuwaiti State party with regards to "The adoption of Act 17 of 2005 giving women the right to vote and to stand for elections, and the following election of women as members of the Parliament in 2009." [19a] (p1)
- 21.20 The same report stated:
- "Despite the progress achieved with respect to the participation of women in political life, the Committee remains concerned about their underrepresentation in legislative and executive bodies, especially about the absence of women as judges. ...The State party should take immediate steps to ensure that the position of judge is effectively accessible to women." [19a] (p2) The USSD Report 2010, noted: "There were no female judges. On April 14 [2010], the Constitutional Court rejected a lawsuit by a female lawyer who claimed that her application for appointment in the public prosecution was unconstitutionally rejected because of her gender." [1f] (Section 6)
- 21.21 Furthermore, the United Nations Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, stated: "The Committee is ...concerned that there are only two women ambassadors in the State party's 82 diplomatic missions abroad." [19c] (p9)
- 21.22 The HRW World Report 2012 stated: "In 2005 Kuwaiti women won the right to vote and to run in elections, and in May 2009 voters elected four women to parliament. However, courts have denied women the right to become public prosecutors and judges." [9j] (p588) The AI Report 2011, noted: "In April [2010], a court banned women from being hired as prosecutors, rejecting a petition by Shrouk Al-Failakawi, a law graduate, against the head of the Supreme Judicial Council, in which she sought appointment as a prosecutor. The case was referred for appeal." [8c] (p2) The Inter-parliamentary Union's

(IPU) Women in national parliaments, ranked Kuwait 116th of 188 countries, as of 30 November 2011. [47b]

21.23 An article on the International Knowledge Network of Women in Politics (iKNOW Politics) website entitled Kuwait: Dashti calls for greater women role in politics, dated 25 April 2011, noted that Rola Dashti, a female Kuwaiti parliamentarian, had called for boosting the role of women in politics. As noted further: “Dashti, in a statement after taking part in a session of the women parliamentarians commission, held on sidelines of the 124th convention of the Inter-Parliamentary Union (IPU), said the participants in the meeting debated several issues related to means of elevating women[’s] political role.” [63a]

21.24 The HBS Diversity and Female Political Participation Report 2010, asserted:

“The history of political participation of women in Kuwait is still very young. Support, endurance, and persistence are needed for further improvement in gender-related matters. However, this cannot be done without broad social support. Based on the series of interviews I [Hoda Salah, lecturer at the Center for Middle Eastern and North African Politics at the Free University of Berlin, Germany] have conducted with various representatives of women’s organizations in April and May 2010, this is one of the biggest challenges advocates of women’s rights face today. They need and have to reach women from all four categories [Elite Women, Urban Women, Newly Urbanized Women, Suburban Women] and convince them to participate in women’s organizations or political and civil society institutions.” [64a] (p102)

For further information on the four categories highlighted above, please refer to the main report via the link [here](#) [64a] (p101) For further background information on the political history of women in Kuwait, please refer to the same report, pages 105-107. [64a]

21.25 In a March 2010 interview for the Arab Reform Bulletin of the Carnegie Endowment for International Peace (CEIP), Dr. Rola Dashti said:

“Within the parliament, we [female MPs] had to learn quickly, figure out the political structure, and get engaged in the important committees. In fact the male members started complaining that ‘you women are taking over the committees,’ because on every major committee – finance, legislation, foreign affairs, health, education – there was at least one woman. And this was when we had only been in parliament two or three weeks. After the recess we became more coordinated and managed to chair two very important permanent committees: education, media, and culture committee; and social affairs, labor, and health committee, which I chair.” [15a]

The performance of women during the February 2012 parliamentary elections

To give the reader a broader understanding concerning the February 2012 elections, please read the following section in conjunction with [Recent developments – Political developments](#), and [Political affiliation – February 2012 parliamentary elections](#).

21.26 With regards to the forthcoming February 2012 parliamentary elections, the Muslim Observer noted in its article entitled Stomping Out Vote Buying in Kuwait, dated 9 January 2012, that, “This year also shows more women participating in the democratic process with an estimated 29 female candidates vying for one of the 50 seats in parliament.” [65a] However, the Huffington Post article entitled Kuwait sticks with PM, no

women in new Cabinet, dated 14 February 2012, observed: “The new Cabinet ...has no women. It's the first time since 2005 that women are absent from Kuwait's top political affairs. No women were elected to the new parliament, which had four female lawmakers in the last assembly.” [66a]

- 21.27 The Al Arabiya News website in their article entitled Why did Kuwait women fare so poorly in the elections?, dated 3 February 2012, noted:

“The big buzz around Kuwait's electoral results centers [sic] on women candidates not being able to secure one seat in snap elections held on Thursday [2 February 2012]. Kuwaiti women, ...have expressed disappointment at the complete absence of women in the new government. ... Unlike the 2009 election on which Islamist[s] lost some ground giving some venues for liberals and women, the Kuwaiti Islamist-led opposition won a landslide majority in Thursday's snap polls by securing 34 seats in the 50-member parliament, officials results released on Friday showed. Ahmed who cast her doubt on the future of women rights in the conservative country and feared backtracking on whatever gains have been made, nevertheless said that ‘elections results must be respected.’ The activist who said that women voted mainly for the Islamists in these elections, believes Kuwaiti women are more of an effective electoral force as they outnumber men. Rasheed, however, believes the results are a result of Islamists being far more organized in electioneering whereas some ‘liberal’ minded Kuwaitis were on leave for holidays.” [57b]

- 21.28 The Kuwait Times article entitled Kuwaiti society still ‘male dominated’ – Women's society holds symposium, undated, circa February 2012, reported that during the symposium held by the Women's Cultural Society to discuss the lack of women in the new parliament:

“Dr Rana Abdulrazzaq expressed her disappointment at not having even one women candidate pass the elections. ‘If we compare the performance of male MPs and female MPs, the women were much more productive. They were attending committees in Parliament, they proposed law drafts, their dialogue was more polite, and they carried out many projects. Women MPs participated in passing a law in favor of women, especially the housing care law,’ she stated.

“She spoke about the reasons that women failed from her point of view. ‘Although some female candidates were competing with male candidates and achieved a good number of votes, none of them passed. This is due to the general atmosphere of the elections. Women candidates did not participate in the tribal or sect coalitions. They did not use impolite dialogue and shouting like the men did. We witnessed some new young candidates who won, and this was due to their coalition with the Salafi faction,’ added Dr Rana.

“Ibraheem Al-Mulaifi said any analysis after resolving Parliament is not accurate. ‘We need psychological analyses more than election analyses in this issue. The change is not only in Parliament but in the Government as well, as there are no women ministers. At the end, their failure was the choice of the people and we respect the opinion of voters who have chosen their candidates,’ he said.

“He agreed with Dr Rana that the women MPs were more productive and attended more sessions in the last Parliament. ‘Women participated in political life even before getting their political rights. Masouma Al-Mubarak, for instance, was a minister in 2003, and Nouria Al-Subeih was a minister as well. I think there is a general ignorance of the

issue of women in the community. I wonder where are those who were defending women's rights. I advise women to go to protest at Determination Square as they have no place in Parliament with the complete absence of women MPs,' Al-Mulaifi added.

"Dr Khadeeja Al-Mahmeed insisted that Kuwaiti society is still a male dominated society. 'I see the main reason for the failure of women in this Parliament as the male culture. The way is still long for us women, as the community still preserves old social traditions which prefer and empower men. I think that this is an experience and woman here should not stand. She should be optimistic,' she stated." [44j]

See also [Political system](#), [Judiciary](#)

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SOCIAL AND ECONOMIC RIGHTS

Education and employment

21.29 The FH Women's Rights Report 2010 stated, "Women in Kuwait enjoy high literacy and employment rates, and their enrollment in postsecondary education and participation in the workforce have increased over the past decade. The government has invested efforts to create more employment opportunities for all Kuwaitis, men and women; however, the results have been mixed." [10b] (p12) The United Nations Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, stated:

"While noting the increased number of girls and women enrolled in universities, especially in studies of medicine and engineering, the Committee expresses its concern at the instructions of the Ministry of Education preventing married students from continuing studies in day schools while permitting their registration in evening schools, despite much higher drop-out rates in evening schools. The Committee notes with concern the segregation of students based on sex in public secondary schools and universities pursuant to Act No. 24 of 1996, and the employment of only same-gender educational and administrative staff in the public schools, which may perpetuate discriminatory stereotypes. It is also concerned about the lack of clarity as to whether education on sexual and reproductive health and rights forms part of public school curricula." [19c] (p9)

21.30 The Kuwaiti delegation in the June 2010 UN HRC report on the UPR reported, "In order to ensure education for all, Kuwait had taken steps to ... promote the education of women, including study abroad. At present, the percentage of women in education was 52 per cent." [40a] (p7) Additionally, the Kuwait national report to the UPR of February 2010 mentioned that "Training courses and workshops are held to develop women's talents and build their capacity to earn their own living, which they are then encouraged to do." [40b] (p15)

21.31 The USSD Report 2010, noted, "The law requires that classes at all universities be segregated by gender. Public universities enforced this law more rigorously than private universities." [1f] (Section 6)

21.32 The USSD Report 2010, stated:

“The law provides for a woman to receive ‘remuneration equal to that of a man provided she does the same work’; however, it prohibits women from working in ‘dangerous industries’ and in trades ‘harmful’ to health. ... Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. Women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of college graduates.” [1f] (Section 6) The same report also remarked, “In July [2010] female police officers began working in public, including on patrols at malls and providing airport and VIP security. Female police officers, the first of whom graduated from the police academy in 2009, were previously restricted to deskwork and training new cadets.” [1f] (Section 6)

21.33 The FH Women’s Rights Report 2010 stated:

“Kuwaiti women may enter freely into business and financial contracts and activities at all levels without the permission of a male family member. All Kuwaitis over 21 years of age may conduct any commercial activity in Kuwait provided that they are not affected by a personal legal restriction, such as a criminal record. In recent years, women have been increasingly willing to start their own businesses and gain economic independence.” [10b] (p13)

21.34 The same report also noted, “Kuwaiti women enjoy relatively uninhibited freedom of movement and may travel abroad without a muharam (male relative). Many companies send their female employees abroad for business trips or conferences, and it is uncommon for women to face problems in their employment due to gender-related travel restrictions.” [10b] (p8)

See also [Children](#) and [Employment rights](#)

Marriage, divorce, child custody, inheritance and independence

21.35 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, stated:

“The Committee notes with concern the continued application of the discriminatory provisions contained in the State party’s Personal Status Act, in particular the permissibility of polygamy, the prohibition for Muslim women to marry non-Muslim men, the requirement of consent of walis (guardians) for the marriage of Sunni women, the restrictions on women’s right to divorce, and the inheritance rights of Sunni women, who, unlike Shia women, must share their deceased husband’s property with his male relatives.” [19c] (p12)

21.36 With regards to custodial and guardianship rights, the same report further observed:

“The Committee expresses its deep concern that article 110 of the State party’s Civil Code and article 209 of the Personal Status Act still vest the guardianship over a minor child to a father and other male relatives, while mothers can serve as guardians only when authorized through a court decision. Thus, mothers continue to be prevented from taking decisions and representing their children before official bodies, in particular with regard to registering their children in and transferring them to schools, which require a power of attorney from the father even if the mother has been appointed a guardian by the court.” [19c] (p12)

21.37 The FH Women's Rights Report 2010 remarked:

"Depending on their sect, Muslim women are affected by one of two sets of active family laws in Kuwait. Personal life for Sunnis is regulated by the Personal Status Law (No. 51 of 1984), based on the Maliki school of Sunni Islam, while Shiite family law is based on the Jaafari school of interpretation. The treatment of women differs slightly under the two schools, particularly in areas of marriage, child custody, and inheritance. For instance, Sunni family law is more restrictive toward women's marital rights, while Shiite family law is more restrictive toward women's custody rights." [10b] (p8)

21.38 The FH Women's Rights Report 2010 also noted:

"Sexual relations outside marriage are considered moral crimes, and those engaging in such activities run the risk of arrest, imprisonment, and deportation. ... Under Article 194 of the penal code, consensual sexual relationships between adults who are not married to each other are punishable by up to three years' imprisonment. Article 195 mandates an even harsher punishment for adultery: any married person who has consensual sexual relations with a person other than his or her spouse can be punished by up to five years' imprisonment." [10b] (p6)

21.39 On marriage, the FH Women's Rights Report 2010 stated, "Women have unequal marriage rights under Kuwaiti law. A husband is allowed to have more than one wife under both Sunni and Shiite family law without the permission or even the knowledge of his first wife. A wife may not petition for divorce on the grounds that her husband has taken another wife. However, the personal status law bars the husband from bringing his second wife to live with the first unless the first wife agrees." [10b] (p8) Further:

"Women do not have the legal right to choose their future marital partners freely and independently. By law, a Sunni woman cannot conclude a marriage contract without the presence and consent of her wali (marriage guardian). The wali is usually the woman's father or, in his absence, her brother, uncle, or other close male relative. The presence of the wali is required even in the case of divorcees, widows, and women who have reached the age of maturity, which is 25 years in Kuwait. Under Shiite family law, the participation of the guardian is not required; a woman who has reached the legal age for marriage may marry whomever she wishes, and the validity of the contract is not dependent on the presence of the guardian.

