



# KUWAIT

## COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

29 March 2011

**SECURING OUR BORDER CONTROLLING MIGRATION**

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## Preface

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- 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 13 March 2011. The 'Latest News' section contains further brief information on events and reports accessed from 14 to 24 March 2011. The report was issued on 29 March 2011.
- ii The Report is compiled wholly from material produced by a wide range of recognised 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 are 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 COI 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 COI 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 reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS 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. COI 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 COI Report and the accompanying source material are public documents. All COI Reports are published on the UK Border Agency website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report 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 COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 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 COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA 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 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 country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- 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 COI 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://www.ociukba.homeoffice.gov.uk/>
- 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

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### EVENTS IN KUWAIT FROM 14 TO 24 MARCH 2011

*The Latest News provides a non-exhaustive selection of significant events since 14 March 2011. 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.*

24 March           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.

#### **Kuwait Times**

Expats' fingerprints to be scanned on arrival, departure, 24 March 2011

[http://www.kuwaittimes.net/read\\_news.php?newsid=NjM4NDY2NzUx](http://www.kuwaittimes.net/read_news.php?newsid=NjM4NDY2NzUx)

Date accessed 24 March 2011

22 March           Ten members of the 'Enough' youth movement disrupted a Parliamentary session by chanting slogans and calling for the resignation of the government, which they accused of engaging in corrupt activities. The Acting Parliament Speaker Abdullah Al-Roumi adjourned the session for fifteen minutes as security sent the protestors out of the hall.

#### **Arab Times**

'Enough' movement disrupts session, 22 March 2011

<http://www.arabtimesonline.com/NewsDetails/tabid/96/smid/414/ArticleID/167053/reftab/73/t/Assembly-again-approves-KD-50-pay-increment-for-all-Kuwaitis/Default.aspx>

Date accessed 24 March 2011

19 March           Kuwait's Public Prosecution Service extended the detention of 43 bidun (stateless) protesters – who were arrested at peaceful demonstrations in Taima and Sulaibiya last week – in order to allow police to continue their interrogation, as investigations continue into the allegations.

#### **Kuwait Times**

Bedoon protesters' detention extended, 19 March 2011

[http://www.kuwaittimes.net/read\\_news.php?newsid=MTEzMjE3NzM3Mg](http://www.kuwaittimes.net/read_news.php?newsid=MTEzMjE3NzM3Mg)

Date accessed 24 March 2011

18 March           A heavy police presence in Taima and Sulaibiya prevented any bedoon (stateless) demonstrators from gathering to protest for their rights. Activists had reportedly called for a demonstration following Friday prayers.

#### **Kuwait Times**

Heavy security succeeds in quashing bedoon protests, 20 March 2011

[http://www.kuwaittimes.net/read\\_news.php?newsid=NTA1MzE1MDc](http://www.kuwaittimes.net/read_news.php?newsid=NTA1MzE1MDc)

Date accessed 24 March 2011



## 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

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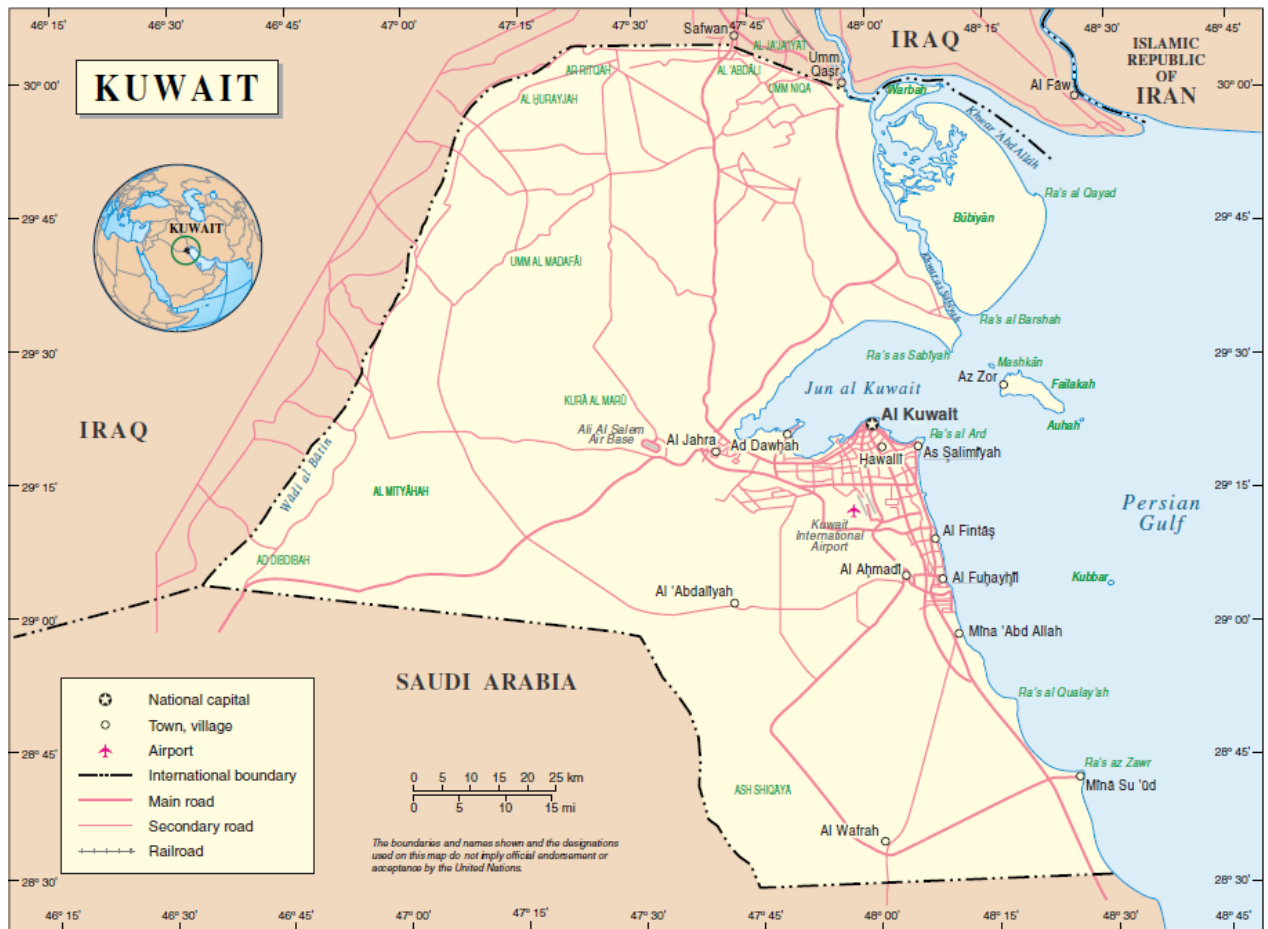
### 1. GEOGRAPHY

- 1.01 The Foreign and Commonwealth Office (FCO) *Country Profile*, last reviewed by the FCO on 7 June 2010, reported “Kuwait is roughly the size of Wales, and almost entirely flat and arid. Kuwait is bordered by 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 only some 15 km’s [sic] 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*, 4 May 2010) [1a] (People)
- 1.02 The USSD *Background Note* of May 2010 reported that the country’s population comprised of 45 per cent Kuwaiti citizens (approximately 1.05 million), other Arabs 35 per cent, South Asians nine per cent, Iranians four per cent and others accounted for seven per cent. [1a] (People) The FCO *Country Profile*, last reviewed by the FCO on 7 June 2010, noted: “...there are estimated to be over 100,000 Bidoon [stateless Arab persons] still in Kuwait.” [3a] (Politics)
- 1.03 On Kuwait’s religious demography, the USSD *Background Note*, 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 Kuwaiti citizens, with the exception of about 100-200 Christians and a few Baha’is, are Shi’a. Among expatriates, there are an estimated 450,000 Christians, 400,000 Hindus, and 100,000 Buddhists.” [1a] (People)
- See also [Ethnic groups](#), [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 7 June 2010 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* of 4 May 2010 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--about 9% 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 2009 it posted its eleventh 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.” [1a] (ECONOMY)

See also [Political system](#)

2.02 The estimated figure for the inflation rate of consumer prices in 2010 was 3.8 per cent. (Central Intelligence Agency (CIA) *World Factbook*, last updated 8 March 2011) [12a] (Economy) The World Bank’s Kuwait Data Profile of December 2010 provided the following statistics:

	2000	2005	2008	2009
<b>Gross National Income (GNI) per capita, Atlas method (current US\$)</b>	16,790	30,930	..	..
			(Worldview)	
<b>Gross Domestic Product (GDP) (current US\$) (billions)</b>	37.72	80.80	148.02	..
			[4a] (Economy)	

2.03 The country’s currency is the Kuwaiti dinar (KD), see below for exchange rates. (CIA *World Factbook*, last updated 8 March 2011) [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 7 June 2010) [3a] (Basic Economic Facts) In terms of agriculture, “With the exception of fish, most food was imported.” (USSD *Background Note*, 4 May 2010) [1a] (PROFILE-Economy)

2.04 The CIA *World Factbook*, last updated in March 2011, 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. 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)

See also [Employment rights](#)

2.05 The FCO *Country Profile*, reviewed 7 June 2010, described Kuwait as a “generous aid donor”. [3a] (Economy) Additionally, the USSD *Background Note* of May 2010 reported, “During the year ending on March 31, 2009, the fund [Kuwait Fund for Arab Economic Development (KFAED), an autonomous state institution,] signed 18 loan agreements, valued at \$690 million, with nine Arab and four African countries, two in East and South Asia and the Pacific, and one country in Central Asia and Europe.” [1a] (ECONOMY-Trade, Finance, and Aid)

2.06 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,

12 The main text of this COI Report contains the most up to date publicly available information as at 13 March 2011. Further brief information on recent events and reports has been provided in the Latest News section to 24 March 2011.

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]

### EXCHANGE RATES, AS AT 13 MARCH 2011

2.07 The Oanda.com FX Converter recorded the following exchange rates, as at 13 March 2011:

1 Kuwaiti Dinar (KWD) = 2.23434 British Pound (GBP)	1 GBP = 0.44756 KWD
1 Kuwaiti Dinar (KWD) = 3.59428 US Dollar (USD)	1 USD = 0.27822 KWD

[38a-38b]

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## 3. HISTORY

- 3.01 The Freedom House report, *Freedom in the World 2011*, released 13 January 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." [10d] (p1)
- 3.02 The Foreign and Commonwealth Office (FCO) *Country Profile*, last reviewed by the FCO on 7 June 2010, 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* 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, *Freedom in the World 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. Turnout was low, and the results were mixed, with Sunni Islamists, Shiites, liberals, and tribal representatives all winning seats." [10d] (p2) The United States Department of State

(USSD) *Background Note* of 4 May 2010 reported, “The 2009 parliamentary election was the second under a new five-constituency system. Observers noted that the outcomes of these elections reflected gains for Shi’a and tribal and sectarian influences.” [1a] (GOVERNMENT AND POLITICAL CONDITIONS)

- 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 – AUGUST 2010

- 3.06 The Freedom House report, *Freedom in the World 2011* noted, “In 2009, Kuwait’s Constitutional Court granted married women the right to obtain passports and to travel without their husband’s permission.” [10d] (p4) The British Broadcasting Corporation (BBC) Timeline, last updated 11 September 2010 reported, in another decision in the same month, 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, *Freedom in the World 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.” [10d] (p2)

See also [Political system](#)

- 3.08 The Human Rights Watch (HRW) *World Report 2011* on events in 2010 released 24 January 2011 stated, “Lawmakers in December 2009 failed to reach the quorum required to discuss a 2007 draft law that would grant the Bidun civil rights and

permanent residency, but not nationality. In January 2010 the assembly tasked the Supreme Council for Higher Planning with reporting on the Bidun situation.” [9d] (Bidun)

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

- 3.09 The HRW *World Report 2011* also reported, “For the first time since 1954 the government passed a new private sector labor law in February [2010], which provides workers with more protections on wages, working hours, and safety. However, it does not establish monitoring mechanisms and continues to exclude the country’s 660,000 domestic workers who come chiefly from Indonesia, Sri Lanka, and the Philippines and work and live inside employers’ homes in Kuwait.” [9d] (Migrant worker rights)

See also [Employment rights](#)

- 3.10 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]

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](#)

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#### 4. RECENT DEVELOPMENTS: SEPTEMBER 2010 – MARCH 2011

- 4.01 The Human Rights Watch (HRW) *World Report 2011* on events in 2010 released 24 January 2011 stated, “In September [2010] the government announced plans to abolish the sponsorship system [*kafala*] in February 2011, but provided no details about the system that would replace it, or whether it would include migrant domestic workers.” [9d] (Migrant worker rights)

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

- 4.02 On 28 October 2010, a Reuters article 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]

See also [Security forces – Avenues of complaint](#) and [Judiciary](#)

- 4.03 In December 2010, Amnesty International [8c] and Human Rights Watch (HRW) [9c] reported the forcible dispersal of a *diwaniye* – a gathering at a private individual’s house – held at the home of Minister of Parliament (MP) Jama’an Al-Harbash on 8 December 2010. [8c] HRW reported:

“Juma’an al-Harbish, a member of parliament and host of the gathering, told Human Right Watch that approximately 50 people gathered at his home in Kuwait's Suleibikhat neighborhood for a forum called ‘Preserving the Kuwaiti Constitution.’ The group planned to discuss attempts to strip one member of parliament, Faisal al-Mislim, of the immunity provided to members of parliament under Kuwait's constitution. ...

