

US State Department human rights reports

Gulf allies: A record of repression and torture

Part 4: Kuwait

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The US State Department recently released its “2010 Country Reports on Human Rights Practices.” This year’s annual report provides details on human rights conditions in over 190 countries. Included are reports on the member countries of the Gulf Cooperation Council (GCC), which represents the US-backed monarchies of Saudi Arabia, United Arab Emirates, Bahrain, Oman, Qatar and Kuwait.

This Saudi-dominated alliance backed the imposition of a no-fly zone in Libya, and has provided key support for the attack on Libya by the United States and European powers. The GCC has also provided military and police personnel to put down insurrections against the repressive regimes in Bahrain and Yemen.

While the US seeks to cloak its imperialist assault on Libya in “humanitarian” terms, its allies in the GCC are guilty of widespread violations of human rights and practice repression and torture in their own countries. This WSWS series examines these human rights abuses as documented in the State Department reports. This installment covers Kuwait. See our previous reports on Saudi Arabia, Qatar and Bahrain.

Kuwait is a hereditary emirate ruled by the al-Sabah family. The country has the world’s fifth largest oil reserves and petroleum products account for nearly 95 percent of export revenues.

Kuwait has the 11th highest per capita income in the world, although these riches are disproportionately allocated to the ruling family and its wealthy associates in the ruling elite. Of its population of 3.44 million, only about a third, or 1.1 million, are citizens. Noncitizens—many of whom work as domestic servants—face pervasive discrimination.

Kuwait is a major non-NATO ally of the United States, hosting multiple US military bases, and has served as the staging area for the US occupation of Iraq. In late 2010 and early 2011, the client regime detained and tortured a 19-year-old American citizen, apparently on Washington’s orders, before returning him to the US after a month. (See “US youth returns home after torture in Kuwait”)

According to the US State Department’s 2010 report on Kuwait, principal human rights abuses in the country included:

“[L]imitations on citizens’ right to change their government. There were reports of security forces abusing prisoners. Authorities limited freedoms of speech, press, assembly, association, and religion. The government limited freedom of movement for certain groups, including foreign workers and stateless Arab residents (called ‘Bidoon’). The status of the Bidoon remained unresolved and they faced social and legal discrimination.

“Trafficking in persons remained a problem. Women did not enjoy equal rights. Worker rights were limited, and expatriate workers were subject to severe limitations of rights and discrimination as well, especially in the domestic and unskilled service sectors.”

Torture, prison conditions and arbitrary arrest

Criminal law prohibits torture and other inhumane treatment, but there were numerous reports of police and security forces abusing detainees during 2010. Such abuse was more likely to be inflicted on noncitizens, particularly non-Gulf Arabs and Asians. There were several reports of police abuse of transgendered persons.

In February a court upheld a two-year prison sentence for three police officers accused of the 2008 torture of a young man in prison. No charges have yet been brought in the alleged abuse by security officials of hundreds of Bangladeshi workers in the wake of a labor dispute in 2008. The government generally does not make public any findings in such cases, or punishments that have been imposed.

Suspected criminals may be held at a police station without charge for as long as four days. The right to a prompt judicial determination about legality of a detention is not always respected and prosecutors may remand a suspect for an additional 21 days.

An estimated 150 of the 4,179 persons serving sentences or detained pending trial were held in the “state security ward” on security grounds. These included an unknown number imprisoned since 1991 for collaborating with Iraq during the latter’s 1990-91 incursion into Kuwait.

While Kuwaiti law provides for an independent judiciary and the right to a fair trial, the emir appoints all the judges, and numerous noncitizen judges are dependent on the emir to renew their contracts. According to the US State Department, “Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens.”

There is no trial by jury. Criminal trials are kept open unless it is decided that “maintenance or public order” or the “preservation of public morals” requires them to be closed to the public.

Suppression of media freedom

Journalists and publishers practice self-censorship, and restrictions on press freedoms increased during 2010. The legal code prohibits publication of material insulting Islam, the emir, the constitution, or the neutrality of the judicial system.

There were 678 cases filed last year against journalists and television stations for defaming either Islam, the ruling family or “public morals.” This compared to fewer than 200 such cases in 2009.

Parliamentarian Muhammad Hayef was fined 3,000 dinars (\$10,400) in

March for comments he made during a parliamentary session deemed insulting to the ruling family. The daily paper *Al-Ruia* was fined the same amount for publishing his remarks.

In December, authorities shut down the local offices of Al Jazeera after the TV network broadcast footage of police using force to break up an unauthorized opposition gathering. In May, the government issued an order prohibiting the media from publishing reports about the alleged dismantling of an Iranian spy network.

The State Department report cites numerous similar instances of government censorship and media suppression in the name of thwarting insurrection or protecting the regime from criticism.

At the request of the Ministry of Information (MOI), media of all forms may be banned by the Ministry of Commerce (MOC). The MOI also censors all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported material.

The government keeps watch over the communications of the 39 percent of Kuwait's population who use the Internet. Blogs and discussion groups are monitored for defamation and security reasons. The MOC continues to block websites considered to "incite terrorism and instability."

The government mandates Internet café owners to obtain the names and civil identification numbers of all of their customers and submit them to the MOC upon request.

Universities continue to practice self-censorship, and academics are prohibited from criticizing the emir or Islam.