"A woman may refuse to marry altogether and remain single, but the social burden placed on aging single women is so high that most women prefer an unhappy marriage to the stigma associated with being a spinster. If a wali has refused the choice of husband of a woman over the age of 25, Sunni family law grants her the right to petition the family court to act as a surrogate wali. Regardless, she may not be forced into a marriage and must always agree with the final decision. Some women opt to marry outside Kuwait to circumvent the marriage restrictions, but these marriages are not legally recognized within the country, and the head of the bride's family has the right to ask the court to annul the marriage. ...

"Within the urban community, it is rare for girls to be married at an early age or forced into marriage. However, arranged marriages between families of similar social standing are still the norm." [10b] (p10)

21.40 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned that the minimum age for marriage is too low and that it differentiates on the basis of sex. The Committee is also concerned that the State party does not take active measures to prevent early marriages that are practiced by some parts of the population. ...The State party should eliminate discrimination on the basis of sex in the minimum age of marriage. It should also ensure that the minimum age complies with international standards and should adopt active measures preventing early marriage of girls.” [19a] (p3)

21.41 The same report noted:

“The Committee is concerned that the rights of women are affected by discriminatory provisions that are maintained in the current legislation. In particular, the Committee recalls its view that polygamy violates the dignity of women, ...and constitutes a violation of article 3 of the Covenant. ...The State party should undertake a comprehensive review of existing laws to repeal all discriminatory provisions that affect gender equality. The State party should engage in official and systematic awareness raising campaigns in order to eradicate polygamy, which is a form of discrimination against women.” [19a] (p3)

21.42 The USSD Report 2010 reported, “A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard as to what constitutes injury. In addition, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury.” [1f] (Section 6)

21.43 The FH Women’s Rights Report 2010 expanded on the issue of divorce, stating:

“Kuwaiti women are provided with some protection against arbitrary divorce and mistreatment. A woman may receive financial compensation equal to one year of maintenance if her husband divorces her without her consent, but implementation of court verdicts is often irregular. A woman has the right to seek a divorce if her husband fails to maintain her financially. ... She also has the right to seek a separation from her husband on the grounds of darar (physical or moral injury) or if he has deserted her, including if the husband is sentenced to a term of imprisonment. In such cases, however, proof of injury is required, which is often difficult to obtain because women are reluctant to file complaints with the police and do not report causes of injury to doctors. Unsupportive and untrained police and doctors who examine abuse cases also hinder the gathering of evidence.” [10b] (p8-9)

21.44 The FH Women’s Rights Report 2010 remarked:

“Under the personal status law, a divorced woman retains custody of her children until her sons reach 15 years of age and her daughters are married. Shiite family law, however, grants a divorced mother custody of her daughter until the age of nine and the son until the age of two. Child support benefits offered by the state are allocated solely to men, even when a woman is awarded custody rights. In both schools of Islam, the mother forfeits her right to custody if she remarries.” [10b] (p8)

21.45 The USSD Report 2010, observed: “Inheritance is also governed by Sharia, which varies according to the school of Islamic jurisprudence that different populations in the country follow. In the absence of a direct male heir, a Shia woman may inherit all property, while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.” [1f] (Section 6) Additionally, the FH Women’s Rights Report 2010 highlighted that, “... while Sunni family law allows women

to inherit a physical piece of property, under Shiite law a woman can inherit only the value of the property.” [10b] (p8) Elsewhere, the same report remarked that the unequal share “... reflects the Shari’a requirement that, while a woman may use her inheritance for her sole benefit, a male beneficiary must use his inheritance to support all the dependent female members of his family.” [10b] (p12)

- 21.46 Kuwait’s national report to the UPR of February 2010 stated, “Social assistance is offered to women who are unable to work or do not have access to work, together with those whose income is too small to ensure a decent living. The categories entitled to social assistance include a large cross section of women, such as divorcees, widows, unmarried women and Kuwaiti women married to foreigners, where the husband is the dependent spouse.” [40b] (p15)
- 21.47 The FH Women’s Rights Report 2010 noted, “Social norms, rather than law, require Kuwaiti women to notify or, depending on the strictness of their family, get permission from their parents to travel abroad or visit friends at night. Police generally do not arrest and return a woman to her family if she is found to be traveling alone.” [10b] (p8) The same report also remarked that “Kuwaiti women are entitled to own and have full and independent use of their land, property, income, and assets. ...” [10b] (p12)
- 21.48 Nevertheless, the FH Women’s Rights Report 2010 noted:

“Women are legally permitted to own their own housing, but unmarried men and women customarily live with their parents regardless of their age. Although the practice is not promoted by the government, landlords often choose to refuse to rent to Kuwaiti women without proof that they are married. No such restrictions are applied to single foreign-born female residents of Kuwait.

“Housing is a serious problem for Kuwaiti women, particularly divorced women from low-income groups. The Housing Assistance Law (No. 47 of 1993) is structured around the traditional notion of a family headed by men and excludes women and unmarried men from the right to apply for government-subsidized housing. ...

“The state does not provide for, or acknowledge, female-headed households as the main recipients of welfare benefits. The effects of this policy are exacerbated by the fact that there are no immediate penalties for men who do not financially support children in the custody of their divorced wives, even though such support is required by law. Low-income widows and divorced women with dependent children are entitled to monthly income supplements and rent subsidies, but only if they provide evidence that they have no one to support them and are unemployed.” [10b] (p20-21)

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Children](#) and [Employment rights](#)

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Health and reproductive rights

- 21.49 The FH Women’s Rights Report 2010 stated, “Women have full and equal access to health care. Health care services at government-run clinics and hospitals are generally provided free of charge or at a low cost for all residents of Kuwait, including noncitizens. ... Although there are no reliable data available, women seem to be protected from

harmful gender-based traditional practices such as virginity tests and female genital mutilation.” [10b] (p20)

21.50 The USSD Report 2010, remarked:

“There were no reports of interference in the right to decide freely and responsibly the number, spacing, and timing of children, matters subject to agreement between husband and wife. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth were freely available. There was no formal family planning program; oral contraceptives were available over the counter. Women had ready access to essential obstetric and postpartum care” [1f] (Section 6) The FH Women’s Rights Report 2010 concurred, “Women are generally free to make independent decisions about their health and reproductive rights, although limitations to this right exist regarding abortion. Contraceptives are readily available and affordable through government health services, and private pharmacies offer birth-control pills without a prescription.” [10b] (p19)

21.51 On abortion, the same report noted:

“Abortion is legal only if the pregnancy constitutes a serious threat to the health of the mother or if the child would be born with grave, unexpected, and incurable physical or mental defects. Ministerial Decree (No. 55 of 1984) places strict procedural requirements on such abortions, including prior approval by the woman’s husband or guardian. Even when permitted by law, doctors are reluctant to carry out the procedure due to the stiff penalties associated with abortion. Any woman who deliberately kills her newborn child to avoid dishonor, as well as any person who supplies a pregnant woman with drugs or other harmful substances, with or without her consent, may be sentenced to up to 10 years in prison.” [10b] (p20)

21.52 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, stated:

“... the Committee expresses its concern at the lack of a policy requiring medical personnel to monitor and report cases of domestic violence against women and the continued practice of seeking a male guardian’s consent to medical treatment of a woman. ... The Committee is particularly concerned about reports relating to several incidents of involuntary psychiatric hospitalization of women for social misbehaviour or breaking societal norms. The absence of clarity about the medical standard establishing grounds for abortion in the cases of rape and incest is yet another source of concern.” [19c] (p10)

See also [Violence against women](#) below

See also [Foreign nationals and non-nationals resident in Kuwait](#) and [Medical issues](#)

VIOLENCE AGAINST WOMEN

21.53 The HRW World Report 2012, observed: “Kuwait has no laws prohibiting domestic violence, sexual harassment, or marital rape.” [9j] (p588) In the June 2010 UN HRC report on the UPR, “The [Kuwaiti] delegation stressed that the penal code included sanctions against any kind of physical violence as well as sexual violence against women.” [40a] (p13)

21.54 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The State party should criminalize acts of domestic and sexual violence, including marital rape. It should also create a data base to gather comprehensive information on reported cases of domestic and sexual violence, their criminal investigation and prosecution, the sentences imposed on perpetrators, and the remedies granted to victims.” [19a] (p4) The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, stated:

“The Committee reiterates its concern about the lack of available data regarding the number of reported cases of domestic and sexual violence against women, criminal investigations, prosecutions and punishments thereof and the remedies, including compensation, provided to victims since 2005, disaggregated by sex, age, nationality and relationship between victim and perpetrator. It is also concerned about the absence of provisions in the Penal Code criminalizing all forms of domestic and sexual violence against women in the family or workplace. The Committee notes with concern the State party’s information that under article 186 of the Criminal Code, a sexual offence by a husband is considered a criminal offence only when he commits an ‘unnatural act’.” [19c] (p7)

21.55 The HRW World Report 2011, stated, “No government data exists on the prevalence of violence against women in Kuwait, although local media regularly report incidents of violence.” [9d] The SIGI Gender Equality and Social Institution in Kuwait, undated, accessed 27 February 2012, noted:

“Lack of data makes it difficult to estimate the prevalence of violence against women in Kuwait. There are no laws that explicitly address domestic violence or sexual harassment in the workplace. Victims of domestic violence rarely report incidents and there is little assistance or protection for those that do. So-called honour-killings do occur in Kuwait. Some critics argue that the law, at least to some extent, justifies these crimes by allowing for lower penalties when they are committed in rage as a response to the victim having committed an unlawful act (such as adultery). Female genital mutilation is not practised in Kuwait. However, there is evidence to suggest that Kuwait is a country of concern in relation to missing women.” [62c]

21.56 The USSD Report 2010, noted, “Violence against women continued to be a problem.” [1f] (Section 6) The FH Women’s Rights Report 2010 remarked, “Data and research on domestic violence in Kuwait continues to be sparse, making it difficult to assess the severity of the problem. No known NGO [non-governmental organisation] or government office works efficiently to collect such statistics. This scarcity of information is partly due to the societal belief that domestic violence is a family affair.” [10b] (p11)

21.57 The USSD Report 2010, stated:

“The law does not specifically prohibit domestic violence; cases are tried instead as assault, and a victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. On March 21 [2010], the MOSAL [Ministry of Social Affairs and Labor] released the results of an interministerial study of domestic violence, drawn from a sample of 1,569 families. The study defined the phenomenon as physical, material, psychological, and sexual violence and found the causes to be divorce, continued disputes between the couples, deviation, infidelity, and psychological problems. One-third of the families reported that they had experienced domestic violence.

“Each of the country’s 83 police stations reportedly received weekly complaints of domestic abuse. However, poor incentive to report abuse resulted from the strong social stigma associated with publicly acknowledging such problems. Even with documented evidence of the abuse – such as eyewitness accounts, hospital reports, and social worker testimony – police officials rarely arrested perpetrators of domestic violence. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year. ...

“Although courts found husbands guilty of spousal abuse in previous years, most domestic abuse cases were not reported, especially outside the capital, and individuals reportedly bribed police officials to ignore domestic abuse charges. Abusive husbands, if convicted, rarely faced severe penalties.” [1f] (Section 6)

- 21.58 The Kuwait Times article entitled One in three women in Kuwait’ a domestic violence victim, dated 5 July 2011, noted:

“Whilst no solid data is available, the Ministry of Justice revealed back in January this year that over one-third of Kuwaiti women suffer domestic abuse. The information was collected from couples who had attended counseling. This data only represents those who have tried to improve their marriages, however, whether domestic violence was involved or not. This means that the sections of society which remain totally silent on the subject aren't represented, so the number of women suffering in silence can't even be approximated.” [44a]

- 21.59 However, the USSD Report 2010 with regards to domestic violence, noted that, “... 17 percent of women reported that they had experienced it, compared to 42 percent of men.” [1f] (Section 6)

See also [Foreign nationals and non-nationals resident in Kuwait](#) and [Trafficking](#)

Rape and other sexual crimes, including harassment

- 21.60 The USSD Report 2010, stated:

“Rape carries a maximum penalty of death, which the country occasionally imposed for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. Police occasionally arrested alleged rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively to protect noncitizen women. According to foreign diplomatic sources, victims reported that the majority of police stations and hospitals handled their cases in a professional way.” [1f] (Section 6)

- 21.61 The FH Women’s Rights Report 2010 remarked:

“... gender-based violence such as rape and sexual assault that occurs outside the home tends to receive more scrutiny from the police and the press than incidents of domestic violence. Anyone found guilty of sexual violence may face a prison sentence or the death penalty, depending on the severity of the case. There have been reports of physical abuse of female detainees in police custody, but no monitoring mechanism is in place to record such violations systematically.” [10b] (p11)

See also [Security forces](#)

21.62 The USSD Report 2010, noted:

“There is no specific law that addresses sexual harassment; however, the law criminalizes ‘encroachment on honor,’ which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year, the government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem.” [1f] (Section 6)