“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]

- 4.04 On 5 January 2011, the BBC reported that opposition Ministers of Parliament (MPs) had filed a motion of no-confidence against Prime Minister (PM) Sheikh Nasser Mohammed al-Sabah, a member of the ruling family, questioning his response to the opposition gathering; the Prime Minister narrowly survived the vote of no-confidence – the second in just over a year. [5a]

See also [Political system](#) and [Political affiliation](#)

- 4.05 Amnesty International reported that a Kuwaiti man had died on 11 January 2011 apparently as a result of physical mistreatment – including sexual abuse – whilst in detention following his arrest for the possession of alcohol. [8d] Also in January, *The Kuwait Times* published an article concerning the subsequent investigation and the possible political ramifications of the imminent report into the death in custody. [44a]

- 4.06 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] 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]

- 4.07 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]

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



4.08 On 19 February 2011, HRW reported:

“Bidun protesters demonstrated on Friday, February 18 [2011] in the Taima’a, Sulaibiyya, and Ahmedi areas of Kuwait to demand government action on their claims for citizenship and resolution of their stateless status. According to local activists, between 300 and 500 people participated in the protests. Witnesses from the largest gathering, in Taima’a, told Human Rights Watch that while protestors were initially peaceful, some subsequently threw rocks at security officers, after the security forces used water cannons, teargas, smoke bombs, and concussion grenades (sound bombs) to break up the demonstration.” [9b]

4.09 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]

4.10 An article in the *Kuwait Times’ Friday Times* publication reported on 4 March 2011 that:

“A National Assembly panel on bedoons’ rights yesterday [3 March 2011] approved draft laws laying down civil rights for tens of thousands of bedoons, or stateless Arabs, living in the country ahead of a planned ‘Day of Rage’ of protests after Friday prayers. ...

“[Minister of Communications Mohammad Al-]Baseeri, [head of the newly established bedoons’ authority, Saleh Al-]Fadhlah and several MPs said that the meeting approved 11 basic rights for bedoons, a majority of whom were denied these rights. They include the right to education, medical care, birth and death certificates, marriage and divorce contracts, a driver’s license and the right to jobs in the public and private sectors besides obtaining ration cards. ...

“It was not immediately clear, however, whether the rights will be approved in the form of decrees, as Fadhlah said, or in a legislation that will be passed by the National Assembly, according to several MPs.” [44c] (p8)

4.11 However, the *Kuwait Times* reported on 13 March 2011 that, following the government’s failure to fulfil its “...assurances that a decree offering bedoons a range of basic rights would be passed before the March 8 parliamentary session...”, further protests took place on 11 March 2011. [44b]

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

4.12 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]

See also [Political system](#) and [Political affiliation](#)

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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, *Freedom in the World 2011*, released 13 January 2011 stated:

"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." [10d] (p2)

- 6.02 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 2010, stated:

"Although there is no formal law banning political parties, the government did not recognize any political parties or allow their formation. Nevertheless, tribal affiliations and several well-organized, unofficial blocs ["typically organized along ideological lines" [1a]] closely resembled political parties in National Assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts." [1b] (Section 3)

- 6.03 The Inter-Parliamentary Union (IPU) website, last updated on 25 November 2010, 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)

- 6.04 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

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### 7. INTRODUCTION

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

7.01 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 2010, stated:

“The government limited citizens’ right to change their government and form political parties. There were a few reports of security forces abusing prisoners and at least one investigation and prosecution related to prisoner abuse. The government limited freedoms of speech, religion, and movement for certain groups and, although widely regarded as allowing considerably free media, occasionally limited media freedom. The status of stateless Arab residents (called ‘Bidoon’) remained unresolved. Government corruption and trafficking in persons remained problems. Women did not enjoy equal rights, although some advances were made. Expatriate workers faced difficult conditions in the domestic and unskilled service sectors.” [1b]

7.02 Amnesty International’s annual *Report 2010 – The State of the World’s Human Rights* (Report 2010) released 28 May 2010 summarised the human rights situation in Kuwait during 2009: “Migrant workers faced exploitation and abuse despite legal reforms. Critics of the government and ruling family were harassed. Thousands of Bidun remained stateless and so were unable to access their full range of rights. At least three people were sentenced to death; no executions were reported.” [8b] (p201)

7.03 The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, reported:

“In April [2010], 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.” [10d] (p1)

7.04 The Human Rights Watch (HRW) *World Report 2011* on the events of 2010, released 24 January 2011, stated, “Kuwait’s human rights record drew increased international scrutiny in 2010, as proposed reforms for stateless persons, women’s rights, and domestic workers remains stalled. Freedom of expression deteriorated as the government continued criminal prosecutions for libel and slander, and charged at least one individual with state security crimes for expressing nonviolent political opinions.” [9d]

7.05 The United Nations’ (UN) *Report of the Working Group on the Universal Periodic Review* (UPR), released 16 June 2010, noted that the Kuwait delegation to the UPR had “... stated that many laws had been adopted to consolidate and strengthen human rights, such as the 2005 law granting to women all their political rights, which had paved the way for four women to enter parliament following the 2009 parliamentary elections and to hold some of the highest leadership positions in the State.” [40a] (p3) The Kuwait delegation added:

“... a number of draft laws related to human rights were among the State’s priorities and were expected to be approved by the Majlis Al Ummah (legislative body). These included the draft law to combat human trafficking, which referred to transnational and organized crime and which would impose life imprisonment for perpetrators and long-term sentences for accomplices, while providing full protection to victims. In addition, Law 9/2010 included the State’s Development Plan through 2014 and provided for the enactment of a set of laws related to human rights and freedoms, including the law protecting children’s rights against violence and exploitation. The Development Plan also covered fields such as social protection, social security, work, health, education, economy, justice and the environment. It also strengthened transparency mechanisms.” [40a] (p4)

- 7.06 The Foreign and Commonwealth Office (FCO) *Country Profile*, last reviewed by the FCO on 7 June 2010, remarked:

“Kuwait has ratified all six core UN human rights conventions. Press freedom is guaranteed by the constitution although a small degree of self-censorship is exercised. There is a high level of freedom of expression and tolerance of Christianity. The Prime Minister has declared his intention to push for a solution to the long-standing problem of stateless residents of Kuwait (the Bidoon). Kuwait retains the death penalty. The issue of the Bidoon remains a sore in Kuwait’s Human Rights efforts.” [3a] (Human Rights)

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 The UN UPR report of 16 June 2010 stated:

“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.

“The [Kuwait] delegation reaffirmed Kuwait’s commitment to establish an independent human rights institution and formulate draft laws related to the trafficking in persons and children’s rights, as well as to prepare and submit on time periodic reports related to human rights instruments.” [40a] (p4)

- 7.08 The HRW *World Report 2011* noted, “In May 2010, at the United Nations Human Rights Council in Geneva, Kuwait promised to sign the Convention on the Rights of Persons with Disabilities and to establish an independent human rights institution based on the Paris Principles. At this writing the government has not made definite progress towards either measure.” [9d] Additionally, “In April 2010 UN High Commissioner for Human Rights Navanethem Pillay visited Kuwait and spotlighted the sponsorship system and statelessness as pressing human rights concerns.” [9d] (Key International Actors)

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## 8. SECURITY FORCES

- 8.01 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 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 [Ministry of Interior] MOI authorities. The military is responsible for external security." [1b] (Section 1d)

### POLICE

- 8.02 The April 2010 Security and Foreign Forces section of Jane's *Sentinel Security Assessment* reported:

"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." [28a] (Kuwait national police)

### ARMED FORCES

- 8.03 The Central Intelligence Agency (CIA) *World Factbook*, last updated 8 March 2011, 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 The April 2010 Security and Foreign Forces section of Jane's *Sentinel Security Assessment* 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.” [28a] (National Guard)

- 8.05 The April 2010 Security and Foreign Forces section of Jane’s *Sentinel Security Assessment* 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.” [28a] (National Guard)

## Civil Defence

- 8.06 The April 2010 Security and Foreign Forces section of Jane’s *Sentinel Security Assessment* 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.” [28a] (Civil Defence)

## Kuwait State Security (KSS)

- 8.07 The April 2010 Security and Foreign Forces section of Jane’s *Sentinel Security Assessment* reported:

“The service, 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.” [28a] (Kuwait State Security (KSS))

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## OTHER GOVERNMENT FORCES

### Customs

- 8.08 The April 2010 Security and Foreign Forces section of Jane’s *Sentinel Security Assessment* 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.” [28a] (Customs)

See also [Death penalty](#)



## Border Security and Coast Guards

- 8.09 The April 2010 Security and Foreign Forces section of Jane's *Sentinel Security Assessment* 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." [28a] (Border Guards)

## HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

- 8.10 The USSD *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 2010, noted, "The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice. Security forces occasionally monitored individuals' private communications and activities." [1b] (Section 1f)

### Arbitrary arrest and detention

- 8.11 The USSD human rights report 2009 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." [1b] (Section 1d)

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

### Torture

- 8.12 The USSD *2009 Country Report on Human Rights Practices*, released 11 March 2010, noted:

"Articles 53, 159, and 184 of the criminal law code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, some police and members of the security forces reportedly 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." [1b] (Section 1b)

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

- 8.13 The USSD *2009 Country Report on Human Rights Practices*, released 11 March 2010, stated, "There were no reports that the government or its agents committed arbitrary or unlawful killings." [1b] (Section 1a)

- 8.14 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...". [8d] 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.” [8d]

## AVENUES OF COMPLAINT

8.15 The USSD *2009 Country Report on Human Rights Practices*, released 11 March 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.” [1b] (Section 1b) The same report added, “In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial.” [1b] (Section 1d)

See also [Judiciary](#)

8.16 Amnesty International’s annual *Report 2010*, on events in 2009, stated, “In August [2009], the authorities said they had arrested six men suspected of belonging to an al-Qa’ida cell that was planning to attack a US base in Kuwait and a government building linked to the security services. In December, following acknowledgement by the court that the accused had been ill-treated, charges against the men were deemed unsafe and prosecutors ordered an investigation into the allegations of ill-treatment.” [8b] (p202)

8.17 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]

8.18 In January 2011, Amnesty International also reported on the launching of both an Interior Ministry and parliamentary committee investigation into the death in custody of a Kuwaiti citizen. [8d]

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 8 March 2011, reported that the 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* [12a] noted that conscription was suspended in 2001; 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]

As of 13 March 2011, it had not been reported that military conscription had been reintroduced in Kuwait.

