

# Kuwait - Human Rights Scorecard <sup>1</sup>

Kuwait, officially the State of Kuwait, is an Arab country in Western Asia. Situated in the northern edge of Eastern Arabia at the tip of the Persian Gulf, it shares borders with Iraq and Saudi Arabia.<sup>2</sup>

**Official language:** Arabic

**Ethnic groups:** 60% Arab (31.3% Kuwaiti, 27.9% other Arabs) 37.8% Asian; 1.9% African

**Government:** Unitary parliamentary constitutional monarchy

- Emir: Sabah al-Sabah
- Prime Minister: Jaber Al-Hamad al-Sabah
- Speaker of the National Assembly: Marzouq Al-Ghanim

**Death penalty:** Retentionist

**Population:** 4,044,500

**Life expectancy:** 77.64 years

**Under-5 mortality:** 7.51 deaths per 1,000 births

**Adult literacy:** 95.5 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



**Respected**<sup>3</sup>

There are no reports pointing to arbitrary or unlawful killings by the government or its agents.

### Freedom from disappearance



**Respected**<sup>4</sup>

There are no reports of politically motivated disappearances.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



**Largely disrespected**<sup>5</sup>

The constitution and the law prohibit torture and inhuman or degrading treatment, but there are reports of abuses by security forces against detainees, particularly stateless (Bedoon) and transgender persons. The government has taken no measures to address these reports.

### Freedom from arbitrary arrest or detention



**Largely disrespected**<sup>6</sup>

The law prohibits arbitrary arrest and detention, and the government observes these prohibitions for citizens. There are numerous reports, however, pointing to the arbitrary arrests and deportation of non-nationals, including some who possessed valid residency permits and visas.

### Freedom from denial of fair public trial



**Partially respected**<sup>7</sup>

The law and the constitution provide for an independent judiciary and the right to a fair trial. Nevertheless, the emir appoints all judges. Foreigners arrested for unlawful residency, or those whose lawful residency is cancelled due to an arrest, have no access to the courts.

### Freedom from arbitrary interference with privacy, family, home or correspondence



**Partially respected**<sup>8</sup>

The constitution and the law ensure privacy, and the government generally respects this right. However, the law forbids marriage between Muslim women and non-Muslim men. Male citizens must serve in the police force or military to obtain government approval to marry non-nationals.

## Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 30.71, Rank: 91 / 180 – Partially free, diverse and independent**<sup>10</sup>

A draconian bill was considered and then abandoned in April, 2014. It would have allowed authorities to impose fines for criticizing the Emir or Crown Prince, and imprisonment for insulting Islam, God, or the Prophet. Authorities respond harshly to media criticism of government.

### Freedom from academic censorship



**Partially respected**<sup>11</sup>

The law provides for freedom of opinion and research, but fear of government censure prompts many academics to practice self-censorship. In addition, academics are expected to respect laws that prohibit criticism of the Emir or Islam.

### Freedom of peaceful assembly and association



**Partially respected**<sup>12</sup>

The constitution provides for freedom of assembly, but in practice, the government restricts this right. Non-citizens are prohibited from demonstrating. NGOs have criticized the government for denying stateless people (Bedoon) the right to peaceful assembly and free speech.

### Freedom of religion



**Largely disrespected**<sup>13</sup>

There are reports of societal abuse or discrimination based on religious affiliation, belief, or practice. A vocal minority oppose the presence of non-Muslims and reject the legitimacy of Shia Islam. Religious minorities experience some discrimination as a result of government policy.

### Protection of refugees and stateless persons



**Largely disrespected**<sup>14</sup>

According to the law, children derive citizenship solely from the father; children born to citizen mothers and non-national fathers do not inherit citizenship. The law does not provide for granting asylum or refugee status. Immigration regulations prohibit local integration for asylum seekers.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**5 / 7 – Partly Free**<sup>17</sup>

Authorities limit press freedom. Kuwaiti law punishes the publication of material that insults Islam, criticizes the Emir or gov't, discloses sensitive information, or calls for the regime's overthrow. Freedoms of assembly and association are guaranteed by law but constrained in practice.

## Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**5 / 7 – Partly free**<sup>19</sup>

The Emir appoints the government, with some restrictions. While formal political parties are banned, political groupings like parliamentary blocs have been allowed to emerge. The government, however, harasses opposition parliamentary blocs and monitors their activities.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 44%, Rank: 67 / 175 – Some corruption**<sup>21</sup>

In Kuwait, the law mandates criminal penalties for corruption by officials, but the government does not enforce the law effectively. In some instances, officials are found to have engaged in corrupt practices with impunity.

## Section 5: Governmental Response to Criticism

*This section deals specifically with the response heads of state have to civil society or international human rights reports.*

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### Largely disrespected<sup>22</sup>

The Kuwaiti government restricts the operations of domestic and international human rights groups and limits cooperation with them, to the point of even denying licenses to some NGOs. The government, however, occasionally permits international human rights orgs to visit the country.

## Section 6: Discrimination and Societal Abuses

*Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.*

### Rights of women (World Economic Forum Gender Gap Index)<sup>23</sup>



#### Score: 64.6%, Rank: 113/ 142 – Very unequal rights<sup>24</sup>

In the region, Kuwait ranks above average in economic participation and opportunity, but it is among the lowest performing countries in womens' health and political empowerment. Women have had the right to vote since 2005, but face cultural and social barriers to political participation.

### Rights of Children (KidsRights Index Overall Score)<sup>25</sup>



#### Score: 54.4%, Rank: 110 / 165 – Slightly vulnerable<sup>26</sup>

Because citizenship in Kuwait is derived from the father, children in Kuwait can be born stateless. International NGOs have reported that many Bidoon families are unable to obtain birth certificates for their children, preventing them from access to adequate medical care and education.