‘Honour’ crimes

21.63 The USSD Report 2010, stated:

“Honor crimes, according to the penal code, are penalized as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the ‘act of adultery’ and immediately kills her and/or the man with whom she is committing adultery faces a maximum punishment of three years’ imprisonment and a 225 dinars (approximately \$800) fine, slightly less than a month’s earnings at the public sector minimum wage.” [1f] (Section 6) Furthermore, the UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, also stated: “The Committee is also concerned about the so-called ‘honour crimes’ and the extremely lenient penalties those acts attract under article 153 of the Criminal Code. Under that article, men suspected of murder for adultery can face a penalty of up to three years in prison or a fine of up to 3,000 rupees, as compared to women, who can receive a life sentence.” [19c] (p7)

21.64 The FH Women’s Rights Report 2010 stated, “Honor killings in Kuwait are rare, and in the past five years only one was reported: the murder of a young woman by her brothers in 2006. More recently, a young girl was given police protection after reporting that her family intended to kill her over an affair with an unrelated man in 2008. The male members of her family were arrested, detained for questioning, and later released on bail.” [10b] (p5-6) The USSD Report 2010, noted, “There were no reported cases of honor crimes in recent years.” [1f] (Section 6)

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ASSISTANCE AVAILABLE

21.65 The Kuwaiti delegation in the June 2010 UN HRC report on the UPR noted that, “To protect women from domestic violence, a number of administrations had been put in place, including the social police authority, the family counselling authority, the domestic violence center and the minors’ protection authority.” [40a] (p10) The USSD Report 2010 stated, “There were no shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year [2010].” [1f] (Section 6) The FH Women’s Rights Report 2010 remarked, “Fear and shame often discourage victims of abuse from filing complaints with the police, and little effort has gone into providing assistance or protection to such victims. There are no laws against domestic violence, nor are there any shelters, support centers, or free legal services to aid female victims.” [10b] (p11)

21.66 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, observed: “The Committee is ...concerned that no shelters are available for married women victims of violence and that the Care Centres attached to the Ministry of Social Affairs and Labor refuse to accommodate girls under 18 subjected to family violence.” [19c] (p7)

21.67 The same report also noted that “... according to Kuwaiti legislation, the court is obliged to provide lawyers only to the accused, but not to the victims of criminal acts.” [19c] (p7)

See also [Judiciary](#)

21.68 An Arab Times article dated 26 January 2012 highlighted a workshop held by the UNHCR, entitled Gender Based Violence and Violence Against Women: “The one day workshop which was attended by civil society groups and a section of the diplomatic corps in Kuwait was held under the auspices of the Kuwait Interior Ministry and the UNHCR.” [36e] The article continued:

“In an address read on behalf of the Interior Minister Sheikh Jaber Khaled Al-Sabah, Sheikh Al-Nawaf welcomed all guests to the event in Kuwait, saying that protecting the woman in every society amounts to protecting the family and the very foundation of society and its human resource base.

“Kuwait has established competent institutions to take care of the rights of women and the family unit as a whole as enshrined in the religious, cultural and ethical heritage of the state. Our commitment to participate in events of this nature in collaboration with the UNHCR dates back to the signing of the 1996 Humanitarian Cooperation Agreement between the State of Kuwait and the UNHCR aimed at solving social and humanitarian issues in Kuwait. Since the signing of the agreement, issues have been dealt with through the collaboration of both parties. The Ministry of Interior in response to the phenomenon of gender violence and violence against women, has established a specialized police department (Societal Police Department) affiliated to the Public Security Sector which deals with issues of family violence and harmful social norms. ...’

“He [Sheikh Al-Nawaf] however added that for the fight against domestic violence to succeed, the cooperation of all at every level of society is needed. Head of the UNHCR office in Kuwait on his part expressed his gratitude to the Amir of Kuwait, General Al-Nawaf as well as the Ministry of Interior for their cooperation in organizing the workshop. He was also full of praise for the government of Kuwait for the strategic partnership in existence between the government and UN institutions. He also indicated that the phenomenon of violence against women is on the rise in many societies and therefore has to be given priority in terms of training. He said if violence against women is not checked, it could spread to the whole society. ...

“In an answer to a question regarding the relevance of the workshop to the UNHCR, Hamdi Bukhari while expressing his gratitude to the Ministry of Interior for always being in the frontline and ready to help organize an event of this nature to highlight awareness on gender issues in Kuwait, indicated that the issue of violence against women is a major concern for the UNHCR part of whose mandate includes the protection of vulnerable groups in society.

“Bukhari conceded, however that all issues cannot be covered at the one day event but that frank and open discussions would be held on all issues raised for future solutions to be found to them.” [36e]

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22. CHILDREN

OVERVIEW

22.01 The United States Department of State Country Reports on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, “The government is generally committed to the rights and welfare of citizen children, although noncitizen children received less support and attention.” [1f] (Section 6) Kuwait is a signatory to the United Nations (UN) Convention on the Rights of the Child (CRC), and the Optional Protocols on the sale of children, child prostitution and child pornography, and the involvement of children in armed conflict. (UN Treaty Database, accessed 6 March 2012) [43a]

See also [Foreign nationals and non-nationals resident in Kuwait](#) and [Trafficking](#)

22.02 The United Nations Children’s Fund’s (UNICEF) ‘At a glance: Kuwait’, accessed on 12 March 2012, provided the following statistics:

“Population (thousands), 2010, under 18:	838
Population (thousands), 2010, under 5:	281
% of population urbanized, 2010:	98
Life expectancy at birth (years), 2010:	74
Annual no. of births (thousands), 2010:	49
Annual no. of under-5 deaths (thousands), 2010	1” [46b]

Basic legal information

22.03 The Freedom House report, Women’s Rights in the Middle East and North Africa 2010, released 3 March 2010, stated “The minimum legal age for marriage is 15 for girls and 17 for boys. Within the urban community, it is rare for girls to be married at an early age or forced into marriage. However, arranged marriages between families of similar social standing are still the norm.” [10b] (p10) The USSD Report 2010 also noted that “The legal marriage age is 17 for men and 15 for women, but younger girls continued to marry earlier in some tribal groups. The Ministry of Justice estimated that underage marriages constituted 2 to 3 percent of total marriages.” [1f] (Section 6) The Freedom House women’s rights report 2010, when discussing the concept of the wali (marriage guardian) of female Kuwaitis, noted that the age of maturity in this respect was 25 years. [10b] (p10)

22.04 The United Nations Development Programme’s (UNDP) undated web page, ‘Kuwait at a Glance’, stated that the age of majority, when male and female Kuwaitis were able to vote, was 21 years of age. [7c] The USSD Report 2009, published 11 March 2010, noted, “Although not sanctioned by law, MOI [Ministry of Interior] regulations mandate that all persons younger than 21 obtain permission from their father or another male relative to receive a passport and travel abroad ...” [1b] (Section 2d) The USSD Report 2010, stated that the minimum legal age for employment was 18 years, although there were exceptions, as outlined in the [Legal rights](#) subsection below. [1f] (Section 7d) The United Nations (UN) Committee on the Rights of the Child recorded that the Kuwaiti

Army Act barred persons under the age of 18 from participating in hostilities, as outlined in the [Violence against children](#) subsection below. [45d] (p3)

See also [Political system](#), [Military service](#), [Women](#) and [Employment rights](#)

Documentation

22.05 The USSD Report 2010 stated that "...the government ...made it difficult for Bidoon to obtain official documents necessary for employment or travel, such as birth certificates, civil identification cards, driver licenses, and marriage certificates." [1f] (Section 2d) The same report noted: "On March 19 [2010] the National Assembly's Health and Labor Committee issued a two-month ultimatum for the Ministry of Health to issue birth certificates to Bidoon newborns. On May 18 [2010], the Council of Ministers passed a resolution to issue birth certificates to all children of citizens married to Bidoon women. This resolution was based on precedents set in 2009." [1f] (Section 2d)

See also [Foreign nationals and non-nationals resident in Kuwait](#) and [Citizenship and nationality](#)

LEGAL RIGHTS

22.06 A report commissioned by Save the Children, Sweden, published August 2011 and called Children's Rights Situation Analysis Middle East and North Africa – Kuwait (Save The Children Report 2011) stated: "The United Nations (UN) Convention on the Rights of the Child (Convention) was signed by Kuwait on 7 June 1990, and ratified on 21 October 1991." [70a] (p120)

22.07 The National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 [Universal Periodic Review (UPR)], published 22 February 2010, reported on the existence of the Public Authority for Minors' Affairs, stating, "This is an independent institution with legal personality which was established by Act No. 67 of 1983. By virtue of its functions, it represents a unique and groundbreaking experiment on the global stage. It acts as a trustee for minors and wards without a testamentary tutor or a legal guardian and for children who lack capacity or are orphans, protecting their assets and safeguarding and developing their property." [40b] (p8) The report also noted that Kuwait is a signatory of:

- "● The International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138)
- "● The ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)" [40b] (p16)

22.08 Upon ratification of the UN CRC, Kuwait made the following declaration on article 7, "The State of Kuwait understands the concepts of this article to signify the right of the child who was born in Kuwait and whose parents are unknown (parentless) to be granted the Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws." (UN Treaty Database, accessed 9 March 2011) [43a] The USSD Report 2010 noted, "The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants." [1f] (Section 6)

See also [Foreign nationals and non-nationals resident in Kuwait](#) and [Citizenship and nationality](#)

- 22.09 Upon ratification of the UN CRC, Kuwait also submitted the following declaration regarding Article 21, “The State of Kuwait, as it adheres to the provisions of the Islamic shariah as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption.” (UN Treaty Collection: Convention on the Rights of the Child, status as at 21 December 2009) [43a]
- 22.10 Nevertheless, the Kuwait national report to the Universal Periodic Review of February 2010 stated:
- “Provision is made for children of unknown parentage and orphans in a similar situation through encouraging ordinary families to care for these children, in order to ensure their psychosocial stability and to integrate them into the community. In this regard, under Decree Law No. 82 of 1977, concerning family care, such families are entitled to additional financial assistance to enable them to meet the needs of children in their care and to set aside money each month for these children so as to allow them to shoulder the burdens of life more easily once they become independent.” [40b] (p16)
- 22.11 The USSD Report 2010 noted, “The law prohibits child labor, and the government made efforts to enforce the law effectively. There were credible reports of underage workers, almost entirely concerning domestic servants of South Asian origin.” [1f] (Section 6d) Further, “The legal minimum age for employment is 18; however, employers may obtain permits from the ministry to employ juveniles between the ages of 15 and 18 in nonhazardous trades. On September 6 [2010], the MOSAL [Ministry of Social Affairs and Labor] issued a regulation further restricting the trades in which juveniles between the ages of 15 and 18 may be employed. Juveniles may work a maximum of six hours a day on the condition that they work no more than four consecutive hours followed by a one-hour rest period.” [1f] (Section 6d)

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Trafficking](#) and [Employment rights](#)

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VIOLENCE AGAINST CHILDREN

- 22.12 The Kuwait Times article, No laws to protect children, dated 14 March 2012, noted:

“Although 40 percent of the population in this country are children, 60 percent of them are abused according to a conference on childhood and healthy upbringing at Bayt Lothan late on Monday. These factors can lead to juvenile delinquencies such as drug abuse and violence according to speakers at the event, held under the patronage of Sheikha Firyal Duaij Al-Salman Al-Sabah head of Khair Al-Kuwait Charity Foundation. ... Childhood specialists stressed the importance of collaboration between both the private and public sectors in providing a healthy environment for children. The specialists said 40 percent of the population in this community are children, who form the future of this country. They said 60 percent of these children are abused either by the father, the mother or both. They also said children are mistreated by their house maids. Although Kuwait has signed an international agreement for child protection, there is no law to protect children, especially girls, from parental abuse. The participants of the event also drew attention to children with disabilities. They said they should be given equal treatment to their normal peers and utmost care from their parents.” [44f]

22.13 The USSD Report 2010 remarked that “There was no societal pattern of child abuse.” [1f] (Section 6) In the United Nations Human Rights Council’s (UN HRC) Report of the Working Group on the Universal Periodic Review (UPR), published 16 June 2010, the Kuwait delegation in response to questions stated, “The law required physicians to report all cases of physical, sexual and psychological mistreatment of children under 18. In addition, committees had been established in all parts of the country to monitor such cases and ensure the medical supervision of the victims, together with the prosecution of the cases. Awareness-raising programmes had been strengthened to ensure appropriate prevention.” [40a] (p7)

For further information see the subsection below on [Childcare and protection](#)

22.14 In April 2007, the UN Committee on the Rights of the Child reported extensively on the measures taken by Kuwait – outlined in the state’s Initial Report to the Committee – to implement the Optional Protocol on the involvement of children in armed conflict. [45b]

22.15 The UN Committee’s comments on Kuwait’s initial report on the involvement of children in armed conflict, released in February 2008, noted “the establishment in 2007 of the Higher Council for the Family and Children to deal with children’s rights issues” and “the existence of high level training and capacity building programmes for professionals dealing with Kuwaiti children”. [45d] (p2) Further, “The Committee notes with appreciation that the Kuwaiti Army Act prohibits the involvement of persons under the age of 18 in hostilities. While the Committee takes note of the State party’s indication that there are no armed groups in the country distinct from the armed forces, it nevertheless regrets the lack of legislation on the issue of child recruitment in order to protect children from recruitment abroad.” [45d] (p3)

22.16 Kuwait’s second periodic report is due to be discussed at a future UN CRC Session, which was yet to have a date scheduled as of 6 March 2012. [45e]