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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 21 December 2010 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 9 February 2011, 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]

See also [Constitution](#)

- 10.02 UNDP-POGAR 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

- 10.03 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 2010, stated:

"The secular court system tries both civil and criminal cases, all of which originate with the Court of First Instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the High Court of Appeals, with a three-judge panel that may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. These decisions may be presented to the Court of Cassation, where five judges review the cases to determine only whether the law was properly applied. The emir has the constitutional authority to pardon or commute all sentences." [1b] (**Section 1e**)

10.04 The UNDP-POGAR undated page on the Judiciary in Kuwait reported:

“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.” [7d] (**Judicial Structure and Court System**)

Additionally, “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**)

10.05 The USSD human rights report 2009, reported, “Shari’a (Islamic law) courts have jurisdiction over family law cases for Sunni and Shia Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the family courts the testimony of a man is equal to that of two women.” [1b] (**Section 1e**)

See also [Women](#)

10.06 The same report also noted, “A martial court convenes in the event the emir declares martial law. The law does not specifically provide for a military court or provide any guidelines for how such a court would operate. The military operates tribunals that can impose punishments for offenses within the military.” [1b] (**Section 1e**) The UNDP-POGAR undated page on the Judiciary in Kuwait 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**)

## Constitutional Court

10.07 The UNDP-POGAR undated page 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] The USSD 2009 Country Report on Human Rights Practices noted, “The Constitutional Court, whose members are senior judges from the civil judiciary, has the authority to issue binding rulings concerning the constitutionality of laws and regulations and also rules on election disputes.” [1b] (**Section 1e**)

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## INDEPENDENCE AND FAIR TRIAL

10.08 The USSD 2009 Country Report on Human Rights Practices 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 (MOJ) 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.” [1b] (Section 1e)

- 10.09 The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, reported, “Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch approves judicial promotions.” [10d] (p4) 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)
- 10.10 The undated website of the Law Offices of Mishari Al-Ghazali, accessed 9 February 2011, 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)
- 10.11 The UNDP-POGAR undated page on the Judiciary of Kuwait, accessed 21 December 2010, also 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)
- 10.12 The USSD report 2009 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.” [1b] (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 right to confront their accusers and 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 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.” [1b] (Section 1e)

## LAWS OF KUWAIT

- 10.13 The undated website of the Law Offices of Mishari Al-Ghazali, accessed 9 February 2011, 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)
- 10.14 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)
- 10.15 The UNDP-POGAR undated page on the Judiciary of Kuwait, accessed 21 December 2010, 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 United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 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.” [1b] (Section 1d) The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, reported, “Authorities may detain suspects for four days without charge.” [10d] (p4)
- 11.02 The USSD 2009 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 [2009]. The courts generally do not accept cases without warrants issued prior to arrests. According to the penal code, a suspected criminal may be held at a police station without charge for as long as four days, during which authorities may prevent lawyers and family members from visiting. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. 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.” [1b] (Section 1d)

- 11.03 On detention, the USSD report 2009 stated, “Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.” [1b] (Section 1d) Additionally, “During the year [2009] 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, due to court delays.” [1b] (Section 1d)

See also [Security forces](#), [Prison conditions](#) and [Ethnic groups and non-citizens](#)

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## 12. PRISON CONDITIONS

- 12.01 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 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 4,000-person capacity; there were 211 inmates in the women’s prison and 3,834 inmates in the men’s prisons. The country also has a 1,000-person capacity deportation center in Talha that is not part of the prison complex. The 2006 construction of new men’s prisons resulted in an improvement in prison and detention center conditions; however, some detention facilities lacked adequate sanitation and sufficient medical staff. Authorities reportedly mistreated prisoners and failed to prevent inmate-on-inmate violence.” [1b] (Section 1c)

- 12.02 The USSD *Country Reports on Terrorism 2009 – Chapter 2 – Country Reports: Middle East and North Africa Overview*, released 5 August 2010 reported:

“In July [2009], the Government of Kuwait opened the al-Salam Center, a treatment facility modeled after the Kingdom of Saudi Arabia’s rehabilitation center, to rehabilitate 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. Al-Salam Center received its first residents from Guantanamo in October and December.” [1e] (Kuwait)

- 12.03 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 survey, *Freedom in the World 2011*, released 13 January 2011, reported, “The government permits visits by human rights activists to prisons, where overcrowding remains a problem.” [10d] (p4)

- 12.04 On the monitoring of prison conditions, the USSD 2009 report stated:

“While the Ministry of Interior (MOI) gave some nongovernmental organizations (NGOs) such as the Al-Takaful Prisoner Care Society unfettered access to prisons, the Kuwait Human Rights Society (KHRS) issued a statement August 1 [2009] criticizing the MOI for barring KHRS representatives from visiting the low-security prison. On July 7, the parliamentary Human Rights Committee visited the Central Prison Complex following up on an earlier visit. The committee chair expressed his satisfaction that the MOI had dealt with sanitation problems and a lack of medical staff observed during previous visits.

“During the year the KHRS visited the Talha Deportation Center (used as a holding facility for expatriate laborers) and stated that the center provides detainees sufficient food and adequate medical services.” [1b] (Section 1c)

- 12.05 The *Annual Report 2009* of the International Committee of the Red Cross (ICRC), released 19 May 2010, reported that the organisation visited and individually monitored 53 detainees, including four women during eight visits to three places of detention in 2009. [42a] (p391) The report also stated:

“In Kuwait, Iraqi nationals, stateless persons and Palestinians held in the central prison for men and in the deportation centre received regular ICRC visits conducted according to the organization’s standard working procedures. Both Kuwaiti and foreign security detainees received a first visit in June [2009] after an agreement on such visits was reached with the Kuwaiti authorities at the end of 2008, and a confidential report on the visit was submitted to the Foreign Ministry in September. A complete visit to Kuwait central prison was carried out in November to study the detention system as a whole.” [42a] (p391)

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### 13. DEATH PENALTY

- 13.01 The United Nations Human Rights Council (UN HRC) report, *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1* (the Universal Periodic Review), published 12 February 2010, stated, “The HR [Human Rights] Committee expressed serious concern over the large number of offences for which the death penalty can be imposed, including very vague categories of offences relating to internal and external security as well as drug-related crimes.” [40c] (p6)
- 13.02 The UN 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 Amnesty International’s, *The death penalty in Middle East and North Africa in 2009*, reported that at least three people had been sentenced to death in Kuwait during 2009. [8a] Amnesty International’s annual *Report 2010 – The State of the World’s Human Rights*, covering events in 2009, which was released 28 May 2010, also stated, “At least three people were sentenced to death for murder; no executions were reported.” [8b] (p202)

13.04 Amnesty International’s annual *Report 2010 – The State of the World’s Human Rights* noted the case of:

“May Membriri Vecina, a Filipina domestic worker, returned to the Philippines in June [2009] following a pardon by the Amir. She had been sentenced to death in July 2007 after being convicted of murdering her employer’s youngest child. At her trial, she alleged that her employer had physically and mentally abused her, causing her to become mentally ill. Her sentence had been commuted to life imprisonment in June 2008.” [8b] (p202)

## BLOOD MONEY

13.05 The Hands Off Cain 2010 report 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.” [29a] (Blood Money) In illustration of this, the report 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 4 May 2010, 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.” [1a] (Government and Political Conditions) The Freedom House survey, *Freedom in the World 2011*, released 13 January 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.” [10d] (p2)

## FREEDOM OF POLITICAL EXPRESSION

14.02 The Freedom House survey, *Freedom in the World 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.” [10d] (p2)

14.03 The *Freedom in the World 2010* survey, released 3 May 2010 noted:

“Parliamentary elections held in 2006 were the first to include women, having won the right to vote and run for office the year before. ... [Throughout 2007, 2008 and 2009, the legislature pressed for an end to government corruption, forcing the resignation of all or some members of the Cabinet on three occasions, and the subsequent dissolution of Parliament in March 2008 and 2009] ...

“Elections [the third in three years] for the new parliament were held in May 2009. Four women won seats, marking the first time women candidates have been elected in the country’s history. Turnout was low, and the results were mixed, with Sunni Islamists, Shiites, liberals and tribal representatives all winning seats.” [10a]

14.04 With regards to the right to vote, the Inter Parliamentary Union (IPU) website, last updated on 25 November 2010, 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](#) and [Women](#)

## FREEDOM OF ASSOCIATION AND ASSEMBLY

14.06 The Freedom House survey, *Freedom in the World 2011*, reported, “Freedoms of assembly and association are provided for by law, though the government constrains these rights in practice.” [10d] (p3)

14.07 A Carnegie Endowment for International Peace paper of 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

- 14.08 The USSD *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 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.” [1b] (Section 2b) Kuwait submitted a State Report dated 26 October 2009 to the United Nations Human Rights Committee (UN HRC), monitoring civil and political rights (CCPR), which was considered at [UN HRC’s 100th Session](#) in October 2010 but was only available in Arabic as at 13 March 2011. [19a] Kuwait was slated for further consideration in a future session, although no date was allocated as at 13 March 2011. [19b]
- 14.09 The Internal Affairs section of Jane’s *Sentinel Security Assessment*, last updated 1 February 2011, 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)
- 14.10 A June 2009 Carnegie Endowment for International Peace article on the outcome of the May 2009 elections noted:
- “... the declining popularity of organized political movements in general, especially Islamist ones. The Islamic Constitutional Movement (known by its Arabic acronym, Hadas) fell from three seats to a single seat, with only Jaaman al-Harbash reelected with support that was more tribal than ideological. The Salafist Movement’s share dropped from four seats to two, and the National Islamic Alliance (Shi’i) fell from two seats to one. The backlash against political organizations affected not only Islamists, but liberals as well, with the Kuwait Democratic Forum and National Democratic Alliance each dropping down to only a single seat. Although the idea of officially legalizing political parties is currently being discussed as a step towards further political liberalization, the victory of a significant number of independents—though some do have ideological loyalties—suggests that the popular mood in Kuwait might not be ready for such a move.” [15d]
- 14.11 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, 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]

14.12 The Freedom House 2010 survey, 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. Workers have the right to join labor unions, but the country’s labor law mandates that there be only one union per occupational trade.” [10d] (p3)

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

14.13 The USSD human rights report 2009 stated, “The law provides for freedom of assembly, and the government generally respected the right in practice. Organizers of public gatherings of more than 20 persons must inform the MOI [Ministry of Interior] of their plans.” [1b] (Section 2b) The Freedom House 2011 survey reported, “Kuwaitis must notify authorities of a public meeting or protest, but do not need a permit.” [10d] (p3) 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]

14.14 The Freedom House 2010 survey noted, “In October 2009, over 700 expatriate construction workers protested inhumane work and living conditions, as well as overdue salaries. Workers also claimed they had not been paid for overtime in a year. Kuwaiti authorities responded favorably, compelling employers to remedy the situation or face stiff fines.” [10a] (Political Rights and Civil Liberties) Whereas HRW’s April 2010 article reported, “Following the arrests of three Egyptian citizens on April 8, 2010 [after they attended a small meeting of Baradei supporters at a local café], Kuwait security forces detained over half of approximately 30 people who met on April 9 to discuss the arrests, and deported as many as 21 Kuwaiti residents with Egyptian citizenship, over a period of 48 hours.” [9e]

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

14.15 The Freedom House 2011 survey reported, “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.” [10d] (p3)

- 14.16 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]

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

- 14.17 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]

- 14.18 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

- 14.19 The USSD human rights report 2009 noted, “The law also protects diwaniyas [gatherings at the houses of private individuals]. Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens hosted or attended diwaniyas to discuss current economic, political, and social issues. A few women held female-only diwaniyas, and a small number of diwaniyas were open to both sexes.” [1b] (Section 2b)

- 14.20 The Freedom House 2010 survey reported:

“Kuwait has a tradition of allowing relatively open and free private discussion, often conducted in traditional gatherings (diwaniyat) that usually include only men. However, there are indications that these traditional sanctuaries of free speech are under pressure. In November 2009, police arrested the prominent journalist Abdulqader al-

Jassem for criticizing the prime minister at a private diwaniya. He was released on bail and was awaiting trial at year's end [2009]." [10a] (Political Rights and Civil Liberties)

14.21 Further, on 8 December 2010, a diwaniya held at the home of Minister of Parliament (MP) Jama'an Al-Harbash was forcibly dispersed, Amnesty International reported on 10 December 2010. "It appears to have been peaceful until police decided to disperse it by force after some of those present inside the MP's house openly voiced criticism of the government. Told to end the gathering, Jama'an Al-Harbash reportedly agreed and had asked for a few minutes to end the gathering when scores of police, many in riot gear and wielding batons, then broke up the meeting violently." [8c]

14.22 On 11 December 2010, HRW reported a slightly different version of the events, stating:

"[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

14.23 The USSD human rights report 2009 noted, "There were no reports of political prisoners or detainees." [1b] (Section 1e) The same report remarked:

"Although there is no formal law banning political parties, the government did not recognize any political parties or allow their formation. Nevertheless, tribal affiliations and several well-organized, unofficial blocs closely resembled political parties in National Assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts. Tribes dominated two of the five constituencies and exerted influence on the other three. Tribal leaders excluded women from the tribal primaries.

