

URGENT ACTION

MIGRANT WORKER FACES EXECUTION

The death sentence against a Filipina female domestic worker, Jakatia Pawa, was upheld by Kuwait's Court of Cassation on 19 January. The sentence will now be submitted to Kuwait's head of state, the Amir, for ratification. This often takes between two weeks and a month, after which, if the sentence is ratified, Jakatia Pawa will be in imminent danger of execution.

Jakatia Pawa was sentenced to death on 13 April 2008 by a court of First Instance for the murder on 14 May 2007 of her employer's 22-year-old daughter. The death sentence was upheld by an appeal court on 16 June 2009. Throughout the judicial process Jakatia Pawa maintained she was innocent. Her lawyer stated that there was no evidence in the case file proving that his client had indeed committed the murder. During a court hearing in January 2009 she stated that one of the victim's family members might have committed the murder because the victim was having an affair with a neighbour.

PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- √ Urging the Amir not to ratify the death sentence imposed on Jakatia Pawa;
- √ Acknowledging that governments have the right and responsibility to bring those who commit violent crimes to justice, but expressing unconditional opposition to the death penalty as the ultimate violation of the right to life;
- √ Reminding the authorities of the growing international trend towards abolition of the death penalty, and urging them to establish a moratorium on executions as a first step towards complete abolition, in accordance with the recommendations of the UN Human Rights Committee.

PLEASE SEND APPEALS BEFORE 8 MARCH 2010 TO:

Amir of the State of Kuwait

His Highness Sheikh Sabah al-Ahmad al-Jaber Al Sabah
al-Diwan al-Amiri, al-Safat, Kuwait

Fax: +965 2539 2163, or +965 22430559

Email: amirsoffice@da.gov.kw

Salutation: Your Highness

Minister of Justice

His Excellency Rashed al-Hammad
Minister of Justice
Ministry of Justice

PO Box 6, al-Safat 1300, Kuwait

Fax: +965 2243 5220

Salutation: Your Excellency

And copies to:

Chairperson

Parliamentary Human Rights
Committee National Assembly
P.O. Box 716, al-Safat 13008,
Kuwait

Fax: +965 2245 5806

Email: [human-](mailto:human-rights@majlesalommah.net)

rights@majlesalommah.net

Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman and degrading punishment, and a violation of the Universal Declaration of Human Rights.

Foreign migrant workers, who make up a large proportion of Kuwait's workforce, suffer a wide range of abuses. Women employed as domestic workers – constituting around a quarter of Kuwait's migrant workforce and almost exclusively all foreign - are discriminated against both because they are women and because domestic workers continue to be excluded from protections afforded to other expatriate workers under 1964 labour legislation and protection provided for by 2009 draft legislation expected to be approved by the Amir in the coming months. Women domestic workers commonly work excessive hours for little pay and have alleged that they are subject to physical and other abuse, including sexual abuse, at the hands of their employers, for which, in practice, they often have no remedy.

Under existing Kuwaiti legislation, domestic workers are contracted to a single sponsor, or employer, from whom no transfer is permitted, even if the sponsor is physically abusive or treats them unfairly, such as by withholding pay. In August 2008, the parliamentary Human Rights Committee proposed a new bill stipulating jail terms of up to 15 years for offences including forced labour, abusing workers and sexually exploiting domestic workers. The 2009 draft legislation leaves the sponsorship system intact, though with penalties for employers who abuse both workers and the system itself.

The Philippines' biggest export now is migrant workers. It is estimated that there are now almost 10 million Filipino migrant workers working abroad, spread out in almost all countries around the world. According to the Philippine Overseas Employment Administration (POEA), in 2008 the Middle East region, particularly Saudi Arabia, Egypt, Kuwait, Qatar, Lebanon, Bahrain and the United Arab Emirates continued to be one of the top destinations of Filipino migrant workers.

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.

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