CHILDCARE AND PROTECTION

22.17 In April 2007, the UN Committee on the Rights of the Child reported extensively on the measures taken by Kuwait – outlined in the state’s Initial Report to the Committee – to implement the Optional Protocol on the sale of children, child prostitution and child pornography. [45a] In February 2008, the Committee released its Concluding Observations on the Initial Report provided by Kuwait:

“The Committee welcomes the efforts made by the Ministry of Social Affairs and Labour [MOSAL] to update its data collection system to collect information on the number of prosecutions and convictions for offenses covered by this Optional Protocol. However, the Committee regrets that reliable data on the extent of sale of children, child prostitution and child pornography and on the number of children involved in these activities is very limited, mainly due to the absence of a comprehensive data collection system as well as to prevailing taboos in the society surrounding the issue.” [45c] (p2)

22.18 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, welcomed the ratification by the State party regarding “...The Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography, in 2004...” [19a] (p1)

22.19 In the June 2010 UN HRC report on the UPR, “The delegation of Kuwait noted that the State continued its efforts and policies to protect women and children from violence ... It had also enacted a number of laws to protect children against violence, including the law on custody, the law on the protection of minors and the bill on the organization of kindergarten. In addition, the decision to establish a high council for family affairs had been made through a ministerial decree in 2007.” [40a] (p7)

22.20 The Save the Children Report 2011, observed:

“Despite a general recommendation by the Committee [Committee on the Right of the Child] to develop systematic collection of disaggregated data on all children, data on children in need of protection, such as those who are victims of abuse or ill-treatment, children with no residence permit, children in conflict with the law, the girl child, children born out of wedlock, abandoned children, institutionalised children and those with disabilities, this remains a serious gap. Upon its review of the initial periodic report on the OPSC in 2008, the Committee has also expressed its regret that there is limited reliable information on the extent of sale of children, child prostitution and child pornography.” [70a] (p121)

22.21 Meanwhile, the same report also highlighted some positive developments in terms of childcare and protection:

“Positive developments include a special police force, which has been established to investigate offences by or against neglected minors. A ministerial decision was also issued by Ministry of Health in 2008-2009 ordering all doctors to report cases of physical, sexual and psychological abuse. Subsequently, health committees were set up in the regions to monitor and follow up on any cases that might be found. The extent to which such cases are investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases is still limited. Available information suggests that [the] country has still not developed comprehensive systems for detecting and investigating cases of child abuse, and providing referrals for consultation and the rehabilitation of abused children, and domestic violence is still not criminalised. Further research is needed on the extent to which the provisions of the Draft Children’s Code and draft bill to amend the Penal Code will effectively protect children from violence.

“Furthermore, Kuwait has still not implemented the Committee’s recommendation to develop legislation to prohibit corporal punishment in schools, in the family and other institutions. The Global Initiative to End All Corporal Punishment of Children reports on the legality of corporal punishment of children in the family home and all other settings, including under Islamic law. Article 29 of Law No. 16 provides for the ‘right’ of parents to discipline children and legal provisions against violence and assault are not interpreted as prohibiting all corporal punishment. Surveys indicate that the majority of parents, especially those of Bedouin ethnicity or lower educational level, agree with physical punishment as a means of child disciplining, illustrating the need to conduct public awareness campaigns on alternative disciplinary measures. While corporal punishment is unlawful as a sentence for crime under articles 6 and 14 of the Juvenile Law and article 31 of the Constitution, there is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.” [70a] (p121-122)

22.22 With regards to orphans and children of unknown parentage, the same report noted:

“Orphans are taken care of in nursery schools or through families willing to host them according to the provisions of Islamic law (kafalah). Decree Law N. 82 of 1977,

concerning family, provides financial incentives for families to host orphans and children of unknown parentage: such families are entitled to financial assistance to enable them to meet needs of children in their care. The Ministry of Social Affairs and Labour's Department of Foster Care states that parents must meet stringent criteria in order to be able to foster orphans. However, no information was found on standardisation of alternative care." [70a] (p122)

See also [Trafficking](#)

EDUCATION

22.23 The USSD Report 2010 stated:

"By law education for citizen children is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for Bidoon and expatriate children. Some Bidoon children attended private schools, and some did not attend school at all. The government-administered Charity Fund to Educate Needy Children paid school fees for all Bidoon children (approximately 2,000) who applied for assistance during the 2009-2010 school year." [1f] (Section 6)

22.24 The Kuwaiti delegation in the June 2010 UN HRC report on the UPR reported:

"The Constitution stipulated that education was a fundamental right provided for by the State. Education in primary and intermediate schools was compulsory and was free of charge at all stages. In 1958, Kuwait had begun its pioneering plan to combat illiteracy, which stood at 3.5 per cent of the population in 2009. That figure applied mainly to persons older than 60. In order to ensure education for all, Kuwait had taken steps to integrate persons with disabilities into public education and build special schools for them, and to promote the education of women, including study abroad. ... Kuwait has also allowed for foreign residents to receive education in accordance with the systems of their countries of origin." [40a] (p7)

22.25 The Save the Children Report 2011, noted:

"The country reports a high rate of 76 per cent of gross pre-school enrolment. The average gross enrolment rate in the primary level was 96 per cent for boys and 95 girls. Access to education of vulnerable groups of children has also been enhanced. Since 2003, the Ministry of Education approved extension of free basic education to children of Bidoon parents, through setting up a Charitable Fund, overseen by Ministry of Education, Public Foundation for Endowments and the Executive Committee for the Affairs of Irregular Migrants, to subsidise education. In 2008/09, a total of 20,096 such children were provided with an education, at a total cost of \$15 million. However, in interviews with Human Rights Watch, some Bidoon parents reported that their children were not covered through the government-administered educational fund, and that their children may also be denied birth certificates needed to attend primary and secondary school. The government also reports that it provides comprehensive education services and integrates persons with disabilities into the general education system or else establishes special schools for them. The Higher Council for Disabled Affairs also subsidises private school fees for children living with disabilities if their subject of study is not offered at Ministry of Education schools.

"While access has considerably improved, the quality of education remains problematic. In July 2009 the World Bank warned that if the government does not reform the

education system, international academic institutions may cease to recognise Kuwaiti high school certificates: one of the key concerns is the number of school days: the state system averaged just 528 teaching hours in 2005/06, well below the standard average of 800 hours of primary-level education per year.” [70a] (p123) The HRW Prisoners of the Past report can be accessed via the link [here](#); refer to the education section for further information [9h] (p8-15)

- 22.26 Kuwaitiah.net’s undated web page on Education, accessed 10 March 2012, recorded, “The ME [Ministry of Education] provides free kindergartens for Kuwait children between the ages of four and six. For expatriate children between two and four years there are a large number of private nursery schools.” [21a] Further:

“Attendance at state schools is restricted to Kuwait children, the children of teachers working for the ME and the children of expatriates who obtained residence prior to 1960. All other expatriate children must be educated privately. In 1997-98, there were 104 private foreign schools in Kuwait, of which 42 were following non-Arabic curricula. With more than 120.000 students, over 75.000 pupils were attending Arabic foreign schools and over 40.000 were enrolled in non-Arabic schools were Arab children of whom nearly half were Kuwaitis. ...

“According to educationalists, there is a marked preference among Kuwaitis for a Western education for several reasons. There [sic] include the perceived inadequacy of state education, the importance of an English language education as a preparation for further education overseas and life in general, and the advanced curricula of the non-Arabic foreign schools in Kuwait. Despite comparatively high fees, schools that teach American and British curricula are booming.” [21a]

- 22.27 The Arab Times article Most Kuwaiti’s not satisfied, ‘Overhaul Educational System’, dated 9 March 2012, stated:

“The Minister of Education and Minister of Higher Education Dr Naif Al-Hajraf has confirmed 85 percent of Kuwaitis are not satisfied with the educational system in the country. He stressed he is keen to execute all steps aimed at developing the educational process in Kuwait. He stressed he will spare no efforts to readjust what he called the educational process in the country. ...Several parents and guardians recently gathered in front of the school to express their resentment as they are now suffering due to the negligence of the administration.” [36f]

- 22.28 UNICEF’s ‘At a glance: Kuwait’, updated 2 March 2010, accessed on 12 March 2012, provided the following statistics:

Total adult literacy rate (%), 2005-2010*	94
Primary school net enrolment/attendance (%), 2005-2009*	93
Youth (15-24 years) literacy rate, 2005-2010, male*	99
Youth (15-24 years) literacy rate, 2005-2010, female*	99
Primary school enrolment ratio 2007-2010, net, male	94
Primary school enrolment ratio 2007-2010, net, female	93
Enrolment ratio: females as a % of males, Primary: 2007-1010:	98
Enrolment ratio: females as a % of males, Secondary: 2007-1010:	103

[46a]

See also [Foreign nationals and non-nationals resident in Kuwait](#),

See also [Recent developments](#)

HEALTH AND WELFARE

22.29 A World Health Organisation Regional Office for the Eastern Mediterranean (WHO EMRO) Health System Profile on Kuwait, published in 2006, reported that primary health care is provided through health centers, and preventive & curative services are provided to the whole population – both Kuwaitis & non Kuwaitis – to all age groups, with special care given to mothers and children. [22c] (p50) The Kuwaiti delegation in the June 2010 UN HRC report on the UPR stated, “All children of citizens, as well as the children of illegal residents and non-Kuwaiti children, were covered by governmental health-care services. Medical treatment in the event of emergencies and in cases of HIV/AIDS and cancer was provided to all children free of charge.” [40a] (p7)

22.30 UNICEF’s ‘At a glance: Kuwait’, updated 2 March 2010, accessed on 12 March 2012, provided the following statistics:

Infant mortality rate (under 1 – per thousand births), 2010	10
Neonatal mortality rate per thousand births, 2010	6
Annual no. of births (thousands), 2010	49
Annual no. of under-5 deaths (thousands), 2010	1
Immunization 2010, percentage 1-year-old children immunized against: DPT (diphtheria, pertussis (whooping cough) and tetanus), corresponding vaccines: DPT3β	98
Immunization 2010, percentage 1-year-old children immunized against: Polio, corresponding vaccines: polio3	98
Immunization 2010, percentage 1-year-old children immunized against: Measles, corresponding vaccines: measles	98
Immunization 2010, percentage 1-year-old children immunized against: HepB (hepatitis B), corresponding vaccines: HepB3	99
Immunization 2010, percentage 1-year-old children immunized against: Hib (haemophilus influenzae type B meningitis), corresponding vaccines: Hib3	98
Immunization 2010, percentage newborns protected against tetanus	95
Antenatal care coverage (%), At least once, 2006-2010	100
Delivery care coverage (%), Skilled attendant at birth, 2006-2010	100
Delivery care coverage (%), Institutional delivery, 2006-2010	-

[46a]

22.31 The WHO Country Profile on Kuwait, last updated August 2010, reported additional statistics:

One year-old immunized in 2008 with BCG (%)	100
Newborns with low birth weight (%) (2007)	8.4
Perinatal mortality rate per 1000 total births (2008)	10.5

[22a]

22.32 The Kuwait national report to the UPR of February 2010 highlighted that:

“Dr. Susan Kamel Farhood, an official of the World Health Organization who deals with children’s health, concluded, following a mission to Kuwait, that the health-care provision for children in Kuwait is a model for other countries of the region, given the preventive health and health awareness programmes on offer, in addition to paediatric care which encompasses psychological and social assistance. She observed that the

child mortality rate is the lowest in the region (at 1 case per 1,000 live births). She also praised the Healthy Child Clinic, where families can consult a paediatrician for regular check-ups, even if a child has no specific illness, for the purposes of screening for disease.