"On April 12 [2009], police arrested trade unionist Khalid Al-Tahous, a parliamentary tribal candidate, for 'incitement against the state' after he told an election rally that tribes would oppose any attempts to enforce the law prohibiting tribal primaries. After being detained for eight days, he apologized for his statements and was released on bail to continue his ultimately successful election campaign." [1b] (Section 3)

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 United States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 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.” [1b] (Section 2a) In Reporters sans Frontières’ (RSF) *Press Freedom Index 2010*, which calculated and measured press freedom around the world, Kuwait dropped 27 places from 2009 to joint eighty-seventh (with the United Arab Emirates and Tonga) in a list rising to 178 countries (the country ranked first has the most press freedom). [16b] (Middle East & North Africa)
- 15.02 The Freedom House survey, *Freedom of the Press 2010*, released 30 September 2010, reported:
- “Under 2006 amendments to the press law, press offenses are no longer criminal in nature; offenders now face steep fines instead. However, Kuwaiti law 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. Any citizen may press criminal charges against an author suspected of violating these bans.” [10c]
- 15.03 The RSF *Country Report: Kuwait*, released 5 January 2010, 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 2009 report stated, “Individuals were able to criticize the government freely in private and informal gatherings but could incur jail time and/or fines for attacking Islam, the emir, or the crown prince. Pointed criticism of ministers and other high-ranking government officials continued to be widespread, even though authorities arrested and detained individuals, including opposition political candidates, for incitement or criticism of the emir.” [1b] (Section 2a)
- 15.04 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)

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

- 15.04 On the Internet, the Freedom House 2010 press survey reported:
- “An estimated 37 percent of the population used the internet in 2009. The government monitored internet communications for defamation and security threats, and the Ministry of Communications (MOC) continued to block websites deemed to ‘incite terrorism and instability.’ Internet-service providers are required to block other websites as directed by the government, and internet cafe owners must collect customers’ names and

identification numbers and pass the information to the MOC upon request. A new internet censorship law proposed in 2009 would place greater restrictions on websites and blogs, but no action had been taken on the measure by year's end [2009].” [10c]

- 15.05 The USSD 2009 report concurred, also noting, “The Ministry of Communications (MOC) ... required Internet service providers to block other Web sites, some political.” [1b] (Section 2a) The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, also stated “Kuwaitis enjoy access to the internet, though the government has instructed internet service providers to block certain sites for political or moral reasons.” [10d] (p3)

## JOURNALISTS AND THE MEDIA

- 15.06 The Freedom House 2010 press survey reported:

“The country has 14 Arabic and 3 English-language daily newspapers, all privately owned. Print outlets in Kuwait are largely independent and diverse in their reporting, and rank among the most outspoken and aggressive in the region. Nonetheless, the Kuwaiti press practices a degree of self-censorship to avoid conflict with the government.

“The state owns nine local radio stations and five television stations. However, there are now 16 privately owned television stations, and satellite dishes are commonly used.” [10c]

- 15.07 The RSF *Country Report: Kuwait*, released 5 January 2010, 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.” [16a] 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]

The [Reporters sans Frontières](#) website reported on specific cases of the restriction or harassment of the press, including journalists and bloggers, during 2010, and can be accessed for updated information. [16c-16g] The [Committee to Protect Journalists](#) website may also provide updated information. [41a]

- 15.08 Additionally, on 14 January 2010, an RSF article reported draft amendments to the publications law, which:

“... would provide for prison sentences of one to two years for press offences and fines that could go as high as 100,000 dinars (about 240,700 euros).

“Moreover in the case of insult to god, the prophet Mohammed, or members of the royal family, they toughen the existing law, with penalties of up to two years in prison (compared to one year currently) and fines from 100,000 to 200,000 dinars (compared to 20,000 currently).

“Any attack on the person of the Emir or incitement to separatism would mean prison sentences of up to one year in addition to a fine of 50,000 to 100 000 dinars (compared to fines of 5,000 to 20,000 dinars).



“The amendments also provide for prior censorship of broadcast media and various artistic productions.” [16h]

As of 13 March 2011, the amendments to the publications law were not reported to have been passed.

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## 16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 16.01 The undated page on Human Rights, accessed 21 December 2010, 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 States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 2010, stated:

“The government used its power to license associations as a means of political control. There were 73 officially licensed 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 had been waiting years for approval.

“The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of 12,000 dinars (\$41,800) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL resumed issuing licenses after a long period of refusing to do so, received no financial assistance. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. The MOSAL 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.” [1b] (Section 2b)

16.03 The USSD human rights report 2009 also noted:

“NGOs may not engage in overtly 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 KHRS [Kuwait Human Rights Society] and the Kuwaiti Society for Fundamental Human Rights. Other local licensed NGOs devoted to specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to work without government interference.” [1b] (Section 5)

16.04 The Freedom House survey, *Freedom in the World 2011*, released 13 January 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.” [10d] (p3) Kuwait submitted a State Report dated 26 October 2009 to the United Nations Human Rights Committee (UN HRC), monitoring civil and political rights (CCPR), which was considered at the [UN HRC’s 100th Session](#) in October 2010 but was only available in Arabic as at 13 March 2011. [19a] Kuwait was slated for further consideration in a future session, although no date was allocated as at 13 March 2011. [19b]

16.05 The USSD 2009 report stated, “There were dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.” [1b] (Section 2b) Additionally, “An unknown number of local unlicensed human rights groups operated without government restriction during the year [2009].” [1b] (Section 5)

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 [Political affiliation – Association](#) and [Women](#)

16.07 On international NGOs, the USSD 2009 report remarked, “The government permits international human rights [and governmental] organizations to visit the country and establish offices, although none operated in the country. The International Office for Migration regional director visited the country during the year [2009].” [1b] (Section 5)

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## 17. CORRUPTION

- 17.01 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 2010, stated:

“The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Twenty percent of the respondents in a Transparency International poll released June 3 [2009] claimed to have paid a bribe or to know someone in their household who had done so in the past year. Respondents believed public officials and civil servants were the most corrupt entities, and they perceived the judiciary and parliament as less corrupt. According to the poll, respondents thought corruption was less prevalent in the country than experts believe it is. The Audit Bureau is the government agency responsible for combating government corruption.

“The MOSAL [Ministry of Social Affairs and Labour] and MOI [Ministry of Interior] continued to discover 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; however, on October 30, a court sentenced three officials charged with embezzlement to seven years in prison and a 3.4 million dinar (\$12 million) fine.” [1b] (Section 4)

- 17.02 In Transparency International’s (TI) 2010 Corruption Perception Index Kuwait ranked 54th out of 178 countries worldwide. Kuwait scored 4.5 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 survey, *Freedom in the World 2011*, released 13 January 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.” [10d] (p3)

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]

### 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.” [10d] (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?*)

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

## POLICE CORRUPTION

17.05 The USSD 2009 report stated, “The police were generally effective in carrying out core responsibilities; however, there were frequent reports of corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. There were reports that police showed favoritism towards citizens.” [1b] (*Section 1d*)

See also [Security forces](#)

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## 18. FREEDOM OF RELIGION

18.01 The United States Department of State (USSD) *2010 Report on International Religious Freedom*, released 17 November 2010, stated,

“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.’” [1c]

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 USSD religious freedom report of 2010 noted:

“There were laws against blasphemy, apostasy, and proselytizing. While the number of situations to which these laws applied was limited, the government actively enforced them, particularly the prohibition on non-Muslim proselytizing to Muslims. The government actively supported proselytism by Sunni Muslims and did not allow conversion away from Islam. ... A 1980 law prohibited the naturalization of non-Muslims. The law allowed Christian citizens to transmit their citizenship to their descendents.” [1c] (*Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework*)

18.04 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](#)

18.05 The USSD religious freedom report of 2010 further stated:

“The law prohibited marriage between Muslim women and non-Muslim men. A non-Muslim female was not required by law to convert to Islam to marry a Muslim male; however, in practice many non-Muslim women would face strong economic and societal pressure to convert. Failure to convert may have meant that, should the couple later divorce, the Muslim father would be granted custody of any children. A non-Muslim woman who fails to convert is also ineligible to be naturalized as a citizen or to inherit her husband’s property without being specified as a beneficiary in his will.” [1c] (Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework)

See also [Judiciary](#) and [Women](#)

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## RELIGIOUS GROUPS

18.06 The USSD religious freedom report of 2010 stated:

“Estimates derived from voting records and personal status documents indicated that 70 percent of [the estimated 1.1 million] citizens, including the ruling family, belong to the Sunni branch of Islam. The national census did not distinguish between Shi’a and Sunni Muslims. Most of the remaining 30 percent of citizens are Shi’a Muslims. There are approximately 150-200 Christian citizens and a small number of Baha’i citizens. An estimated 150,000 noncitizen residents are Shi’a. While some areas have relatively high concentrations of either Sunnis or Shi’a, 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.” [1c] (Section I. Religious Demography)

18.07 The Freedom House survey, *Freedom in the World 2011*, released 13 January 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.” [10d] (p3)

18.08 The USSD religious freedom report of 2010 noted:

“The Ministry of Awqaf and Islamic Affairs had official responsibility for overseeing religious groups. Officially recognized churches needed to work 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.” [1c] (Section II. Status of Government Respect for Religious Freedom – Legal/Policy Framework)

18.09 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 worship[ed] 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.” [1c] (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 United States Department of State (USSD) *Background Note*, last updated 4 May 2010, reported the population of Kuwait consisted of “3,520,000 including approximately 1.06 million Kuwaiti citizens, 2.36 million non-Kuwaiti nationals, and 100,000 stateless persons [Bidun].” [1a] (People) The Foreign and Commonwealth Office (FCO) *Country Profile*, last reviewed by the FCO on 7 June 2010, stated that the people resident in Kuwait comprised “Kuwaitis (approx 30% of population), Egyptians, Syrians, Iranians, Palestinians, Asians (Indians, Sri Lankans, Bangladeshis, Pakistanis, Filipinos, Afghani, 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 To live permanently in Kuwait an expatriate (other than Gulf Cooperation Council (GCC) citizens) had to have an iqama, i.e. a residence permit. There were different types of iqama which were colloquially known by the article numbers in the immigration regulations. The three main types were work visas (visa-17 for public sector employees) and (visa-18 for private sector employees), domestic and dependant visas, all of which required a sponsor. Individuals possessing resident status had to observe certain rules regarding travelling outside Kuwait. (Kuwaitiah.net, undated, last accessed 23 December 2010) [21b] (Obtaining Residence)

See also [Exit and return](#)