Denial of civil liberties

Organizers of public gatherings larger than 20 persons must obtain prior approval from the Ministry of Interior. Officially licensed groups are banned from engaging in political activities. The government deported 17 Egyptian expatriates in April who participated in a meeting in support of Egyptian opposition candidate Muhammad ElBaradei.

The government exercises political control over the licensing of nongovernmental organizations (NGOs). There were 73 officially licensed NGOs in 2010, with 149 pending licensing by the Ministry of Social Affairs and Labor (MOSAL), some having waited years for approval.

Of the 1.1 million Kuwaiti citizens, about 70 percent, including the ruling family, are Sunni Muslims. Most of the remaining 30 percent are Shia Muslims. The Christian population numbers about 450,000, and is mainly comprised of foreign residents.

The government exercises direct control of Sunni religious institutions. Laws against blasphemy of and proselytizing against Islam are actively enforced. Members of religions not mentioned in the Koran—such as Baha'i, Buddhists, Hindus and Sikhs—are not allowed to build places of worship and must practice their faith in their own homes.

Numerous laws constrain foreign travel. The government was generally uncooperative with efforts of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, asylum-seekers and stateless persons.

Kuwait is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. No asylum or refugee status was granted to any individual during 2010. Political refugees were often kept in detention until they agreed to return to their home countries or made alternative arrangements.

Citizenship derives solely from the father. A child born to a citizen mother and noncitizen father does not gain citizenship unless the mother is divorced or widowed. The population of so-called Bidoon, estimated at more than 100,000, faces particular discrimination. Although these

individuals' families may have resided in Kuwait for generations, they are denied citizenship because they entered the state without paperwork, or to avoid poverty or war.

Children of Bidoon are also stateless, and may not attend public schools. Bidoon face routine discrimination in areas of education, employment, medical care and freedom of movement. As it is difficult for them to obtain birth certificates, civil identification cards, driver licenses and marriage certificates, they confront restrictions on employment and travel.

Restrictive political representation

Kuwait is a hereditary emirate. The al-Sabah family has ruled in the region since 1756. Kuwait gained independence from Britain in 1961 and, according to the 1962 constitution, citizens vote to elect a 50-seat National Assembly. Women were given the right to vote in 2005. Naturalized citizens cannot vote until they attain the age of 30.

The emir chooses his successor, the crown prince, and this selection must be approved by a majority vote of the assembly. The government does not allow the formation of any political parties or recognize their existence. Public officials are not subject to financial disclosure laws.

Discrimination, trafficking in persons

Violence against women is widespread. The media reported hundreds of cases of rape last year. Spousal rape, however, is not recognized as a crime. The law also does not specifically prohibit domestic violence.

In March, the MOSAL released the results of a study on domestic violence, which showed that one third of families surveyed reported they had experienced domestic violence. Among women, however, only 17 percent said they had experienced it, no doubt due to the strong social stigma associated with reporting such abuse.

Even when providing documented evidence of abuse—e.g., eyewitnesses, hospital reports, social worker testimony—police rarely arrest the perpetrators of domestic violence. If they do face trial and are convicted, abusive husbands rarely face severe penalties.

According to the penal code, "honor crimes" are classified as misdemeanors. There have been no reported honor crimes in recent years. However, the law stipulates that a man who sees his wife, daughter, mother or sister in the "act of adultery" and kills her and/or the man she is with faces a maximum punishment of three years in prison and a 225 dinar (\$800) fine.

Family law is adjudicated according to Sharia (Islamic law), and women experience discrimination in legal, economic and social affairs. The law prohibits marriage between a Muslim woman and a non-Muslim man. There is no statutory rape law; premarital sexual relations are illegal.

Kuwait is a destination for men and women who become subject to trafficking, particularly forced labor. The majority of these victims are among the approximately 500,000 foreign women who are recruiting for domestic service work. People migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, and Iraq to work in Kuwait, most of them in the domestic service, construction and sanitation industries.

Although most of these migrants enter Kuwait voluntarily, some are subjected on arrival to conditions of forced labor by their employers and sponsor agents. This includes such practices as non-payment of wages, threats, physical and sexual abuse, and restrictions on travel through

withholding of passports. Female migrant workers are particularly vulnerable to commercial sexual exploitation and prostitution.

The government of Kuwait has been lax in prosecuting the perpetrators of these abuses. In response to these practices, the government of Indonesia in October 2009 banned further migration of domestic workers to Kuwait.

Restrictions on workers' rights

Workers have restricted rights to join trade unions. About 100,000 people in Kuwait are organized in unions, mostly in the public sector and in the petrochemical industries.

These unions are generally organized under the control of the government, which provides as much as 90 percent of their budgets and inspects their financial records. The emir may dissolve a union by decree.

Foreign domestic workers, who constitute about 560,000 of the 1.5-million noncitizen workforce, as well as maritime workers, are banned by law from organizing and joining unions. Other foreign workers are denied union voting rights and are barred from standing for union leadership positions.

Kuwaiti law does not prohibit the government from interfering in union activities, and no legal strikes took place last year. The law also does not prohibit retaliation against strikers by employers. Strikes by foreign workers did occur, mostly among cleaning and security company workers who claimed they had not been paid or had received reduced salaries.

To be continued



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