“Dr. Farhood likewise praised the medical examination procedure as a whole, the immunization programme and the guidelines and advice provided on children’s education and behaviour, together with the responses offered to families’ questions about all aspects of children’s mental and physical health. She expressed admiration for the computer systems in place in primary health-care units in Kuwait, which make it easier to record information quickly and accurately on children in Kuwait.” [40b] (p17)

22.33 The Save The Children Report 2011, however, stated:

“... [The] reproductive health and lifestyle issues affecting adolescents are not adequately addressed. The Committee has expressed its concern about the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services.” [70a] (p124)

See also [Women](#) and [Medical issues](#) and [Foreign nationals and non-nationals resident in Kuwait – Status, documentation and rights](#) subsection which highlights the difficulties faced by the Bidun children in terms of access to education

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23. TRAFFICKING

- 23.01 The initial report of the State of Kuwait to the United Nations (UN) Committee on the Rights of the Child, April 2007, stated that it is a criminal offence in Kuwait to engage in trafficking by selling, buying, offering for sale, or making a gift of, a person as a slave. “Thus, article 185 of the Criminal Code No. 16 of 1970 provides: ‘Anyone who brings a person into or out of Kuwait with a view to selling that person as a slave and anyone who buys, offers to sell, or makes a gift of, a person as a slave shall be subject to a penalty of up to five years’ imprisonment and/or a fine of up to 5,000 rupees.’” [45a] (p3)
- 23.02 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated: “The Committee welcomes the ratification by the State party of the following international instruments: ...The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2006.” [19a] (p2-3) In the United Nations Human Rights Council’s (UN HRC) Report of the Working Group on the Universal Periodic Review (UPR), published 16 June 2010, the Kuwaiti delegation highlighted the existence of a draft law to combat human trafficking, “which would impose life imprisonment for perpetrators and long-term sentences for accomplices, while providing full protection to victims.” [40a] (p4)
- 23.03 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011, reported: “Kuwait is a destination country for human trafficking, generally from South Asia.” [10a] A Human Rights Watch (HRW) press release of 7 June 2010 asserted, “Saudi Arabia and Kuwait should jointly investigate the

abuse and apparent trafficking of Nepalese domestic workers who agree to work in Kuwait but are instead made to work in Saudi Arabia against their will and abandoned there, ... [it also noted that] The Kuwaiti parliament is considering a draft of an anti-trafficking law. Both countries have drafted, though not yet passed, legislation protecting domestic workers' labor rights." [9i]

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Women](#), [Children](#) and [Employment rights – Non-citizen \(foreign/expatriate\) workers](#)

- 23.04 The United States Department of State (USSD) Trafficking in Persons Report 2011, released 27 June 2011, remarked, "The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. The government did not enact its draft comprehensive anti-trafficking law, though a subcommittee-approved bill has been on the parliament's agenda since November 2009 without being debated." [1c] (KUWAIT) For more detailed information, refer to the full section on Kuwait in the report's [Country Narratives – Countries G Through M](#). [1c]

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24. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 24.01 The World Health Organisation Regional Office for the Eastern Mediterranean (WHO EMRO) Country Health Systems Profile on Kuwait, published in 2006, recorded:
- "Primary health care is delivered through a series of health centers, with general or family health clinics, maternal and child care clinics, diabetic clinics, dental clinics, and preventive care clinics, school health services, ambulance services and police health services are also available. Foreign residents are entitled to treatment here. The clinics deal with preliminary examinations and routine matters and where necessary, patients are referred to hospital specialists.
- "There are 72 primary health centres spread over the country. The services offered by them include general practitioner services and childcare, family medicine, maternity care, diabetes patient care, dentistry, preventive medical care, nursing care and pharmaceuticals." [22c] (p20)
- 24.02 WHO also noted that primary health care is provided through the health centers, and preventive & curative services are provided to the whole population – both Kuwaitis & non-Kuwaitis – to all age groups, with special care given to mothers and children. [22c] (p50)
- 24.03 In terms of cost, the profile stated:
- "Governmental health services are free for citizens.
"Expatriates pay the amount of [Kuwaiti Dinar] K.D 1 upon visiting primary health care centers
"Expatriates pay the amount of K.D 2 upon visiting the clinics of general hospitals and specialized hospitals
"There are some symbolic fees on some examinations
"Expatriates pay annual health insurance fee of K.D 50 for labour, K.D 40 for wife, K.D

30 for children up to 18 years [sic] old and K.D 5 for housemaids and non-nationals.”
[22c] (p40-41)

- 24.04 The percentage of the population with access to local health services in both urban and rural areas was reported as 100 per cent in 2007:

The number of physicians per 10,000 population for 2008 = 18.0
The number of dentists per 10,000 population for 2008 = 3.0
The number of pharmacists per 10,000 population for 2008 = 2.0
The number of nurses and midwives per 10,000 population for 2008 = 39.0
(WHO EMRO Country Profile, last updated August 2010) [22a]

- 24.05 The WHO EMRO Country Health Systems Profile on Kuwait, published in 2006, reported:

“Secondary care is provided through six regional hospitals with 2500 bed capacity. In addition to this these are 9 specialist hospitals including maternity, infectious diseases, mental health and cancer hospitals bringing the total beds available to 4575, with total bed occupancy around 60 percent. These hospitals consume the largest proportion of the public health budget, despite moderate bed occupancy and high pressure on primary care services.” [22c] (p6)

- 24.06 The WHO EMRO Country Health Systems Profile detailed:

“Secondary healthcare services are provided by the six major hospitals: Sabah hospital, Amiri hospital, Adan hospital, Farwaniya hospital, Mubarak Al-Kabeer hospital and Jahra hospital. The structure of each one of this hospital include a general hospital, a health centre, specialised clinics and dispensaries. The policy of each hospital is to provide the best possible healthcare to all citizens and residents. ...

“The specialised healthcare service centres in Kuwait include the following:

“1. Obstetrics (delivery) hospital: for maternity

“2. Chest hospital: for pulmonary ailments

“3. Psychiatric hospital: for mental disorders

“4. Ibn Sina hospital: for neurosurgery

“5. Razi hospital: for burns

“6. Kuwait Center for Allergies: for allergies

“7. Kuwait Cancer Control Center: for cancer diagnosis and treatment

“8. Hearing Impairments Center: for disorders connected with hearing

“9. Hamed Al-Essa Transplant Center: for organ transplants

“10. Sulaibikhat hospital: for physiotherapy and rehabilitation” [22c] (p20-21)

See the full 2006 WHO EMRO [Country Health Systems Profile](#) on Kuwait for further information.

- 24.07 The Bio Med Researches website Middle East Medical Information Centre and Directory, undated, accessed on 1 March 2012, provided a list of health care providers in Kuwait. To view the list please refer to the webpage via the link [here](#) [69a]
- 24.08 The Netherlands Embassy Kuwait and Bahrain Kuwait Health Sector Report 2012, published January 2012, lists the number of major hospitals in each governorate, including specialised hospitals. To view the tabulated data, please refer to Annex A – table 1 and 2 via the link [here](#) [84a] (p11)
- 24.09 The Central Intelligence Agency (CIA) World Factbook, updated on 8 February 2012, indicated the life expectancy at birth is 76.09 years for males and 78.51 years for females (2012 estimate). [12a]
- 24.10 The Netherlands Embassy Kuwait and Bahrain Kuwait Health Sector Report 2012, published January 2012, stated:
- “Kuwait is facing many challenges in the health sector. According to a recent report ...there is an increasing pressure on the health facilities. For instance currently Kuwait has 19 hospital beds per 10.000 people. Although the population tends to be quite young on average, this undersupply is a serious concern to the government given the population growth rate and growing disease burden. For example, obesity levels have reached 80% for women en [sic] 70% for men. Kuwait has signalled its priority to remedy the shortcomings in the health care provision when the sector was touted as the main beneficiary of the US\$108 billion infrastructure development plan that was approved in 2010. This development/investment plan was approved to give the economy a big boost after the financial crisis.
- “In January 2011 it was announced that the government was working on a strategy to bolster the health care system with 3500 beds, new laboratory and surgical facilities. According to the Ministry of Health the private sector will be instrumental in the development of the sector. There is vast potential for companies offering a broad spectrum of healthcare oriented services including medical equipment, hospital supplies, products and services, and specialized applications.” [84a]
- 24.11 The WHO EMRO Country Profile for Kuwait, last updated August 2010, listed a number of key statistical indicators primarily for 2006, 2007 and 2008 including demographic, socio economic, health expenditure and health status. Government and private (out-of-pocket) expenditure on health as a percentage of total health expenditure were at 76.8 and 21.3 respectively for 2008. The government allocated 5.1 per cent of its overall expenditure on health.[22a]
- 24.12 The Freedom House Report entitled Freedom in the World 2011, Kuwait, covering events in 2010, published 12 May 2011 (Freedom House Report 2011), stated: “In 2010, Kuwait enacted a disability rights act ensuring healthcare, education, and employment rights for the disabled.” [10a]
- 24.13 A report commissioned by Save the Children, Sweden, published August 2011 and called Children’s Rights Situation Analysis Middle East and North Africa – Kuwait (Save The Children Report 2011) stated:
- “Kuwait is committed to providing free health care, which is recognised as a human right under articles 10, 11 and 15 of the Kuwaiti Constitution. Health is allocated 5 per cent of total state budget. The government states that the country is committed to providing

government health-care services as a human right to all residents (free of charge for citizen, token fees for expatriates). A government administrated charitable fund has also been established to serve the health needs of 60,000 children of Bidoon parents.” [70a] (p124)

24.14 The same report remarked:

“... [The] reproductive health and lifestyle issues affecting adolescents are not adequately addressed. The Committee has expressed its concern about the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services.” [70a] (p124)

24.15 The Human Rights Watch report entitled They Hunt Us Down for Fun, Discrimination and Police Violence Against Transgender Women in Kuwait (HRW They Hunt Us Down for Fun Report 2012), published January 2012, following a “... two-week field visit to Kuwait city in February 2011 and a follow up visit in December 2011” (p8) observed that “Kuwait provides its citizens with nearly unparalleled benefits, including free health care ...” [9f] (p42)

24.16 The International News article dated 6 April 2011 Kuwait National Healthcare System Transition Underway, stated:

“Kuwait’s national healthcare system is set to undergo substantial reform and transformation in the next 3 to 4 years under the new Kuwait Health Assurance Company (KHAC), affecting both nationals and expatriates who look for health coverage options in the country. Kuwait is looking to evolve its health services policy from a welfare state into a ‘healthcare business.’ KHAC was established in 2010 by Ministerial Resolution 586 to develop a comprehensive public-private enterprise tasked with improving the healthcare sector in Kuwait and to guarantee high quality medical services for residents. The expansion of the Kuwaiti health system would be financed through the implementation of a new private medical insurance system issued through the company brand. ...

“The initial proponent of KHAC’s healthcare development strategy calls for the construction of three major hospitals in Ahmadi, Jahra and Farwaniya and 15 new polyclinics throughout the country within the next 3 to 4 years. These facilities will be built and operated by private companies. ...

“The development of these new facilities, providing a projected 1,600 new hospital beds in Kuwait, will help ameliorate the structural pressure the state health provider network is currently facing. Substantial population growth, especially from the growing expatriate community, coupled with increased life expectancy rates and the escalating global costs of medical treatment have placed substantial burden on the health system’s resources.

“Kuwaiti citizens are provided with free healthcare services from the publicly run hospitals and clinics. Foreign nationals in Kuwait must obtain health insurance from the government run scheme, as per residency requirements, or through a local healthcare system provider. Expatriates are required to pay additional out-of-pocket payments towards medical costs in the Kuwait public medical facilities. The compulsory state insurance scheme does not cover private treatment or repatriation costs. The law defines an appropriate alternative private healthcare company as one providing over

900 beds across Kuwait's governorates and as Ahmad Nossouli of the Advisory Group explains: 'there are no such healthcare providing companies...we have private hospitals and clinics, but they don't meet the minimum requirements.' The average cost of healthcare services per person in Kuwait has increased substantially in the last decade, doubling to KD 112 (US\$ 404) from KD 56 (US\$ 202) between the years 2002 and 2009. All these factors push people towards the state hospital system and have resulted in medical personnel and equipment shortages, overcrowding, longer waiting times for treatment and a growing dissatisfaction with the public health care sector. ...

"The new private health insurance scheme, provided through KHAC, would provide access to the newly constructed healthcare facilities as well as other public-private practices set up around Kuwait." [67a]

- 24.17 Furthermore, the Baltimore Sun article entitled Hopkins to help improve health care in Kuwait, dated 27 December 2011, noted:

"The international arm of Johns Hopkins Medicine has signed an agreement to help four public hospitals in Kuwait improve their standards and provide better treatment to patients. The five-year agreement signed on Christmas Day with the Ministry of Health of Kuwait calls for Hopkins to provide the hospitals training and advice on patient safety, preventive medicine, nursing and health care policy. Focus areas will be trauma, orthopedics, rehabilitation, diabetes and obstetrics, pediatrics and telemedicine. The hospitals they will work with are Amiri, Farwaniya, Jahra and Adan. The hospitals account for more than 40 percent of the public-sector beds in the country. Kuwait officials said they hope to raise the standard of health care delivery and to increase the number and expertise of local doctors, hospital managers, administrators and nurses." [68a]

- 24.18 The Netherlands Embassy Kuwait and Bahrain Kuwait Health Sector Report 2012, published January 2012, stated: "A major feature of the Health system in Kuwait is its heavy reliance on expatriate workers, constituting 80% of all doctors and over 90% of all nurses. Local training facilities have started producing some of the required allied health professionals. However; continued shortages of health professionals are inevitable in most areas. The manpower shortages have plagued efficient healthcare service delivery in Kuwait." [84a]

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 24.19 A message from Dr Rashed Al-Owaish, Director, Department of Public Health National AIDS Program Manager, Ministry of Health, Kuwait, published on 29 November 2008 and accessed via the Medical blog, stated:

"HIV testing has been available in Kuwait since 1984. Screening high-risk groups for HIV has been a continuous process and is under constant surveillance. In Kuwait till end of October 2008, a total of 451,379 individuals were screened for HIV, among whom 84 new HIV-positive cases were found. Out of these 84 cases, 75 cases were newcomers to Kuwait whose residency was not stamped and who have already left Kuwait to return to their respective countries." [31a]