- 19.03 The Human Rights Watch (HRW) *World Report 2011* on the events of 2010, released 24 January 2011, stated, “More than two million foreign nationals reside in Kuwait, constituting an estimated 80 percent of the country’s workforce. Many experience exploitative labor conditions, including private employers who illegally confiscate their passports or do not pay their wages. Migrant workers often pay exorbitant recruitment fees to labor agents in their home countries and must then work off their debt in Kuwait.” [9d] (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 undated page on Education, accessed 23 December 2010, 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 United States Department of State (USSD) *2009 Country Report on Human Rights Practices: Kuwait*, released 11 March 2010, stated:
- “The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 [protocol]. The laws do not provide for the granting of 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 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.” [1b] (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 paper, *Kuwait: Still Stalling on Statelessness*, of May 2010 stated, “The Arabic word ‘*bidoon*,’ meaning ‘without’ and short for ‘*bidoon jinsiya*’ (without citizenship), is used to denote long-time residents of Kuwait who are stateless and, according to government figures, presently number just over 90,000.” [18a] (p1) The Human Rights Watch (HRW) *World Report 2011*, on events in 2010, released 24 January 2011, remarked that “Kuwait hosts up to 120,000 stateless persons, known as the Bidun. The state classifies these long-term residents as ‘illegal residents,’ maintaining that most do not hold legitimate claims to Kuwaiti nationality and hide ‘true’ nationalities from Iraq, Saudi Arabia, or Iran.” [9d] (Bidun)
- 19.10 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 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.” [1b] (Section 2d) The Foreign and Commonwealth Office (FCO) *Country Profile*, last reviewed by the FCO on 7 June 2010, concurred noting, “... there are estimated to be over 100,000 Bidoon still in Kuwait.” [3a] (POLITICS-Elections)
- 19.11 The Freedom House survey, *Freedom in the World 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.” [10d] (p4) In the *Report of the Working Group on the Universal Periodic Review (UPR)*, released 16 June 2010, the Kuwaiti delegation in response to questions asserted, “There were currently 93,334 illegal residents in Kuwait.” [40a] (p12) The USSD human rights report 2009 noted, “During the year [2009] several hundred Bidoon emigrated from the country to Australia, the United States, New Zealand, and Canada.” [1b] (Section 2d)

For recently published information on the situation of the Bidun, refer to the Refugees International webpage on [Kuwait](#). [18c] Following its delegation’s visit to Kuwait in May 2010, Refugees International published entries on its World Bridge Blog, also accessible from the main page on [Kuwait](#). [18b] [18d] [18f]

## Law, census and committees

- 19.12 The Refugees International paper, *Kuwait: Still Stalling on Statelessness*, of May 2010 reported:

“Many bidoon are descendants of Bedouin tribes that roamed freely across the borders of present day Kuwait, Saudi Arabia, Syria and Iraq. But because their ancestors failed to understand the importance of citizenship or given their centuries-old way of life they did not want to belong to any one country. Others were living outside the city walls or were illiterate. As a result, they did not or could not apply for nationality, though the majority had and still have legal documents that prove settlement in Kuwait earlier than establishment of the state. Bidoon are indistinguishable from citizens, sharing a common language and culture.



“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] (p1-2)

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]

See also [Citizenship and nationality](#)

19.13 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)

19.14 In the June 2010 UPR Working Group report, the Kuwaiti delegation in response to questions asserted, “After the establishment in 2006 of a special committee to follow up on their situation, 23,000 [Bidun] had regularized their situation.” [40a] (p12)

19.15 HRW’s *World Report 2011* stated, “Lawmakers in December 2009 failed to reach the quorum required to discuss a 2007 draft law that would grant the Bidun civil rights and permanent residency, but not nationality. In January 2010 the assembly tasked the Supreme Council for Higher Planning with reporting on the Bidun situation.” [9d] (Bidun)

19.16 The UN High Commissioner for Human Rights (UNHCR) *Kuwait Fact Sheet* of June 2010 reported:

“During a rally held on April 23 [2010], the Kuwait Stateless Committee (KSC), a number of MPs [Ministers of Parliament] and political activists urged the Kuwaiti government to resolve the problem regarding the Bedoun/Stateless population in Kuwait. The rally coincided after the government decision last February [2010] to assign the Kuwait Supreme Council for Planning to develop proposals to address the Bedouns issue and before the review of Kuwait’s Human Rights situation by the UN Human Rights Council [in May 2010].” [33a]

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## Status, documentation and rights

19.17 The USSD human rights report 2009 stated, “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.” [1b] (Section 2d) The May 2010 Refugees International paper, *Kuwait: Still Stalling on Statelessness*, reported, “Lack of legal status impacts all areas of life for bidoon: their identity, family life, mental and physical health, residence, education, livelihood, and political participation.” [18a] (p2) The same paper also asserted, “Proposals in Kuwait’s Parliament to honor civil and social rights of the bidoon, practically equivalent to citizenship, are at a standstill.” [18a] (p4)

19.18 Refugees International’s World Bridge Blog reported on a bidun protest of 11 March 2011:

“Crying ‘Peaceful, peaceful, peaceful,’ Kuwaiti bidoon fathers and their children along with a small number of women stood up for their right to a nationality and concomitant rights in the cities of Jahra, Sulabiya, and Al-Ahmedi today. However, instead of responding with real concrete solutions or trustworthy promises, their request was met with a burst of armored vehicles, shots of tear gas, brutal beatings, and a large number of arbitrary arrests. ...

“In late February [2011], Kuwait’s bidoon publicly and collectively called for national recognition of their rights, and in response the government agreed that a parliamentary discussion would take place in the session following the Independence and Liberation Day holiday. But on March 8 and 9, lawmakers ignored their commitment and voted not to prioritize the discussion, must less to codify rights. Thus, today’s events were primarily triggered by the latest in a string of broken promises to discuss and legalize the civil rights and nationality of the 90,000-100,000 people who live in the country as stateless persons.” [18e]

See also [Recent developments: September 2010 – March 2011](#) and [Latest News](#)

19.19 An 18 May 2010 Refugees International World Bridge Blog entry, *The Wall of Women: Hearing Stories of Statelessness in Kuwait*, recounted:

“We 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. ... One woman talked about being denied even the limited ‘Article 17’ passport that might allow her to make the religious pilgrimage to Mecca.

“Countless women spoke of being forced to put ‘false’ nationalities on their children’s birth registration or health cards ... Mothers spoke of their young adult children who see no way out other than suicide; other young people turn to crime or to the drug trade. A few of the young women we met told us of burns or other disfigurements which they are unable to have treated because of their inferior status as Bidoon and which they fear will prevent them from ever getting married or having children themselves.

“The denial of basic rights and opportunities can affect every aspect of life for Bidoon women and their families. It is not uncommon to find three families sharing a house,

often with more than thirty children between them – and many of their ‘houses’ are nothing more than corrugated metal shacks.” [18h]

- 19.20 The May 2010 Refugees International paper, *Kuwait: Still Stalling on Statelessness*, reported:

“A key contributing factor to the perpetuation of statelessness is the lack of transparency in the process of trying to adjust one’s legal status. Stateless people often find themselves caught in a costly cycle of buying their way out of situations for which they bear no responsibility. When dealing with government civil administration offices and providers of services, exchanging money or other favors can determine if or when they may be able to acquire citizenship or legal residency. Stateless people are forced into making their own compromises, using another person’s name to buy a home or maintain a business or purchasing a passport with an unlikely national affiliation.” [18a] (p3)

- 19.21 The USSD human rights report 2009 noted, “Bidoon generally did not qualify for the subsidized health care that citizens received ...”. [1b] (Section 2d) However, “On May 21 [2009], the Ministry of Health passed a resolution allowing free access to government health clinics for any Bidoon child who had a Kuwaiti mother (free access would end once a child turns 18, whereas Kuwaiti citizens receive free clinic access for life). This resolution also allows free health clinic access for life for all Bidoon whom the Ministry of Health deemed to have disabilities.” [1b] (Section 2d)

- 19.22 Additionally, the *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1* (Universal Periodic Review), dated 22 February 2010, asserted:

“... the State of Kuwait provides, and pays, for the children of irregular migrants employed in State ministries to be educated at public schools on the same footing as their Kuwaiti counterparts and with the same rights and duties. Moreover, a charitable fund was established in 2003 to subsidize education. The fund, which is overseen by the Ministry of Education, the Public Foundation for Endowments and the Executive Committee for the Affairs of Irregular Migrants, provides for the education of the children of employees in other sectors. In 2008/09, a total of 20,096 such children were provided with an education, at a total cost of \$15 million. With regard to health care, a charitable fund was set up for the children of irregular migrants in need, serving more than 60,000 beneficiaries at a total cost of \$6,320,000.” [40b] (p11-12)

- 19.23 In the June 2010 UPR Working Group report, the Kuwaiti delegation in response to questions asserted “The State offered a number of services to illegal residents, including health care, education, housing and social security services. ... some of them worked in the public and private sectors. In addition, illegal residents enjoyed the right to gain access to courts, to state their opinions and ... were also covered by the law on disabilities.” [40a] (p12)

- 19.24 On employment, the Refugees International May 2010 paper remarked, “Because formal employment is precarious and only possible through ‘favors,’ bidoon seek jobs in the underground economy: selling produce on the street, for example, and in some cases even turning to prostitution and the drug trade. Those who are employed face wage disparities with their citizen counterparts.” [18a] (p3) The USSD human rights report 2009 stated, “Although the government accepted Bidoon in an increasing number of government positions, it barred them from enlisting in the armed forces.” [1b] (Section 2d)

- 19.25 A February 2010 article published by the Middle East North Africa.Financial Network (MENA.FN) – *Arab Times* reported:

“The Civil Service Commission (CSC) is studying a proposal on forming a joint committee involving various government authorities and ministries to discuss the feasibility of appointing Bedoun in the public sector, reports Awan daily. A reliable source said CSC is trying to find jobs which can be given to Bedouns without violating Kuwaitis’ right to work in ministries and public authorities. Reportedly, these authorities are looking for competent youths to work for them and have asked permission to employ Bedouns.” [30a]

See also [Women](#), [Children](#), [Medical issues](#), [Citizenship and nationality](#), and [Employment rights](#)

## Citizenship

- 19.26 The USSD human rights report 2009 stated:

“During the year [2009] the government did not grant citizenship to any Bidoon, despite having granted citizenship in 2008 to 573 Bidoon on the basis of sufficient ties to the country. More than 80,000 Bidoon citizenship requests were pending at year’s end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or 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.” [1b] (Section 2d)

- 19.27 The USSD human rights report 2009 noted, “...Kuwaiti 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.” [1b] (Section 2d) As such, the 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)
- 19.28 Refugees International’s May 2010 paper reported, “In Kuwait, nationality is deemed a matter relating to sovereignty and courts cannot review sovereign actions of the state. Accordingly, the bidoon cannot petition the courts to have their citizenship claims adjudicated.” [18a] (p2)

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

## Documentation

- 19.29 The USSD human rights report 2009 stated, the Kuwaiti 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.” [1b] (Section 2d) Refugees International’s May 2010 paper reported, “Under ordinary circumstances, a birth declaration is meant as a temporary document to be taken to the Ministry of Health and exchanged for a birth certificate. Stateless children in Kuwait, however, generally cannot obtain a birth certificate because their parents are not given marriage certificates.” [18a] (p2)

19.30 The USSD human rights report 2009 noted, “On March 25 [2009], the Court of First Instance decided to issue a marriage certificate to a Bidoon woman married to a Kuwaiti citizen. Based on this precedent, on April 5 and again on May 26, 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 ministries had complied with these court orders by year’s end [2009].” [1b] (Section 2d) In the June 2010 UPR Working Group report, the Kuwaiti delegation in response to questions asserted “...all the necessary official documents requested by those residents had been provided to them, and some of them worked in the public and private sectors.” [40a] (p12)

See also [Women](#), [Children](#), [Freedom of Movement](#), and [Citizenship and nationality](#)

19.31 The November 2007 paper produced by the FCO stated, “There was a distinction between documented and undocumented bidun. In basic terms, documented bidun had legal rights and undocumented bidun did not.” [3b] (p3)

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### **‘Documented’ Bidun (registered with the Executive Committee for Illegal Residents (ECIR) by June 2000)**

19.32 The November 2007 paper produced by the FCO reported:

“[Only those] registered by the June 2000 deadline could begin the process under which they could be documented as citizens (having proof of their presence, or their parent’s/grandparent’s presence, in Kuwait in 1965).

