

## Human Rights Watch

Addendum to Kuwait Universal Periodic Review submission  
April 16, 2010

**Kuwait fails to protect human rights for migrant laborers, in particular domestic workers, and discriminates against stateless (Bidun) residents; backslides on freedom of expression and assembly; makes uneven progress on equal rights of women and girls; and criminalizes homosexual conduct.**

**Labor:** In February, Kuwait's amir (ruler) signed the new private sector labor law into effect that continues to exclude the country's 660,000 domestic workers from any protection under domestic law. The parliament is currently reviewing a new draft domestic labor law, which would significantly strengthen protections for this sector. However the draft law would continue to give legal recognition to the problematic sponsorship system, which effectively means employers, as sponsors, control the lives of their workers. The draft law, by recognizing this system for domestic workers would maintain private sponsors' control over domestic workers. . In April, a new monthly minimum wage of KD60 (approximately US\$208) was set, but it, too, does not apply to domestic workers.

Kuwait should expedite progress on proposed domestic labor legislation that protects all internationally recognized labor rights, and ensure that any law passed abolishes the exploitative sponsorship system.

- Kuwait should permit transfer of employment to a new employer for all workers, including domestic workers, without the consent of the existing employer.
- Kuwait should repeal the immigration regulations criminalizing "absconding," or leaving employment without sponsor consent. Kuwait should cease detaining domestic workers under this charge, and provide alternatives to deportation.
- Kuwait should offer accessible emergency shelter to all domestic workers in distress, without requiring that they be cleared of charges not substantiated by impartial investigation or alleged immigration law violations.
- Kuwait should ensure that all domestic workers leave the country without arbitrary deprivation of their property, or forfeiting civil or criminal claims against abusive employers or recruitment agents.
- Kuwait should ratify ILO Conventions No. 98, on the Right to Organize and Collective Bargaining, and No. 100, on Equal remuneration.
- Kuwait should support the proposed ILO Convention on Domestic Labor.

**Free Expression:** Kuwait's standing as a relatively free country for expressing opinions is in danger of backsliding. In April, a Kuwaiti court sentenced prominent government critic, lawyer, and blogger Mohammad al-Jassim to six months in prison on criminal slander charges for criticizing the ruler. In January, after statements allegedly insulting to a local tribe were made on the Kuwaiti al-Soor channel, the Information Ministry presented to parliament new press law amendments that broaden categories of punishable speech to all speech that "threatens national unity," and strengthen punishments. In December and January, immigration authorities denied entry to three people with critical views on aspects of Islam, the Saudi government, and aspects of Shi'ism: Egyptian scholar Professor Hamid Abu Zeid, Saudi scholar Professor Madhawi al-Rashid, and Saudi cleric Muhammad al-'Uraifi, respectively. In April, state security forces arrested over thirty peaceful Egyptians residing in Kuwait who supported Egyptian reform advocate Mohammad ElBaradei, and deported over twenty of them with no opportunity for an impartial hearing or to challenge the criminal charges that prompted their deportation. They did so based on a 1979 law that prohibits non-citizens from participating in public demonstrations or gatherings.

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- Kuwait should cease prosecuting individuals under criminal slander and defamation laws and decriminalize the expression of peaceful speech.
- Kuwait should cease to deny entry to Kuwait to persons based solely on the peaceful expression of their beliefs, political views, or academic work.
- Kuwait should repeal all provisions of its 1979 Public Gatherings law that contravene international obligations to protect freedom of assembly and peaceful public gatherings. In particular, Kuwait should repeal the Article 12 clause prohibiting non-citizens from participation in public gatherings which is both discriminatory and a violation of freedom of assembly.

**Women's Rights:** Kuwait should ensure that all women in its territory enjoy equal rights under domestic law. In April, an administrative court denied a female law graduate's application to be trained as a public prosecutor because she was a woman, citing a conflict with the Islamic sharia that Kuwait's constitution declares "a main source of legislation." The constitutional court denied review. Kuwaiti law discriminates against Kuwaiti women's ability to pass on their nationality to their children and spouses, and to gain residency rights for their spouses on terms equal to those of Kuwaiti men. A recent government study recommended that Kuwaiti women married to non-Kuwaiti men for ten years be allowed to confer citizenship upon their husbands, whose citizenship applications would be subject to their approval. Kuwaiti women also face unequal access to government housing loans, and divorced women have no right to continue residing in the marital residence, even if they compensate their former husband for his share.

- Kuwait should grant men and women equal opportunity to hold public appointments.
- Kuwait should allow men and women equal ability to confer citizenship upon their spouses.
- Kuwait should ensure that divorced women's have an equal right to men to use and purchase former marital property.

**Bidun:** The government discriminates against the Bidun, who remain largely stateless without Kuwaiti citizenship, in health, education, and civil rights. Bidun activists have reported harassment by state security.

- Kuwait should instruct security forces to cease any harassment of Bidun human rights activists. Kuwait should fully respect Bidun's rights to free expression and assembly.
- Kuwait should recognize Bidun as persons before the law and repeal all prohibitions on judicial review of their claims to Kuwaiti citizenship.
- Kuwait should look favorably on granting nationality to Bidun with long histories of residency in Kuwait.

**LGBT:** The government continues to arrest individuals under a 2007 penal code amendment criminalizing "imitating the appearance of the opposite sex." Some individuals arrested under this law face police harassment and physical abuse while in detention.

- Kuwait should repeal this 2007 amendment to Article 198 of the Penal Code, based on its arbitrary basis and application, and its criminalization of free expression.
- Kuwait should train police officers to treat all those arrested with dignity, and should investigate and prosecute all instances of police brutality or detainee abuse.