- 24.20 A United Nations Programme on HIV/AIDS (UNAIDS) Epidemiological Fact Sheet on HIV/AIDS of 2008 indicated the estimated number of people living with HIV was between less than 1000 and less than 2000, with a less than 0.2 per cent prevalence rate in adults aged between 15 and 49. There were no extant figures about the level of anti retroviral (ART/ARV) treatment received. [23b] (p4)
- 24.21 The United Nations General Assembly Special Session (UNGASS) Country Progress Report 2010 – State of Kuwait (KW) Narrative Report (Draft), January 2008–December 2009, dated 31 March 2010 stated, “In 2009, there were 131 individuals who were receiving ARV treatment. Of those, 2 were males younger than 15 and 99 were males 15 years of age and older. On the other hand, there were 30 females receiving ARV treatment, 1 younger than 15 and 29 who were 15 years and older.” [23a] (p4)
- 24.22 The UNAIDS Global HIV/Aids Response- Epidemic update and health sector progress towards Universal Access, Progress Report 2011, published 30 November 2011, also recorded there were 131 people between the period 2005-2009 who were reportedly receiving antiretroviral therapy, as noted in the December 2009 report. [23c] (p194)
- 24.23 Dr Rashed Al-Owaish’s November 2008 message, via the Medical blog, noted:
- “Regarding antiretroviral drugs, Kuwait is one of the countries in GCC [Gulf Cooperation Council] States which provides all the genuine drugs (100%) for treatment of HIV/AIDS patients free of charge. All the latest genuine drugs used in United States and Europe are available for the treatment of AIDS patients in Kuwait. Testing of all blood and blood products has been introduced since 1984. There is 100% testing of all blood and blood products prior to transfusion in Kuwait and the country has not imported any blood or blood products since 1976.” [31a]

MENTAL HEALTH

- 24.24 The WHO Mental Health Atlas Map for 2005 indicated that a mental health policy existed for Kuwait and it had been initially formulated in 1957; “The components of the policy were advocacy, promotion, prevention, treatment and rehabilitation.” [22b] (p270)
- “The primary sources of mental health financing in descending order are social insurance, private insurances and out-of-pocket expenditure by the patient or family. The country has disability benefits for persons with mental disorders. Treatment is provided by the Government and social benefits by the Ministry of Social Affairs.” (WHO Mental Health Atlas, 2005) [22b] (p270)
- “Mental health is a part of primary health care system. Actual treatment of severe mental disorders is available at the primary level. Primary care is provided by the family doctor. Facilities should be developed further. ...
- “There are community care facilities for patients with mental disorders. Community care is provided through district and general hospitals and family doctors. Community care facilities are not well developed. However, there are 2 day care centres which cater to more than 30 clients and one half-way house that caters to 30 clients. (WHO Mental Health Atlas, 2005) [22b] (p270)
- 24.25 Psychiatric Beds and Professionals:
- | | |
|--|-----|
| Total psychiatric beds per 10,000 population | 3.4 |
| Psychiatric beds in mental hospitals per 10,000 population | 3.4 |

Psychiatric beds in general hospitals per 10,000 population	0
Psychiatric beds in other settings per 10,000 population	0
Number of psychiatrists per 100,000 population	3.1
Number of psychiatric nurses per 100,000 population	22.5
Number of psychologists per 100,000 population	1.4
Number of social workers per 100,000	0.4

(WHO Mental Health Atlas, 2005) [22b] (p270)

24.26 The WHO Mental Health Atlas, 2005, reported that:

“There is a plan to increase bed numbers in mental hospitals from the current level of 3.4 per 10,000 to 4.58 per 10,000 population in 2005. Some beds have been earmarked for the management of drug abusers (260), geriatric and forensic patients. There is a specialised unit for treating PTSD patients. Although there are more than 1,000 psychologists and social workers only a few worked in the field of mental health. Thirty-one of them are employed by the psychiatric hospital which served as the main psychiatric set-up for Kuwait.” [22b] (p271)

24.27 The same source stated: “The following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, ethosuximide, phenobarbital, phenytoin sodium, sodium valproate, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, lithium, biperiden, carbidopa, levodopa.” [22b] (p271)

CANCER

24.28 The Netherlands Embassy Kuwait and Bahrain Kuwait Health Sector Report 2012, published January 2012, stated:

“Breast cancer is the number one type of cancer diagnosed in women in Kuwait. There is an increase in breast cancer and related deaths. The Kuwait Cancer Control Centre is trying to develop a patient-centered philosophy through collaboration and partnerships such as with the University Health Network. ...

“Following the global trend, there is an increasing demand for preventive healthcare which could potentially be served by private sector clinics. The region possesses sufficient financial means to shoulder the costs of preventive scans and medical check-ups. New centres are anticipated to help in detecting cancer in its early stage for effective treatment. The Ministry of Health plans to establish health centres at each district to conduct periodical screening for breast cancer in women in an effort to reduce breast cancer in Kuwait.” [84a]

24.29 The Lung Conference Kuwait website, undated, circa 2012, entitled About Us, Kuwait Cancer Control Center (KCCC), stated:

“The Kuwait Cancer Control Center (KCCC) is the only specialized cancer center in Kuwait that treats both adult and pediatric patients. Founded in 1968, KCCC is a governmental center affiliated to the Kuwait ministry of health. It is a comprehensive center dedicated entirely to cancer care. KCCC treats over 2000 new cancer patients each year from Kuwait and the region. It is equipped with state-of-the-art medical equipment and services, and 200 beds.

“Currently, highly qualified oncologists and healthcare professionals and nurses, trained specifically in oncology nursing. Sheikha Badriya Medical Oncology Center is the

newest extension of the well known Kuwait Cancer Control Center (KCCC), it is committed to ensuring national cancer control prevention, treatment and care that are evidence-based. Our team of health professionals are providing cancer care according to international guidelines, and protocols to various types of cancers through several units including breast, gastro-intestinal, head & neck, genitor-urinary, lymphoma , all work to offer multidisciplinary, co-ordinating care to cancer patients, latest treatments, in addition to supportive care and psychological support.

“We are also responsible for implementing cancer research programs, and support clinical trials, professional development and training courses for health care providers, plus building cancer support network groups, make recommendations to the government that help implementation of cancer policies and priorities.

“In Sheikha Badriya Medical Oncology we have access to all approved molecular cancer targeted therapies. Being one of the first centers in the Middle East using this kind of therapies, we gained good experience in implementing, prescribing & managing adverse reactions of such therapies.” [86a]

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25. FREEDOM OF MOVEMENT

- 25.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, “The constitution generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the government placed some limits on freedom of movement in practice.” [1f] (Section 2d)

See also [Foreign nationals and non-nationals resident in Kuwait, Employment rights – Non-citizen \(foreign/expatriate\) workers](#) and [Exit and Return](#)

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26. CITIZENSHIP AND NATIONALITY

- 26.01 A report on the arbitrary deprivation of nationality, submitted to the United Nations (UN) Human Rights Council (HRC) by the UN Secretary General (UN SG) on 26 January 2009, noted:

“The Government of Kuwait stated that there are no restrictions on the exercise of the right to a nationality. The Law on Nationality is based on international law principles. According to the Law on Nationality, Kuwaiti citizenship is obtained at birth if the father is a Kuwaiti national. Children born to female Kuwaitis married to foreigners are not considered Kuwaiti citizens. Nevertheless, permanent residents may consider applying for Kuwaiti citizenship with the Ministry of Interior. According to Kuwaiti law, dual nationality is not recognized. Kuwaiti citizens that adopt a foreign nationality lose their Kuwaiti citizenship. According to the Law on Nationality, Kuwait has adopted the necessary measures to reduce the number of stateless persons in Kuwait. In this respect, a number of legal residents are naturalized every year, in accordance with an annual quota. The Government informed that on the day of its submission, a total of 928 persons had been given Kuwaiti citizenship in 2008.” [40d] (para 31)

26.02 The UN Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about discrimination between Kuwaiti men and women with regard to the ability to transmit Kuwaiti nationality to their children, and also concerned that children who are born in Kuwait to stateless parents may not acquire any nationality. The Committee is concerned about the lack of transparency in the process of acquiring Kuwaiti nationality, in particular with respect to the failure to communicate the reasons behind the denial of such nationality, and about the absence of a review process, which fosters arbitrary decisions.” [19a] (p3)

See also [Foreign nationals and non-nationals resident in Kuwait](#)

26.03 An [unofficial translation of the 1959 Nationality Law](#), including amendments, is available via the website of the United Nations High Commissioner for Refugees (UNHCR). [32b] A selection of articles regarding the acquisition of Kuwaiti nationality is reproduced below:

“Article 2

“Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself.

“Article 3

“Kuwaiti nationality is acquired by any person born in Kuwait whose parents are unknown. A foundling is deemed to have been born in Kuwait unless the contrary is proved.

“Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person [upon his attaining his majority who was] born in, or outside, Kuwait to a Kuwaiti mother whose father is unknown or whose kinship to his father has not been legally established. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals until they reach their majority.

“Article 4

“Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to any person of full age satisfying the following conditions:

- “1. that he has lawfully resided in Kuwait for at least 20 consecutive years or for at least 15 consecutive years if he is an Arab belonging to an Arab country. The requirement of consecutive residence shall not be affected if the applicant leaves Kuwait on official business. If he leaves for a reason other than that of official business, but retains the intention of returning, the period spent abroad shall be deducted from the total period of his residence in Kuwait;
- “2. that he has lawful means of earning his living, is of good character and has not been convicted of an honour-related crime or of an honesty-related crime;
- “3. that he has knowledge of the Arabic language;
- “4. that he possesses qualifications or renders services needed in Kuwait;
- “5. that he be an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least 5

years has passed since he embraced Islam before the grant of naturalization. Nationality thus acquired is ipso facto lost and the Decree of naturalization rendered void ab initio if the naturalized person expressly renounces Islam or if he behaves in such a manner as clearly indicates his intention to abandon Islam. In any such case, the nationality of any dependant of the apostate who had acquired it upon the naturalization of the apostate is also rendered void. ...

“Article 5

“Notwithstanding the provisions of the immediately preceding Article, the following may be granted Kuwaiti nationality by Decree, upon the recommendation of the Minister of the Interior:

- “1. any person who has rendered valuable services to Kuwait;
- “2. any person [upon his attaining his majority who was] born to a Kuwaiti mother and who has maintained his residence [in Kuwait] until reaching the age of majority and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals in all respects until they reach the age of majority;
- “3. an Arab belonging to an Arab country provided that he had resided in Kuwait since before 1945 and has maintained his residence there until the promulgation of the Decree providing for his naturalization;
- “4. a non-Arab provided that he had resided in Kuwait since before 1930 and has maintained his residence there until the promulgation of the Decree providing for his naturalization. Ancestral residence shall be deemed complementary to the period of residence of descendants for the purposes of the application of the third and fourth paragraphs of this Article, provided that the descendant was born in and is residing in Kuwait. Proof of residence shall be effected [sic] according to the procedure prescribed by Article 21 of this Law. ...

“The grant of Kuwaiti nationality in virtue of the provisions of this Article shall be further subject to the conditions laid down in paragraphs 2, 3 and 5 of the Article immediately preceding.” [32b]

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LOSS OF CITIZENSHIP

26.04 The following articles of the 1959 Nationality Law, as amended, concern the voluntary and involuntary loss of citizenship:

“Article 10

“A Kuwaiti woman who marries a foreigner shall not lose [her] Kuwaiti nationality unless she acquires the nationality of her husband at her own request.

“Article 11

“A Kuwaiti national shall lose his Kuwaiti nationality if he becomes voluntarily naturalized according to the law of another State. His wife, being a Kuwaiti national, shall not lose her Kuwaiti nationality by virtue of her husband’s naturalization unless she

voluntarily acquires the nationality of her husband. His children, being minors, shall also lose their Kuwaiti nationality if they themselves acquire ipso facto the nationality of the State according to the law of which their father has become naturalized if that law so provides. Such children shall reacquire Kuwaiti nationality upon their informing the Minister of the Interior within two years following their attaining the age of majority of their wish to do so. ...

“Article 13

“The nationality of a Kuwaiti national naturalized by virtue of any of Articles 3, 4, 5, 7 or 8 may be revoked by Decree upon the recommendation of the Minister of the Interior in the following cases:

- “1. where naturalization has been acquired by virtue of fraud or on the basis of a false declaration. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked;
- “2. where, within 15 years of the grant of naturalization, a person is convicted of any honour related crime or honesty-related crime. In such case, the nationality of the convicted person alone may be revoked;
- “3. where, within 10 years of the grant of naturalization, a person is dismissed from public office on dis[ci]plinary grounds for reasons relating to honour or honesty;
- “4. where the competent authorities have evidence that a naturalized person has disseminated opinions which may tend seriously to undermine the economic or social structure of the State or that he is a member of a political association of a foreign State. Kuwaiti nationality which has been acquired by any dependant of any such person may also be revoked.