“Although many do not have the same rights as Kuwaiti citizens (such as free education and health care), they are treated similarly to registered foreign migrant workers.

“They are entitled to medical treatment on payment of the mandatory health insurance fee of KD5 (£9) per month; and had access to private education (additionally 16,000 bidun children, from Kuwaiti mothers, or with fathers in the Kuwait armed forces, received free education).” [3b] (p3)

19.33 The FCO November 2007 paper continued:

“Children of bidun fathers and Kuwaiti mothers no longer inherited Kuwaiti nationality, though this was not unique to them: the same rule applied to children of Kuwait mothers and other non-Kuwaiti fathers.

“In terms of employment, bidun were no longer recruited into the public sector. However, those who were employed earlier remained in position.

“Although the police and armed forces were purged of bidun following the Gulf War and key trainers and instructors in the army lost their jobs, there were still bidun in the ranks – around 6,000 or 25 per cent.

“Both the Kuwaiti Ministry of Defence and the police no longer recruited bidun, but the police still had some 1,700 registered bidun working for them.” [3b] (p3)

## 'Undocumented' Bidun (not registered with the Executive Committee for Illegal Residents (ECIR) by June 2000)

19.34 The November 2007 paper produced by the FCO reported:

"[B]idun not registered by June 2000 or had not either disclosed their 'true nationality', or provided proof of their right to citizenship, would be subject to deportation.

"In practice, this did not happen, although the Government had brought charges against several bidun who allegedly obtained false documents in an attempt to prove their claim to Kuwaiti nationality.

"The Government stated that the majority of undocumented bidun were concealing their true nationality, and that they or their forebears had entered Kuwait illegally. The Government had encouraged them to come forward with nationality evidence, whereupon they would be issued with residency permits like any other foreigner residing in Kuwait.

"The problem for some second or third generation bidun was that their forebears may not have had any citizenship documents or may have destroyed them.

"These people were faced with the choice of acquiring the nationality of a third country and legalising their residency in Kuwait, or of living in the country without rights as an illegal alien." [3b] (p3-4)

See also [Women](#), [Children](#), [Medical issues](#), [Citizenship and nationality](#), and [Employment rights](#)

### Travel documents / Article 17 documents

19.35 The Refugees International May 2010 paper remarked that, after 1985, the Bidoon "... could no longer carry passports (known as Article 17 passports) unless they left the country and renounced the right to return." [18a] (p2) HRW's *World Report 2011* stated, "Due to their statelessness, the Bidun cannot freely leave and return to Kuwait; the government issues them temporary passports at its discretion, mostly valid for only one journey." [9d] (Bidun)

19.36 A 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)

19.37 The November 2007 paper produced by the FCO reported:

"Travel documents were 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)

See also [Women](#), [Children](#), [Freedom of Movement](#), and [Citizenship and nationality](#)

## Alien Reporting Cards

19.38 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.

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## 20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

#### Lesbians and gay men

20.01 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 2010, stated, "The law punishes homosexual behavior 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." [1b] (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 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 ILGA's May 2010 survey stated female to female sex was legal [11a] (p26) while the USSD human rights report 2009 noted, "There are no laws that criminalize sexual behavior between women." [1b] (Section 6)

### Transgender persons

- 20.04 HRW's *World Report 2010* reported, "Article 198 of the penal code criminalized 'imitating the appearance of a member of the opposite sex,' imposing arbitrary restrictions upon individuals' rights to privacy and free expression." [9d] (Sexual Orientation and Gender Identity) The USSD human rights report 2009 stated, "In 2007 the National Assembly approved a law to impose a fine of 1,059 dinars (\$3,690) and/or one year's imprisonment for those imitating the appearance of the opposite sex in public." [1b] (Section 6) In March 2008, HRW 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]
- 20.05 A *Kuwait Times* article of August 2008, reproduced on the website GayMiddleEast.com, reported, "A number of local transsexuals met on Wednesday [20 August 2008] with several MPs, handing the parliamentarians a petition asking them to support cross-dressers because they suffer from an illness, reported Al Watan. The letter complained that recently-introduced legislation did not take transsexuals' psychological and physical circumstances into consideration." [44e]

## TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

### Lesbians and gay men

- 20.06 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]
- 20.07 The USSD human rights report 2009 remarked that, regarding societal and official discrimination based on sexual orientation, "There was no government response to either." [1b] (Section 6)

### Transgender persons

- 20.08 In March 2008, HRW reported on the arrest of transgender persons in Kuwait:



“The only known targets of the new Kuwaiti law [the December 2007 amendment to Article 198 of the Criminal Code] have been transgender people – individuals born into one gender who deeply identify themselves with another. ...

“Of the 14 people arrested in December 2007, police beat at least three while in detention, leaving one unconscious, their friends reported. One foreign national was deported to Saudi Arabia to face trial in that country. Legal representation was denied to all of the detainees.

On February 26, 2008, authorities freed all those then detained as part of a general amnesty to celebrate Kuwait’s Liberation Day. No further arrests were reported until March 14 [2008].” [9a]

- 20.09 The USSD human rights report 2009 stated, “During the year [2009] there were more than a dozen reports of police arresting transgender persons at malls and markets, taking them into custody, beating them and shaving their heads, and then releasing them without charges. For example, on March 10, MOI [Ministry of Interior] Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing.” [1b] (Section 6) The HRW *World Report 2011* also noted, “The police continued to arrest and detain transgendered women on the basis of the law, many of whom have previously reported abuse while in detention.” [9d] (Sexual Orientation and Gender Identity)

## SOCIETAL TREATMENT AND ATTITUDES

- 20.10 The USSD human rights report 2009 noted, “There were no official NGOs [non-governmental organisations] focused on lesbian, gay, bisexual, or transgender matters. Societal discrimination based on sexual orientation was common; official discrimination was less so.” [1b] (Section 6)

- 20.11 A June 2008 *Kuwait Times* article, *Dangers at the park: Anonymous gay sex in Kuwait*, reproduced on the website GayMiddleEast.com, reported:

“The number of gay men who are out of the closet in Kuwait is very small, due to the fact that people still have their prejudice against the subject. ... Wael [a 30-year old Jordanian gay man] says that even those who claim to be open-minded will change their mind about homosexuality as soon as a relative comes out of the closet. ‘As long as it doesn’t affect their immediate family, everyone is open-minded about gays and lesbians. But will they accept it if their brother or sister said they’re homosexual? No.’” [44f]

- 20.12 A 14 November 2009 *Arab Times* article, reproduced on the website GayMiddleEast.com, reported, “Two same-sex marriages were allegedly conducted in Kuwait recently, reports Al-Seyassah daily. According to the source, two Kuwaiti men got married in Salmiya, which coincided with another wedding ceremony between two women in Kheitan that lasted for three hours, adding both ceremonies took place in the presence of several homosexuals.” [36c] On the same GayMiddleEast.com page, an article dated 15 November 2009 remarked, “In reaction to the reported same-sex marriages in Kuwait ... MPs Mohammad Hayef Al-Mutairi, Dleghi Al-Hajri and Falah Al-Sawagh are said to have criticized this odd phenomenon and said the Ministry of Interior must take speedy action to uproot this social ill, reports Al-Seyassah daily.” [36c]

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## 21. WOMEN

### OVERVIEW

21.01 The Freedom House report, *Women's Rights in the Middle East and North Africa 2010*, released 2 March 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 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)

21.03 The United States Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 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 areas. Nevertheless, women attained prominent positions in government and business. A parliamentary committee for women’s and family affairs exists, and female MPs made up four of its five members.” [1b] (Section 6)

21.04 The Human Rights Watch (HRW) *World Report 2011* on events in 2010, released 24 January 2011, also remarked, “Discrimination against women continues in nationality, residency, and family laws, and in their economic rights, though women gained the right to vote and run for office in 2005.” [9d] Following a brief history of the advancement in women’s rights following the liberation of Kuwait in 1991, the Freedom House women’s rights report 2010 concurred, stating “Despite these significant developments, Kuwaiti women still face discrimination in many areas of life.” [10b] (p3)

21.05 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. [13b] (p1) The Freedom House 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 2 March 2011, noted “Kuwait also

refused to accept the authority of the international dispute resolution mechanisms created by the CEDAW.” [7a]

Kuwait’s combined third and fourth periodic reports are due to be discussed at UN CEDAW’s 50th Session, to be held 2 – 21 October 2011, although the Committee’s schedules are subject to change. [13c] The [combined initial and second periodic reports](#) dated 1 May 2003, which were discussed in the *Concluding Observations* of 2004 were also available. [13a]

- 21.06 Kuwait’s national report to the UPR 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)

## LEGAL RIGHTS

- 21.07 The Freedom House 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)

- 21.08 The HRW World Report 2011 remarked, “Kuwait’s nationality law denies Kuwaiti women married to non-Kuwaiti men the right to pass their nationality on to their children and spouses, a right enjoyed by Kuwaiti men married to foreign spouses. The law also discriminates against women in residency rights, allowing the spouses of Kuwaiti men but not of Kuwaiti women to be in Kuwait without employment and to qualify for citizenship after 10 years of marriage.” [9d] (**Women’s and Girls’ Rights**) The Freedom House women’s rights report 2010 also noted, “A Kuwaiti woman married to a foreign national can transfer her nationality to her children only if the father is unknown or has died, or if there has been an ‘irrevocable’ divorce. Conversely, the foreign-born wife of a Kuwaiti man may become a Kuwaiti national after 10 years or less of marriage.” [10b] (p5)

- 21.09 The same Freedom House report stated, “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)

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

- 21.10 Freedom House’s women’s rights report 2010 continued:

“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.” (Freedom House women’s rights report 2010) [10b] (p5)

See also [Violence against women](#) below

- 21.11 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.” [8b] (p202) Freedom House’s 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)

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

## POLITICAL RIGHTS

- 21.12 The HRW *World Report 2011* 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.” [9d] (*Women’s and Girls’ Rights*) The Inter-parliamentary Union’s (IPU) *Women in national parliaments*, ranked Kuwait 115th of 188 countries, as of 31 January 2011. [47b]
- 21.13 A June 2009 article in the Arab Reform Bulletin of the Carnegie Endowment for International Peace (CEIP) reported:
- “For the first time since being granted suffrage in 2005, women were able to win four seats in the 50-member assembly ... One of them, Massouma al-Mubarak, took the top slot in her district, while another, Aseel al-Awadi, came in second in hers, outperforming veteran politician and former national assembly speaker Ahmed al-Saadoun by 891 votes. Although Rola Dashti only took seventh place (following two failed attempts in previous elections), she still came in ahead of prominent Islamist politician Walid al-Tabtabai.” [15d]
- 21.14 The USSD human rights report 2009 stated, “On October 28 [2009], the Constitutional Court ruled that female MPs Rola Dashti and Aseel Al-Awadhi did not violate the Shari’a requirement of the electoral law by going uncovered (not wearing a hijab) and, as a consequence, would not have their National Assembly seats revoked. The ruling also determined that female candidates for parliament and female voters are not legally required to wear the hijab.” [1b] (Section 6)
- 21.15 In a March 2010 interview for the Arab Reform Bulletin of the 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]

21.16 Kuwait’s national report to the UPR of February 2010 stated, “Women occupy several top positions in Kuwait, as undersecretaries of State and ambassadors and also in a wide range of sectors, including the diplomatic corps and some military posts, as well as positions as assistant judges, public prosecutors and State attorneys. In addition, women hold senior posts in academia, the media, the economic and commercial sector and the social work sector.” [40b] (p15) In the United Nations Human Rights Council (UN HRC) *Report of the Working Group on the Universal Periodic Review (UPR)*, published 16 June 2010, the Kuwaiti delegation also stated, “There was no discrimination against women in terms of assuming decision-making positions in the country, and women had been appointed as ministers, ambassadors, military police and managers in various ministries.” [40a] (p10-11)