### Rights of persons with disabilities



#### Partially respected<sup>27</sup>

The law prohibits discrimination against persons with disabilities, and imposes penalties on employers who break this law. Although there are no reports of discrimination against persons with disabilities, the government does not provide assistance or benefits to disabled Bedoon.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### Largely disrespected<sup>28</sup>

The law prohibits discrimination based on race, origin, disability, or language. However, local and international observers find the government fails to enforce laws against discrimination and has even enacted laws discriminating against Bedoon (stateless), and domestic and foreign workers.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### Largely disrespected<sup>29 30</sup>

While no laws criminalize sexual behavior between women, sexual relations between men is illegal. Transgender persons reported harassment, detainment, and abuse by security forces. No NGOs focused on lesbian, gay, bisexual and transgender (LGBT) issues are allowed to exist.

## Section 7: Workers' Rights

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

### Rights to freedom of association and to collective bargaining



#### Largely disrespected<sup>31</sup>

The government does not respect freedom of association, nor the right to collective bargaining. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

### Freedom from forced or compulsory labour



#### Largely disrespected<sup>32</sup>

The government fails to effectively enforce laws prohibiting forced or compulsory labor. Forced labor and conditions indicative of forced labor occur, especially among migrant workers. Such practices are usually a result of employer abuse of the sponsorship system for non-citizen workers.

## Freedom from forced labour for children, and a minimum age of employment



### Partially respected<sup>33</sup>

The law prohibits child labor and the government has made efforts to enforce the law effectively. However, there are no laws protecting the children of migrant and foreign-born workers. There are reports of Bedoon (stateless) children working long hours under dangerous conditions.

## Right to acceptable conditions of work



### Largely disrespected<sup>34</sup>

The law sets the national minimum wage and limits the standard workweek to 48 hours. Workers are supposed to enjoy 30 days of annual leave. Foreign workers, however, face unacceptable conditions of work, often exceeding 48 hours a week and with no day of rest.

## Right to employment



### 3.1% - Reasonable unemployment<sup>35</sup>

The unemployment rate has dropped from 3.6 in 2011 to 3.1 in 2013. Kuwait has the second lowest unemployment rate among Arab states, after Qatar, as well as one of the lowest unemployment rates in the world.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed May 15, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

<sup>3</sup> "Country Reports on Human Rights Practices for 2013 Kuwait." U.S Department of State. January 1, 2013. Accessed May 13, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> Ibid. U.S Department of State.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed May 13, 2015.

[http://rsf.org/index2014/data/index2014\\_en.pdf](http://rsf.org/index2014/data/index2014_en.pdf).

<sup>11</sup> "Country Reports on Human Rights Practices for 2013 Kuwait." U.S Department of State. January 1, 2013. Accessed May 13, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>12</sup> "Kuwait." World Report 2014: Kuwait. January 1, 2014. Accessed May 13, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

<sup>13</sup> "Kuwait." International Religious Freedom Report for 2013. January 1, 2013. Accessed May 13, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

<sup>14</sup> "Kuwait." World Report 2014: Kuwait. January 1, 2014. Accessed May 13, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220363#wrapper>.

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014

[https://www.freedomhouse.org/report/freedom-world-2014/methodology#\\_VldwWzHF98F](https://www.freedomhouse.org/report/freedom-world-2014/methodology#_VldwWzHF98F).

<sup>17</sup> "Kuwait." Freedom in the World 2015: Kuwait. January 1, 2015. Accessed May 13, 2015. <https://freedomhouse.org/report/freedom-world/2015/kuwait#.VVONo-ua9ho>.

<sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed May 13, 2015. [https://www.freedomhouse.org/report/freedom-world-2014/methodology#\\_VldwWzHF98F](https://www.freedomhouse.org/report/freedom-world-2014/methodology#_VldwWzHF98F).

<sup>19</sup> "Kuwait." Freedom in the World 2014: Kuwait. January 1, 2014. Accessed May 13, 2015. <https://freedomhouse.org/report/freedom-world/2015/kuwait#.VVONo-ua9ho>.

<sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>21</sup> "Kuwait." Corruption by Country. January 1, 2014. Accessed May 13, 2015. <http://www.transparency.org/country#KWT>.

<sup>22</sup> "Country Reports on Human Rights Practices for 2013 Kuwait." U.S. Department of State. January 1, 2013. Accessed May 13, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>24</sup> "Kuwait." World Economic Forum. January 1, 2014. Accessed May 13, 2015. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=KWT>.

<sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>26</sup> "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed May 13, 2015. <http://www.kidsrightsindex.org/Portals/5/pdf/Pdf-documenten%20juli%202014/The%20KidsRights%20Index%20-%20overall%20score%20-%20juli%202014.pdf>.

<sup>27</sup> "Country Reports on Human Rights Practices for 2013 Kuwait." U.S. Department of State. January 1, 2013. Accessed May 15, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>28</sup> Ibid. U.S. Department of State.

<sup>29</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed May 15, 2015. <http://ilga.org/>. See also Ibid. U.S. Department of State.

<sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>31</sup> "Country Reports on Human Rights Practices for 2013 Kuwait." U.S. Department of State. January 1, 2013. Accessed May 15, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>32</sup> Ibid. U.S. Department of State.

<sup>33</sup> Ibid. U.S. Department of State.

<sup>34</sup> Ibid. U.S. Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country).

<sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed May 15, 2015. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).