“Article 14

“A Kuwaiti national may be deprived of his Kuwaiti nationality by Decree upon the recommendation of the Head of the Departments of Police and Public Security, in the following cases:

- “1. where a person has entered the military service of a foreign State and has remained in such service notwithstanding an instruction from the Government of Kuwait that he leave such service;
- “2. where a person has worked for a foreign State which is at war with Kuwait or with which diplomatic relations have been suspended;
- “3. where a person is normally resident abroad and ... has become a member of an association whose objects include objects which may tend seriously to undermine the social or economic structure of Kuwait or where he has been convicted of an offence involving breach of his allegiance to Kuwait. In such cases, only the person concerned may be deprived of his nationality.” [32b]

26.05 The US Department of State Country Reports on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated, “...the government can revoke citizenship of naturalized citizens for various causes, including felony conviction, and subsequently deport individuals. The government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the country’s law.” [1f] (Section 2d)

BIDUN (ALSO BIDOON, BEDOON, BEDOUN, BEDUN)

- 26.06 Refugees International's May 2010 paper, Kuwait: Still Stalling on Statelessness reported:

"The country's 1959 Nationality Law defined Kuwaiti nationals as persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of publication of the law. Approximately one third of the population was recognized as bona fide citizens, the founding families of the country. Another third was naturalized and granted partial citizenship rights. The remaining third was classified as 'bidoon jinsiya.' Even now families include members who are citizens and others who are bidoon." [18a] (p1)

See also [Foreign nationals and non-nationals resident in Kuwait](#)

- 26.07 The Report of the Working Group on the Universal Periodic Review (UPR), published 16 June 2010, recorded that, in response to questions:

"The [Kuwaiti] delegation noted that the definition of stateless persons in Kuwait had no legal basis, as they were called 'illegal residents' and that the law had set criteria for acquiring Kuwaiti nationality. During the invasion of Kuwait, many of the 240,000 people claiming to be stateless had left the country. After the establishment in 2006 of a special committee to follow up on their situation, 23,000 had regularized their situation. There were currently 93,334 illegal residents in Kuwait." [40a] (p12)

- 26.08 The Kuwait National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 [Universal Periodic Review (UPR)], dated 22 February 2010, asserted:

"The fundamental issue here is the common misconception, which many of these persons [stateless/illegal residents] harbour, that concealing their nationality is the best and quickest way of obtaining Kuwaiti nationality and that their illegal status would change if they were to produce a passport or declare their true nationality, as they would then forfeit the privileges that they enjoy and their application for Kuwaiti nationality would be dismissed. Many of these persons have therefore clung to their illegal status in the hope of obtaining Kuwaiti nationality, overlooking the fact that nationality is regulated by the law and the Constitution, based on a set of conditions, rules and principles and the security, social, economic and cultural criteria which determine the national interest." [40b] (p11)

- 26.09 Refugees International's May 2010 paper noted, "A child of a divorced Kuwaiti woman or widow can acquire some nationality rights, including education, so there is a theoretical incentive for couples to divorce to guarantee their children's future. In reality children of such broken families are not able to secure the intended benefits." [18a] (p2) The organisation's World Bridge Blog 18 May 2010 entry, The Wall of Women: Hearing Stories of Statelessness in Kuwait, recounted how, "We [Refugees International delegation in Kuwait in April 2010,] spoke with Kuwaiti women who had married Bidoon men but had then felt compelled to seek a divorce out of desperation for their children, hoping that they might somehow be allowed to inherit their mother's Kuwaiti nationality. Most of them are told to 'just wait,' only to see that their cases are going nowhere." [18c]
- 26.10 The United Nations Concluding observations of the Committee on the Elimination of Discrimination against Women, Kuwait, published 8 November 2011, noted: "The Committee is ...concerned about reports that the issuance and renewal of identity cards

for the Bidoun – ‘illegal residents’ is subject to the requirement that they sign affidavits renouncing any claim to Kuwaiti nationality.” [19c] (p9)

See also [Foreign nationals and non-nationals resident in Kuwait](#) for more detailed information on the situation for Biduns, [Women](#) and [Exit and Return](#)

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27. EXIT AND RETURN

- 27.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) stated:

“Women and Bidoon faced problems with or restrictions on foreign travel. In October 2009 the Constitutional Court issued and began enforcing a final ruling confirming a woman's right to obtain a passport without her husband's approval. However, a husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which a court order may extend the travel ban. The government restricted the ability of the Bidoon population to travel abroad. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue ‘Article 17’ passports (temporary travel documents that do not confer nationality) for Bidoon.” [1f] (Section 2d)

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Women](#) and [Children](#)

- 27.02 The USSD Report 2010 continued, “The law also permits travel bans on citizens or foreigners accused or suspected of violating the law, and it allows other citizens to petition authorities to do so. In practice, this resulted in arbitrary delays and difficulties for citizens or foreigners in leaving the country.” [1f] (Section 2d) The US State Department Country Specific Information, Kuwait, dated 20 February 2012, stated:

“Travelers who overstay their visas may be required to pay large fines before leaving Kuwait. Travelers who leave Kuwait without completing Kuwaiti exit procedures may also be required to pay large fines and/or be imprisoned if they return and attempt to depart from Kuwait. This includes official and unofficial travellers proceeding via Kuwait to and from Iraq and Afghanistan. Visas can be obtained upon arrival in Kuwait for a fee of 3 Kuwaiti Dinar (about \$10.50).” [1g]

- 27.03 The Kuwait National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1 [Universal Periodic Review (UPR)], published 22 February 2010 remarked, “The courts have reaffirmed the importance of the right to freedom of movement by requiring travel injunctions to be announced two weeks before their issuance in order to give the party concerned the opportunity to mount a challenge. Injunctions will be declared null and void if they are not announced in a timely manner.” [40b] (p10)

- 27.04 The USSD Report 2010 also noted, “The law prohibits the deportation or forced exile of citizens, although the government can revoke citizenship of naturalized citizens for various causes, including felony conviction and subsequently deport individuals. The government cannot revoke the citizenship of individuals who are born citizens, unless that individual has obtained a second nationality, which is against the country's law.” [1f] (Section 2d)

See also [Citizenship and nationality](#)

- 27.05 Kuwaitiah.net's undated page on residence visas, last accessed 22 February 2012, reported, "Expatriate employees of ministries and some other government institutions must obtain exit permits before they can leave Kuwait. Other expatriate[s] do not require exit visas." [21b] (Exit Permits) Additionally, residence visas were cancelled if the holder was absent abroad for a continuous period of six months. The only exception was for those who (a) were studying abroad, (b) were receiving necessary medical treatment abroad, (c) were required by virtue of their work to be abroad, provided permissions in all th[r]ee cases were obtained before leaving country. (Kuwaitiah.net, undated, last accessed 10 March 2012) [21b] (Absence Abroad)
- 27.06 On 24 March 2011 the Kuwait Times in its article, Expats' fingerprints to be scanned on arrival, departure, noted: "The government of Kuwait was reportedly set to start fingerprinting all expatriates leaving or coming into the country from April 2011 in order to maintain security and prevent banned individuals from re-entering the country under false passports or by other illicit means. The new initiative was also set to be extended to Kuwaiti citizens at a later date." [44e]

See also [Foreign nationals and non-nationals resident in Kuwait](#) for information concerning the Bidun acquiring temporary passports for travel abroad

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28. EMPLOYMENT RIGHTS

- 28.01 The US Department of State Country Report on Human Rights Practices 2010, Kuwait, released 8 April 2011, (USSD Report 2010) reported:
- "With the exceptions of the country's domestic workers and maritime employees, the law provides that workers have restricted rights to join trade unions. The law gives workers the right to join unions without previous authorization. Nondomestic migrant workers can join unions, with restrictions, if they obtain a certificate of good conduct and moral standing from the government, but they cannot run for seats or vote in board elections. An estimated 100,000 persons, or 5 percent, of a total workforce of two million were organized into unions, mostly in the public sector and the oil, gas, and petrochemical industries." [1f] (Section 7a)
- 28.02 The International Trade Union Confederation's (ITUC) Annual Survey of violations of trade union rights 2010, released 9 June 2010, reported:
- "A new Labour Code was adopted in December 2009, and while some excessive restrictions were dropped, several others remain. Only one national federation is permitted, the Kuwait Trade Union Federation (KTUF), which only organises workers in the oil and petrochemical sector, together with public sector workers including employees of some ministries. While the Labour Code no longer requires at least 100 workers to establish a union nor limits the number of unions per establishment, it still stipulates that the right to form unions lies with Kuwaiti workers." [27a]
- 28.03 The USSD Report 2010 noted:

“The government restricted the right of association in forming unions. Only one union per occupational trade exists, and unions combine in the sole government-authorized federation. The Kuwait Trade Union Federation (KTUF) comprised 15 of the 47 licensed unions, amounting to the vast majority of union workers. The KTUF did not meet the needs of all workers and left many, such as bank workers and airline employees, dissatisfied. As a result, some unions or workers instead joined the unlicensed National Trade Union Federation. The law stipulates that any new union must include at least 100 workers, 15 of them citizens and that union certification must be formally presented to them by the government. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement because it discouraged unions in sectors that employ few citizens, such as much of the private sector, especially construction and domestic workers.” [1f] (Section 7a)

See also [Freedom of association and assembly](#)

28.04 The ITUC Annual Survey 2010 reported:

“Collective bargaining is rarely practiced in the public sector. Although the law allows for direct negotiations between employers and workers or workers’ representatives in the private sector, the sector is not organised. ... Strikes are rare, not least because they are only allowed in the private sector, which is not organised, is very small and is mostly composed of foreigners whose stay in the country could be compromised. However, despite the ban strikes do occur. ... In response to the strikes [by airport workers in October 2009], there have been calls for the government to remove the ban on collective bargaining in the public sector.” [27a]

28.05 The US Department of State Country Report on Human Rights Practices 2009, Kuwait, released 11 March 2010, (USSD Report 2009) stated:

“The public sector minimum wage for citizens was 217 dinars (\$756) per month, and the public sector noncitizen wage was 97 dinars (\$338). The public sector minimum wage provided a decent standard of living for a citizen worker and family. There was no legal minimum wage in the private sector, except for those domestic workers who had signed contracts in 2006 who received at least 40 dinars (\$140) per month. The MOSAL [Ministry of Social Affairs and Labour] implemented the minimum wage effectively by requiring companies to provide a monthly wage report with supporting documents.” [1b] (Section 7e)

28.06 The Gulf News article entitled Kuwait introduces minimum wage for private sector workers, dated 16 April 2010, stated:

“Kuwait has set a minimum wage of 60 dinars (Dh763; \$208) for workers in the private sector. ‘No worker will be employed or brought to Kuwait to work in the private sector for a salary of less than 60 dinars,’ Mohammad Al Afassi, the Social Affairs and Labour Minister, said yesterday. ... The introduction of the minimum wage is part of a drive by Al Afassi to reform the labour market and give the private sector more advantages that will make it attractive to Kuwaiti nationals, who are traditionally keen on working in the public sector with generous benefits.” [85a] See also [Economy](#)

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NON-CITIZEN (FOREIGN/EXPATRIATE) WORKERS

28.07 The ITUC Annual Survey 2010 reported, “The government’s policy of reducing its reliance on migrant workers has not been implemented. These workers are still exploited, even though the government has sought to improve their legal protection.” [27a] The undated Kuwaitiah.net, accessed 23 December 2010, provided information on [Working in Kuwait](#) [21d] and [Private Sector Labour](#) law. [21c]

28.08 The Human Rights Watch World Report 2012, covering events of 2011, released 22 January 2012 (HRW World Report 2012), stated: “Migrant workers in Kuwait, who comprise 80 percent of the country’s workforce, continued to face exploitation and abuse under the sponsorship system.” [9j] (p584) The Amnesty International Report 2011: The State of the World’s Human Rights, Kuwait, covering events of 2010 (AI Report 2011), published 13 May 2011, stated: “Foreign migrant workers were inadequately protected by law and in practice, so continued to be exploited and abused by employers. Suicide rates among such workers were reported to be high.” [8c] (p2)

28.09 The United Nations Concluding observations of the Human Rights Committee: Kuwait, dated 18 November 2011, stated:

“The Committee is concerned about the discriminatory and inhuman treatment suffered by migrant domestic workers. This situation is exacerbated by the sponsorship system which makes them dependent on particular employers for their authorisation to work and to remain in the country. The Committee is also concerned that domestic workers were excluded from the 2010 Private Sector Labour Code, and that the modifications of the sponsorship system have not ensured respect for their basic human rights. The Committee also regrets the absence of effective control mechanisms ensuring the respect for employment regulations by employers ...

“The State party should abandon the sponsorship system and should enact a framework that guarantees the respect for the rights of migrant domestic workers. The State party should also create a mechanism that actively controls the respect for legislation and regulations by employers and investigates and sanctions their violations, and that does not depend excessively on the initiative of the workers themselves.” [19c] (p4)

See also [Foreign nationals and non-nationals resident in Kuwait](#), [Freedom of movement and Exit and return](#)

28.10 The HRW World Report 2012, noted:

“The government passed a new private sector labor law in February 2010 that set maximum working hours, required a weekly rest day and annual leave, and set end-of-service bonuses. However, the law excluded migrant domestic workers, who come chiefly from South and Southeast Asia and work and live inside employers’ homes in Kuwait. Many domestic workers complain of confinement in the house; long work hours without rest; months or years of unpaid wages; and verbal, physical, and sexual abuse.” [9j] (p587)

28.11 The HRW World Report 2012, further noted:

“A major barrier to redressing labor abuses is the kafala (sponsorship) system, which ties a migrant worker’s legal residence to a ‘sponsoring’ employer. Migrant workers who have worked for their sponsor less than three years can only transfer with their sponsor’s consent (migrant domestic workers always require consent). If a worker leaves their sponsoring employer, including when fleeing abuse, the employer must

register the worker as 'absconding.' This can lead to detention and deportation. In September 2010 the government announced that it would abolish the sponsorship system in February 2011, but made no major sponsorship reforms during the year." [9] (p587)

28.12 The Freedom House report, Women's Rights in the Middle East and North Africa 2010, released 3 March 2010, noted, "Domestic workers may take legal action against their employers by filing complaints directly with the police, and all abused employees may complain to Kuwait's administrative courts." [10b] (p11) However, elsewhere the same report asserted, "Most foreign-born domestic workers are unaware of their legal rights and are often reluctant to bring charges if they have suffered a serious offense or violence at the hands of their employers." [10b] (p5) Furthermore, The HRW World Report 2012, reported that "Few perpetrators of abuse are investigated and prosecuted." [9] (p587)

28.13 The USSD Report 2010, stated:

"The law prohibits forced or compulsory labor, including by children, 'except in cases specified by law for national emergency and with just remuneration'. However, there were reports of such practices, usually made possible by employer misuse of the sponsorship system of noncitizen workers. Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers who are employed under the sponsorship system. Many of these workers are subjected to restrictions on movement and communication, forced overtime, non-payment of wages, and some experience physical abuse. Female domestic workers are particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences." [1f] (Section 7c)

FURTHER SOURCES OF INFORMATION CONCERNING KUWAIT'S SPONSORSHIP SYSTEM

- The International Trade Union Confederation's (ITUC) Report [Overcoming the Gulf's Sponsorship Program: Workers and Unions Struggle to Find Solution to Growing Problem](#), 29 February 2012
- ITUC Report, [Kuwait: Discrimination Against Foreign Workers and Use of Forced Labour Persist](#), 7 February 2012

See also [Women](#), [Children](#) and [Trafficking](#)

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Annex A

CHRONOLOGY OF MAJOR EVENTS

Information extracted from source [5b] (British Broadcasting Corporation (BBC) Timeline: Kuwait, last updated 11 January 2012), unless otherwise stated.