21.17 However, the HRW *World Report 2011* noted:

“In April 2010 an administrative court rejected a female Kuwaiti law graduate’s application to become a public prosecutor based on her gender. The advertisement for the position was open to male candidates only. The presiding judge found that article two of Kuwait’s constitution, which cites Islam as the state religion and Islamic Sharia as ‘a main source of legislation,’ prevented women from holding prosecutorial positions. Kuwaiti women are also denied the right to become judges.” [9d] (*Women’s and Girls’ Rights*)

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

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## SOCIAL AND ECONOMIC RIGHTS

### Education and employment

21.18 The Freedom House 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)

21.19 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)

21.20 The USSD human rights report 2009 noted, “The law requires that classes at all universities, private and public, be segregated by gender. Public universities enforced this law more rigorously than private universities.” [1b] (Section 6)

21.21 The USSD human rights report 2009 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." [1b] (Section 6) The same report also remarked, "On March 26 [2009], the first female police officers graduated from the Support Authority Institute at the Saad Al-Abdallah police academy." [1b] (Section 6)

21.22 The Freedom House 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)

21.23 The same report also noted, "Kuwaiti women enjoy relatively uninhibited freedom of movement and may travel abroad without a *muhamam* (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

21.24 The Freedom House 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)

21.25 The Freedom House 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)

21.26 On marriage, the Freedom House 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)

21.27 The USSD human rights report 2009 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.” [1b] (Section 6)

21.28 Freedom House’s women 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)

21.29 The Freedom House women’s right 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)

- 21.30 The USSD human rights report 2009 noted, "Inheritance is also governed by Shari'a, which varies according to the school of Islamic jurisprudence the 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." [10b] (Section 6) Additionally, the Freedom House 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)
- 21.31 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)
- 21.32 The Freedom House 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)
- 21.33 Nevertheless, the Freedom House women's rights report 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

- 21.34 The Freedom House 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)
- 21.35 The USSD human rights report 2009 remarked, "Women enjoyed the right to decide freely and responsibly the number, spacing, and timing of their children. Oral contraceptives were available over the counter. A 2004 study found the contraceptive needs of 90 percent of nonpregnant, married Kuwaiti women were being met despite the absence of a formal family planning program." [1b] (Section 6) The Freedom House 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)
- 21.36 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)

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

## VIOLENCE AGAINST WOMEN

- 21.37 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 USSD human rights report 2009 noted, "Violence against women continued to be a serious and underreported problem." [1b] (Section 6) Freedom House's women 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)
- 21.38 The USSD human rights report 2009 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. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. However, 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 [2009]. ... The courts have found husbands guilty of spousal abuse; however, 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.” [1b] (Section 6)

21.39 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)

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

### **Rape and other sexual crimes, including harassment**

21.40 The USSD human rights report 2009 stated:

“Rape carries a maximum penalty of death, which the country occasionally imposes for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year [2009]. 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. According to foreign diplomatic sources, victims reported that the majority of police stations and hospitals handled their cases in a professional way, but others did not.” [1b] (Section 6)

21.41 The Freedom House 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](#)

21.42 The USSD human rights report 2009 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. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem.” [1b] (Section 6)

### **‘Honour’ crimes**

21.43 The USSD human rights report 2009 stated, “Honor crimes are prohibited; however, the penal code reduces penalties for such crimes to 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 dinar (\$784) fine. There have been no reported cases of honor crimes in recent years.” [1b] (Section 6)

21.44 The Freedom House 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 human rights report 2009 noted, "There have been no reported cases of honor crimes in recent years." [1b] (Section 6)

### ASSISTANCE AVAILABLE

21.45 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 human rights report 2009 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 [2009]." [1b] (Section 6) The Freedom House 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)

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## 22. CHILDREN

### OVERVIEW

22.01 The United States Department of State (USSD) *2009 Country Reports on Human Rights Practices*, released 11 March 2010, stated, "The government is generally committed to the rights and welfare of citizen children, although noncitizen children received less support and attention." [1b] (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 9 March 2011) [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', last updated 2 March 2010 provided the following statistics:

Population (thousands), 2009, under 18	817
Population (thousands), 2009, under 5	254
% of population urbanized, 2009	98
Life expectancy at birth (years), 2009	78
Annual no. of births (thousands), 2009	52
Annual no. of under-5 deaths (thousands), 2009	1

[46a]

## 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 human rights report 2009 also noted that "The legal age for girls to marry is 15, but younger girls continued to marry within some tribal groups. The MOJ [Ministry of Justice] estimated the prevalence at 2 to 3 percent of total marriages." [1b] (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 human rights report 2009 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 human rights report 2009 also stated that the minimum legal age for working was 18 years, although there were exceptions, as outlined in the [Legal rights](#) subsection below. [1b] (Section 7d) The 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 human rights report 2009 stated, "The government did not issue birth certificates to Bidoon children despite several court decisions against the government during the year [2009] and many Bidoon children could not receive free public services." [1b] (Section 6)

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

## LEGAL RIGHTS

- 22.06 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)

22.07 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 human rights report 2009 noted, “The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants.” [1b] (Section 6)

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

22.08 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]

22.09 Nevertheless, the Kuwait national report to the UPR 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)

22.10 The USSD human rights report 2009 noted, “The law prohibits child labor; however, there were credible reports of underage workers, including domestic servants.” [1b] (Section 6d) Further, “The legal minimum age for employment is 18; however, employers may obtain permits from the MOSAL [Ministry of Social Affairs and Labour] to employ juveniles between the ages of 14 and 18 in nonhazardous trades. 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.” [1b] (Section 6d)

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

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## VIOLENCE AGAINST CHILDREN

22.11 The USSD human rights report 2009 remarked that “There was no societal pattern of child abuse.” [1b] (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)

- 22.12 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]
- 22.13 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)

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 13 March 2011. [45e]

## 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 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)

For further details, consult the full report [Concluding Observations of the Committee on the Rights of the Child: Kuwait](#) [45c] 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 13 March 2011. [45e]

- 22.15 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)

See also [Trafficking](#)

## EDUCATION

- 22.16 The USSD human rights report 2009 stated:

“For citizen children, education 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 Charity Fund to Educate Needy Children, administered by the MOI [Ministry of Interior], MAIA [Ministry of Awqaf and Islamic Affairs], and Ministry of Education, paid school fees for more than 11,000 Bidoon children since its creation in 2003.” [1b] (Section 6)

22.17 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)

22.18 Kuwaitiah.net’s undated web page on Education, accessed 23 December 2010 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]

22.19 UNICEF’s ‘At a glance: Kuwait’, updated 2 March 2010, provided the following statistics:

Total adult literacy rate (%), 2005-2008*	94
Primary school net enrolment/attendance (%), 2005-2009	88
Youth (15-24 years) literacy rate, 2004-2008, male	98
Youth (15-24 years) literacy rate, 2004-2008, female	99
Primary school enrolment ratio 2005-2009, net, male	89
Primary school enrolment ratio 2005-2009, net, female	87
Secondary school enrolment ratio 2005-2009, net, male	80
Secondary school enrolment ratio 2005-2009, net, female	80

[46a]

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

## HEALTH AND WELFARE

22.20 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)

22.21 UNICEF’s ‘At a glance: Kuwait’, updated 2 March 2010, provided the following statistics:

Infant mortality rate (under 1 – per thousand births), 2009	8
Neonatal mortality rate per thousand births, 2009	5
Annual no. of births (thousands), 2009	52
Annual no. of under-5 deaths (thousands), 2009	1
Immunization 2009, percentage 1-year-old children immunized against: DPT (diphtheria, pertussis (whooping cough) and tetanus), corresponding vaccines: DPT3β	98
Immunization 2009, percentage 1-year-old children immunized against: Polio, corresponding vaccines: polio3	98
Immunization 2009, percentage 1-year-old children immunized against: Measles, corresponding vaccines: measles	97
Immunization 2009, percentage 1-year-old children immunized against: HepB (hepatitis B), corresponding vaccines: HepB3	94
Immunization 2009, percentage 1-year-old children immunized against: Hib (haemophilus influenzae type B meningitis), corresponding vaccines: Hib3	98
Immunization 2009, percentage newborns protected against tetanus	84
Antenatal care coverage (%), At least once, 2005-2009	95
Delivery care coverage (%), Skilled attendant at birth, 2005-2009	98
Delivery care coverage (%), Institutional delivery, 2005-2009	98

[46a]

22.22 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]

22.23 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)

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

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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) The UN Committee’s Concluding Observations, dated 1 February 2008, stated:

“The Committee welcomes the efforts made by the Ministry of Social Affairs and Labour 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)

For further details, consult the full report [Concluding Observations of the Committee on the Rights of the Child: Kuwait](#) [45c] 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 13 March 2011. [45e]

23.02 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)]*, published 22 February 2010 report stated the following voluntary pledge; “Efforts will be continued to create legislation against human trafficking and the smuggling of migrants in line with the United Nations Convention against Transnational Organized Crime and the Protocols thereto.” [40b] (p25) 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 survey, *Freedom in the World 2011*, released 13 January 2011, reported, "Kuwait is a destination country for human trafficking, generally from South Asia." [10d] (p4) 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 2010*, released 14 June 2010, 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. Although the government made some efforts to improve its performance from previous years, heated public discourse and wide press debate on human trafficking have not yet resulted in the implementation of adequate laws." [1d] (KUWAIT) For more detailed information, refer to the full section on Kuwait in the report's [Country Narratives – Countries G Through M](#). [1d]

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## 24. MEDICAL ISSUES

24.01 The World Health Organisation Regional Office for the Eastern Mediterranean (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. Total life expectancy at birth in 2008 was 77.8 years and the under-five mortality rate was 10.5 per 1,000 live births in 2008. [22a]

24.02 The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, noted that, "In 2010, Kuwait enacted a disability rights act ensuring healthcare, education, and employment rights for the disabled." [10d] (p4)

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.03 A 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)

24.04 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)

24.05 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)

24.06 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]

24.07 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)

24.08 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.

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## HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 24.09 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]

- 24.10 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)

- 24.11 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)

- 24.12 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

24.13 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)

24.14 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)

24.15 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)

24.16 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)

24.17 An October 2008 *Kuwait Times* article reported: "... in Kuwait ... negative societal perceptions about mental health issues and psychiatry persist. Indeed it is generally felt that if you seek help from a psychiatrist or therapist for a mental health problem, then you are crazy or mentally unstable. Problems such as depression are not seen as problems at all." [44d]

24.18 On Mental Health Services in Kuwait, the article continued:

"Apart from the Psychological Medicine Hospital and a handful of therapists, Kuwait is sadly lacking in mental health professionals. Many of those who are available in the public sector are derided as 'jokes' and the few in the private sector are too expensive.

"One blogger described his experience as follows: 'Tried a couple of jokes under false names... You are supposed to feel safe with these a\*\*holes instead you leave feeling like sh\*\* and paranoid. Private is the way to go, but be ready to shell out a couple of thousands for therapy if you can get in. Anonymity is important in a country smaller than New Jersey ... especially of [sic] you call it home.

"Another blogger was critical of trying to use the Psychological Medicine Hospital because having a file at the hospital meant that your name is on governmental record and can be used against you if you were ever in court. As he says, even if you have ADD [Attention Deficit Disorder], you are still technically of 'ill mental health.'" [44d]

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## 25. FREEDOM OF MOVEMENT

25.01 The US Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 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." [1b] (Section 2d)

See also [Exit and return](#)

25.02 The USSD human rights report 2009 noted, "In contrast with 2008, there were no reports of laborers claiming they were not allowed to leave the residential camps where they lived." [1b] (Section 2d) Nevertheless, a Human Rights Watch (HRW) report, *Walls at Every Turn – Abuse of Migrant Domestic Workers through Kuwait's Sponsorship System*, released 6 October 2010, reported, "Kuwait's standard domestic labor contract does not explicitly grant a worker the right to spend her rest day apart from her employer's family or to leave her employer's house. Agents further reinforce the belief that days off lie within an employer's discretion." [9g] (p56)

25.03 The same HRW report also stated:

"A 2007 Ministry of Labor decree banned passport confiscation by employers; however, unlike other regulations meant to protect workers, it does not apply to the domestic sector. 20 domestic workers interviewed said that their employers had taken possession of their passports upon employment. Some employers told us they held passports as a

method of control, hoping to discourage workers from leaving their employment or to protect themselves against legal charges. They often justified this practice by referring to the high recruitment fees that employers paid and might lose if a domestic worker ran away.” [9g] (p55)

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

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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 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

26.03 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]

26.04 The United States Department of State (USSD) *2009 Country Reports on Human Rights Practices*, released 11 March 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 individuals who are born citizens.” [1b] (Section 2d)

26.05 The Freedom House survey, *Freedom in the World 2011*, released 13 January 2011, reported, “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. Kuwaiti authorities responded by stripping Habib of his Kuwaiti citizenship.” [10d] (p3)

### **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.” [18h]

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

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## 27. EXIT AND RETURN

- 27.01 The US Department of State (USSD) *2009 Country Reports on Human Rights Practices*, released 11 March 2010, stated:

“Women, persons younger than 21, and Bidoon faced problems with or restrictions on foreign travel. 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 and that a married woman obtain her husband’s permission to apply for a passport. However, on October 20 [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. A husband may still request that immigration authorities prevent his wife’s departure from the country for 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 increasing numbers of ‘Article 17’ passports (temporary travel documents that do not confer nationality) for Bidoon, including more than 18,000 in 2008 and more than 2,500 in January 2009.” [1b] (Section 2d)

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

- 27.02 The USSD human rights report of 2009 continued, “The law also permits the government to place a travel ban on any citizen or foreigner accused or suspected of violating the law, and it allows citizens to petition authorities to do so. In practice this resulted in citizens and foreigners arbitrarily being prevented or delayed from departing the country.” [1b] (Section 2d) 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)
- 27.03 The USSD human rights report of 2009 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.” [1b] (Section 2d)

See also [Citizenship and nationality](#)

- 27.04 Kuwaitiah.net’s undated page on residence visas, last accessed 23 December 2010, 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 23 December 2010) [21b] (Absence Abroad)
- 27.05 A Foreign and Commonwealth Office (FCO) paper of November 2007 stated:

“Travel documents were 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. ...

“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)

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

## 28. EMPLOYMENT RIGHTS

- 28.01 The US Department of State (USSD) *2009 Country Report on Human Rights Practices*, released 11 March 2010, reported:

“With the exceptions of the country’s approximately 560,000 domestic servants and an unknown number of maritime employees, the law provides that workers have the restricted right to join unions without previous authorization. Although 1.5 million foreign workers who are not domestic workers can join unions, they cannot run 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 or petroleum industry.” [1b] (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 human rights report 2009 continued:

“The government restricts the right of freedom of association to only one union per occupational trade and permits only one federation, the Kuwait Trade Union Federation (KTUF), which comprises 15 of the 47 licensed unions. Some workers were dissatisfied with the KTUF and 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. Both the International Labor Organization and the International Trade Union Confederation criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.” [1b] (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 USSD human rights 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)

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## NON-CITIZEN (FOREIGN/EXPATRIATE) WORKERS

28.06 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]

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

28.07 A Human Rights Watch press release, *Kuwait: Government Pledges to End Sponsorship System*, of September 2010 reported:

“Kuwait’s current sponsorship system ties a migrant worker’s immigration status to an individual employer, or sponsor, without whose consent the worker cannot transfer employment. ‘Absconding’ from the workplace is a criminal offense, even if a worker has left because of abuse. This system gives employers unchecked leverage and control over workers, who remain completely dependent upon the sponsoring employer for their livelihood. ...

“The Labor Ministry announced in 2009 that the government would abolish the sponsorship system, but the promised reforms at that time were minor. Migrant workers were allowed to change sponsors without their consent, but only after completion of the initial employment contract or after three consecutive years of employment. Furthermore, the change did not include the country’s 660,000 migrant domestic workers and offered no protection to workers in abusive employment conditions during the first three years.” [9h]

28.08 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)

28.09 In December 2009, Human Rights Watch (HRW) released the report, *Slow Movement Protection of Migrants’ Rights in 2009*, which briefly discussed the situation in Kuwait:

“In research conducted in November 2009, Human Rights Watch documented how current practices in the sponsorship system exacerbate the abuses these workers face. Under Kuwaiti law, employers control whether domestic workers can change their jobs, and can file ‘absconding’ cases against domestic workers who leave their employment without permission. Domestic workers who leave their employers without their consent,

even when escaping abuse, have no clear mechanism for reclaiming unpaid wages or negotiating payment of their return ticket home and must often rely on informal settlements brokered by their embassies. They may spend weeks or months in detention and be blacklisted permanently from future employment in Kuwait.” [9f] (p4-5)

On 6 October 2010, HRW also released the extensive report, [Walls at Every Turn – Abuse of Migrant Domestic Workers through Kuwait’s Sponsorship System](#) [9g]

- 28.10 The HRW press release of September 2010 reported, “The Kuwaiti government’s announcement that it will abolish its employer-based sponsorship system for recruiting migrant workers by February 2011 is a significant step to address a major source of labor abuse, ... It is unclear, though, whether the change will apply to migrant domestic workers, who make up a significant proportion of the country’s migrant workers but who are not covered by any labor law protections ...”. [9h]

As at 13 March 2011, the employer-based sponsorship system had not been abolished by the government of Kuwait.

- 28.11 The USSD human rights report 2009 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 that such practices occurred. Domestic servitude and forced prostitution were the most common types of forced labor.

“Some foreign domestic workers, often trafficked, were victims of forced labor. Physical or sexual abuse of female domestic workers was a serious problem, and police and courts took action against employers when presented with evidence of serious abuse. There were frequent reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse.” [1b] (Section 7c)

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

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## Annex A

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### CHRONOLOGY OF MAJOR EVENTS

Information extracted from source [5b] (British Broadcasting Corporation (BBC) *Timeline: Kuwait*, last updated 9 March 2011), 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.
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**2011**

March	Hundreds of young people demonstrate for reform, inspired by a wave of protests across the Arab world.
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## Annex B

### POLITICAL ORGANISATIONS

The United States Department of State (USSD) *Background Note*, released 4 May 2010, 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.” [1a] (Government and Political Conditions)

### POLITICAL BLOCS

The Internal Affairs section of Jane’s *Sentinel Security Assessment*, last updated 1 February 2011, 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-37b] (Kuwait-info.com, *State System – List of Ministers*, undated and *State System – Amir*, undated), unless otherwise stated.

<b>Amir of Kuwait</b>	His Highness (HH) Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah [37b]
<b>Prime Minister</b>	HH Sheikh Nasser Al-Mohammed Al-Ahmed Al-Jaber Al-Sabah
<b>First Deputy Prime Minister, Minister Of Defence</b>	His Excellency (HE) Sheikh Jaber Al-Mubarak Al-Hamad Al-Sabah
<b>Deputy Prime Minister, Minister Of Foreign Affairs</b>	HE S[h]eikh Dr. Mohammed Sabah Al-Salem Al-Sabah
<b>Deputy Prime Minister For Legal Affairs, Minister Of Justice, Minister Of Awqaf and Islamic Affairs</b>	HE Advisor Rashed Addul Mohsen Al-Hammaad
<b>Deputy Prime Minister For Economic Affairs, Minister Of State For Development Affairs, Minister Of State For Housing Affairs</b>	HE Sheikh Ahmad Fahad Al-Ahmad Al-Jaber Al-Sabah
<b>Minister Of Commerce and Industry</b>	HE Mr. Ahmad Rashed Al-Haroun
<b>Minister Of Oil and Information</b>	HE Sheikh Ahmad Abdullah Al-Ahmad Al-Sabah
<b>Minister Of Electricity and Water</b>	HE Dr. Bader Shebib Al-Shuraiaan
<b>Minister Of Interior</b>	HE Lieutenant General Sheikh Jaber Khalid Al-Jaber Al-Sabah
<b>Minister Of State For Cabinet Affairs</b>	HE Mr. Roudhan Abdul Aziz Al-Roudhan
<b>Minister Of Public Labour, Minister Of State For Municipal Affairs</b>	HE Dr. Fadhel Safar Ali Safar
<b>Minister Of Communication, Minister Of State For National Assembly Affairs</b>	HE Dr. Mohammed Mohsen Al-Busairi
<b>Minister Of Social Affairs and Labour</b>	HE Dr. Mohammed Mohsen Al-Ifasi
<b>Minister of Finance</b>	HE Mr. Mustafa Jassem Al-Shimali

**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

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### LIST OF ABBREVIATIONS

<b>AI</b>	Amnesty International
<b>BBC</b>	British Broadcasting Corporation
<b>BPD</b>	Barrels Per Day
<b>CEIP</b>	Carnegie Endowment for International Peace
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women (United Nations)
<b>CIA</b>	Central Intelligence agency (United States)
<b>CPJ</b>	Committee to Protect Journalists
<b>CRC</b>	Committee on the Rights of the Child (United Nations)
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FH</b>	Freedom House
<b>GBP</b>	British Pound
<b>GCC</b>	Gulf Cooperation Council
<b>GDP</b>	Gross Domestic Product
<b>GNI</b>	Gross National Income
<b>GMU</b>	Gulf monetary union
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>HRC</b>	Human Rights Council (United Nations)
<b>HRW</b>	Human Rights Watch
<b>ICRC</b>	International Committee for Red Cross
<b>ILGA</b>	International Lesbian, Gay, Bisexual, Trans and Intersex Association
<b>IPU</b>	Inter-Parliamentary Union
<b>IRB</b>	Immigration and Refugee Board of Canada
<b>ITUC</b>	International Trade Union Confederation
<b>KCG</b>	Kuwait Coast Guard
<b>KD/KWD</b>	Kuwaiti Dinar
<b>KFAED</b>	Kuwait Fund for Arab Economic Development
<b>KHRS</b>	Kuwait Human Rights Society
<b>KLF</b>	Kuwait Land Forces
<b>KNG</b>	Kuwait National Guard
<b>KSS</b>	Kuwait State Security
<b>MAIA</b>	Ministry of Awqaf and Islamic Affairs
<b>ME</b>	Ministry of Education
<b>MENA.FN</b>	Middle East North Africa.Financial Network
<b>MOC</b>	Ministry of Communications
<b>MOI</b>	Ministry of Interior
<b>MOJ</b>	Ministry of Justice
<b>MOSAL</b>	Ministry of Social Affairs and Labour
<b>MP</b>	Minister of Parliament
<b>NGO</b>	Non Governmental Organisation
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>POGAR</b>	Programme on Government in the Arab Region (United Nations)
<b>PM</b>	Prime Minister
<b>RI</b>	Refugees International
<b>RSF</b>	Reporters sans Frontières
<b>SIL</b>	Summer Institute of Linguistics, Inc

<b>STD</b>	Sexually Transmitted Disease
<b>STC</b>	Save The Children
<b>TB</b>	Tuberculosis
<b>TI</b>	Transparency International
<b>UAE</b>	United Arab Emirates
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNCS</b>	United Nations Cartographic Section
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNGASS</b>	United Nations General Assembly Special Session
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UPR</b>	Universal Periodic Review (United Nations)
<b>USAID</b>	United States Agency for International Development
<b>USCRI</b>	US Committee for Refugees and Immigrants
<b>USD</b>	United States Dollar
<b>USSD</b>	United States State Department
<b>WBG</b>	World Bank Group
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization
<b>WRI</b>	War Resisters' International

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## Annex E

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