1756

Kuwait comes under the control of the Al-Sabah family, predecessors of Kuwait's present rulers. A degree of semi-autonomy from Ottoman Turkey prevails.

1899

Fearing direct rule from Turkey, Sheikh Mubarak 'the Great' strikes a deal with Britain and Kuwait becomes a protectorate. Britain provides naval protection in return for Kuwait allowing London to control its foreign affairs.

1937

Large oil reserves discovered by the US-British Kuwait Oil Company. Exploitation is delayed by World War II, but thereafter fuels the country's development into a modern commercial centre.

1951

Major public-works programme begins; Kuwait's infrastructure is transformed, residents enjoy a high standard of living.

1961

June

Kuwait becomes independent with the end of the British protectorate; the sheikh becomes an emir. The country joins the Arab League. Iraq renews claims that Kuwait is part of its territory but backs down after British military intervention.

1963

Elections held for National Assembly, under terms of newly-drafted constitution.

1976

Emir suspends National Assembly, saying it is not acting in the country's interests.

1980

Iran-Iraq war: Kuwait supports Iraq strategically and financially.

1981

National Assembly recalled; dissolved again in 1986.

1985-86

Domestic security concerns, particularly about Iran's perceived influence over the Shi'ite minority, prompt the deportations of thousands of expatriates, many of them Iranian.

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1990

July Iraq complains to Opec, accusing Kuwait of stealing its oil from a field near the border. Iraqi President Saddam Hussein threatens military action.

August Iraq invades and then annexes Kuwait. The emir and cabinet flee to Saudi Arabia.

1991

January Iraq fails to comply with a UN resolution ordering it to pull out. A US-led and UN-backed bombing aerial campaign begins in Kuwait and Iraq. By late February allied forces reach Kuwait City. Iraqi forces torch oil wells as they pull out.

March Emir returns, imposes three-month period of martial law.

1992

Under domestic and international pressure, Emir gives green light to National Assembly elections. Opposition forces perform well in the vote.

1993

UN demarcates new Kuwait-Iraq border, awarding a port and a number of oil wells to Kuwait. US troops despatched to Kuwait following Iraqi border incursions.

1994

Iraq officially recognises Kuwait's independence and the UN-demarcated borders following UN pressure and Russian mediation.

1999

Emir suspends National Assembly after bitter feud between MPs and cabinet about misprints in state-published edition of the Koran. Government supporters suffer shock setback in resulting elections; liberals and Islamists predominate in the new assembly.

2001

March Kuwaiti court commutes to life imprisonment a death sentence handed down in 2000 to the country's pro-Iraqi puppet ruler during the 1990-91 invasion.

2003

March Tens of thousands of soldiers converge on the Kuwait-Iraq border for a US-led military campaign to disarm and oust Iraqi leader Saddam Hussein.

July Islamist and pro-government candidates fare well in parliamentary elections. There are major losses for liberal candidates.

Emir appoints Sheikh Sabah al-Ahmad al-Sabah prime minister, separating post from role of heir to throne for first time since independence.

2005

January Deadly gun battles erupt between suspected Islamist militants and police.

May Parliament approves a law allowing women to vote and run for parliament. In June the first woman cabinet minister, Massouma al-Mubarak, is appointed.

2006

January The emir, Sheikh Jaber, dies. The crown prince, Sheikh Saad, succeeds him but is removed days later because of concerns about his ailing health. Sheikh Sabah al-Ahmad is sworn in as emir.

- February Sheikh Sabah names his brother, Sheikh Nawaf, as crown prince and his nephew Sheikh Nasser as prime minister.
- April Women cast their votes for the first time, in a municipal by-election.
- June Women fail to win any seats in their first attempt to compete in parliamentary elections. The opposition – a loose alliance of reformists, liberals and Islamists – makes gains, winning nearly two-thirds of the seats.
- December Information Minister Mohammad al-Sanousi resigns. He was to face questioning in parliament over allegations that he curbed media freedoms in the run-up to parliamentary elections in June.

2007

- March The government resigns in a move aimed at thwarting a no-confidence motion against the health minister. The new cabinet includes two women.
- June Oil Minister Sheikh Ali resigns amid a political standoff between the government and parliament.
- July Kuwaitis are urged to conserve electricity as generators struggle to meet demands of economic growth fuelled by record oil exports.

2008

- March Emir dissolves opposition-dominated parliament and calls elections for 17 May after cabinet quits over alleged lack of cooperation from MPs.
- May Radical Islamists make gains in parliamentary elections, winning more than half of the 50 seats. No women are elected. Emir re-appointed Sheikh Nasser al-Mohammad al-Ahmad as prime minister.

2009

- January Prime Minister Sheikh Nasser Mohammad al-Ahmad al-Sabah forms new government after parliamentary row over visit by a Shia cleric.
- February Foreign Minister Sheikh Muhammad al-Sabah flies to Baghdad in highest-level visit since Iraq's armed forces invaded Kuwait in 1990.
- March Emir dissolves parliament after it demands to question his nephew and PM, Sheikh Nasser Mohammad al-Ahmad al-Sabah, about corruption allegations.
- May Three women MPs - Kuwait's first - win seats in parliamentary elections.
- October Constitutional court rules women can obtain passports without the consent of their husbands.
In another ruling, it decides women MPs are not required to wear an Islamic head cover.
- December Prime Minister survives an attempt by the opposition to remove him over corruption allegations.

2010

- December MPs injured as police clash with demonstrators protesting against alleged government plot to change constitution.

2011

- March Hundreds of young people demonstrate for reform, inspired by a wave of protests across the Arab world.
- December Emir dissolves parliament and replaces his prime minister following protests and a showdown over allegations of high-level corruption.

2012

- January Run-up to parliamentary elections on 2 February.

For further information on the 2012 parliamentary elections, please refer to [Recent developments](#)

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Annex B

POLITICAL ORGANISATIONS

The United States Department of State (USSD) Background Note, released 13 March 2012, reported, "The government does not officially recognize political parties; however, de facto political blocs, typically organized along ideological lines, exist and are active in the National Assembly." [1d] (Government and Political Conditions)

POLITICAL BLOCS

The Internal Affairs section of Jane's Sentinel Security Assessment, last updated 9 January 2012, reported:

"The formation of an official party has not prevented the informal alliances from continuing their work, with the Ummah party conducting its work along these lines. The main alliances are: two Sunni Islamic groups; the Islamic Constitutional Movement (ICM), formerly the supporters of the Muslim Brotherhood; the Islamic Popular Grouping (IPG), a Salafist group following a more fundamentalist interpretation of Islam; the Shia Islamic Popular Alliance (IPA); the liberal Kuwait Democratic Forum (KDF) dominated by former Arab nationalists; the National Democratic Rally, which follows a more reformist and independent agenda; and the Popular Action Bloc, which is headed by former parliamentary speaker, Ahmad al-Sadoun, and focuses on popular issues such as housing, government reform and salary rises. In September 2010, a new political bloc calling itself 'Group of 30' was announced composed of independent MPs. [28a] (Political Parties)

OTHER KNOWN POLITICAL GROUPS

Al-Soor al-Khames (The Fifth Fence) [36a-36b]

An Arab Times article of 8 March 2011 remarked, "The Fifth Fence is one of the youth groups in Kuwait calling for the resignation of the government and ouster of the prime minister to rescue the country from further collapse caused by the widespread corruption and poor performance of state institutions." [36a] It continued, "The group consists of secretaries of some MPs, as well as students from the Kuwait University (KU) and Public Authority for Applied Education and Training, and is affiliated to the Islamic Constitutional Movement (ICM)." [36a]

Kafi (Enough)

An Arab Times article of 7 March 2011 reported, "Another new youth group called Kafi, or 'Enough' in Arabic, urged an 'open and continuous' sit-in at a main square in Kuwait City 'until our demands are achieved.'" [36b]

Noreed (We Want)

An Arab Times article of 7 March 2011 reported, "Another anti-government campaign, Noreed (We Want) was also launched on Sunday [6 March 2011], demanding a new government, a new prime minister and a new approach." [36b]

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Annex C

PROMINENT PEOPLE

Information extracted from sources [37a] (Kuwait-info.com, State System – List of Ministers, undated and State System – Amir, undated, accessed 10 March 2012), unless otherwise stated.

Amir of Kuwait	His Highness (HH) Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah [57c]
Prime Minister	Jaber Mubarak Al-Hamad Al-Sabah [82a]
First Deputy Prime Minister, Minister Of Defence	Sheikh Ahmad Al-Khaled Al Sabah [58b, 81a]
Deputy Prime Minister, Minister Of Foreign Affairs	HE Sheikh Sabah Khalid Al - Hamad Al-Sabah [83a]
Deputy Prime Minister For Legal Affairs, Minister Of Justice, Minister Of Awqaf and Islamic Affairs	HE Advisor Rashed Addul Mohsen Al-Hammaad
Minister Of State For Housing and Parliamentary Affairs	Shuaib al-Muwaizri [81a]
Minister Of Commerce and Industry	Abdullah Al-Khaldi [58c]
Minister Of Oil	Hani Hussein [81a]
Minister Of Electricity and Water	HE Dr. Bader Shebib Al-Shuraiaan
Minister Of Interior	Sheikh Ahmed al-Hamoud al-Sabah [57c]
Minister Of State For Cabinet Affairs	HE Sheikh Sabah Khalid Al - Hamad Al-Sabah [33a]
Minister Of Public Labour, Minister Of State For Municipal Affairs	HE Dr. Fadhel Safar Ali Safar
Minister Of Communication, Minister Of State For National Assembly Affairs	HE Dr. Mohammed Mohsen Al-Busairi
Minister Of Social Affairs and Labour	HE Dr. Mohammed Mohsen Al-Ifasi
Minister of Finance	HE Mr. Mustafa Jassem Al-Shimali [57c]

**Minister Of Education,
Minister Of Higher Education**

Her Excellency Dr. Moudhi
Abdulaziz Al-Homoud

Minister of Health

HE Dr. Hilal Musaed Al-Sayer [37a]

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
BBC	British Broadcasting Corporation
BPD	Barrels Per Day
CEIP	Carnegie Endowment for International Peace
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women (United Nations)
CIA	Central Intelligence agency (United States)
CPJ	Committee to Protect Journalists
CRC	Committee on the Rights of the Child (United Nations)
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GBP	British Pound
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GNI	Gross National Income
GMU	Gulf monetary union
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Council (United Nations)
HRW	Human Rights Watch
ICRC	International Committee for Red Cross
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IPU	Inter-Parliamentary Union
IRB	Immigration and Refugee Board of Canada
ITUC	International Trade Union Confederation
KCG	Kuwait Coast Guard
KD/KWD	Kuwaiti Dinar
KFAED	Kuwait Fund for Arab Economic Development
KHRS	Kuwait Human Rights Society
KLF	Kuwait Land Forces
KNG	Kuwait National Guard
KSS	Kuwait State Security
MAIA	Ministry of Awqaf and Islamic Affairs
ME	Ministry of Education
MENA.FN	Middle East North Africa.Financial Network
MOC	Ministry of Communications
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOSAL	Ministry of Social Affairs and Labour
MP	Minister of Parliament
NGO	Non Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
POGAR	Programme on Government in the Arab Region (United Nations)
PM	Prime Minister
RI	Refugees International
RSF	Reporters sans Frontières
SIL	Summer Institute of Linguistics, Inc

STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UAE	United Arab Emirates
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCS	United Nations Cartographic Section
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGASS	United Nations General Assembly Special Session
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review (United Nations)
USAID	United States Agency for International Development
USCRI	US Committee for Refugees and Immigrants
USD	United States Dollar
USSD	United States State Department
WBG	World Bank Group
WFP	World Food Programme
WHO	World Health Organization
WRI	War Resisters' International

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Annex E

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