

Document #1430360

USDOS – US Department of State

Country Report on Human Rights Practices 2017 - Kuwait

EXECUTIVE SUMMARY

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. While there is also a democratically elected parliament, the emir holds ultimate authority over most government decisions. The last parliamentary election was held in November 2016 and was generally free and fair with several members of the opposition winning seats.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included allegations of torture of detainees; political prisoners; restrictions on freedom of speech, including criminalization inter alia of criticism of government officials and defamation of religion; long-term movement and assembly limits on a stateless population referred to as Bidoon; trafficking in persons; criminalization of male same sex sexual activity; and reports of forced labor, especially among foreign workers.

The government took steps in some cases to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was a problem in corruption cases.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, but there continued to be reports of torture and ill-treatment by police and security forces during prolonged detention of persons in cases relating to terrorism, and against detained members of minority groups and noncitizens.

Several persons claimed police or Kuwait State Security (KSS) force members beat them at police checkpoints or in detention. In July a foreign national in long-term detention in the Kuwait Central Prison reported he was beaten by prison personnel, and diplomatic representatives confirmed the prisoner was denied medical treatment for his injuries for at least 11 days following the incident.

The government stated it investigates complaints against police officers and that disciplinary action is taken when warranted. Disciplinary actions resulted in fines, detention, and some officers being removed from their positions or terminated. The government did not make public all the findings of its investigations or all punishments it imposed. In one publicized case, the Court of Misdemeanors in March sentenced a police officer to one month in jail for illegally detaining and physically abusing an innocent citizen. Although government investigations do not lead to compensation for victims of abuse, the victim can utilize government reports and results of internal disciplinary actions to seek compensation via civil courts.

Prison and Detention Center Conditions

According to the Parliamentary Committee Report on Central Prison Conditions, the prisons lacked the minimum standards of cleanliness and sanitation, were overcrowded, and suffered from widespread corruption in management leading to drug abuse and prisoner safety issues. An international organization that visited the Central Prison corroborated some of the findings from the report.

Government authorities were investigating a February attack by another inmate on former member of parliament (MP) and opposition leader Musallam al-Barrak, who had been convicted in 2015 on charges of insulting the emir. The attack prompted a review by parliament of the prison system, and the inmate accused of attacking the former MP reportedly committed suicide.

Physical Conditions: The Central Prison has a capacity of 2,302 inmates. Approximately 3,634 inmates were housed there. Cells in the male prison held four to 12 persons and cells in the female prison held six to eight; inmates reportedly lived in moderately overcrowded conditions. Although the total capacity of the women’s prison was not reported, both prison authorities and nongovernmental organizations (NGOs) that have visited the facility mentioned overcrowding at the women’s prison, which currently houses 192 inmates.

A nursery complex was provided for female inmates with children less than two years old. Officials stated the prison was not designed to accommodate prisoners with disabilities as, by law, any convict with a significant disability cannot be held in the Central Prison.

The number of inmates at the deportation center at Talha was close to 400 on an average day. Observers reported that up to 800 inmates could be housed in the facility for short periods of time. They also reported some overcrowding at the deportation center and poor sanitation as a consequence of the aging facility. Noncitizen women pending deportation were kept at the Central Prison due to lack of segregated facilities at the deportation center.

The Parliamentary Committee Report on Central Prison Conditions indicated there was discrimination between prisoners according to national origin and citizenship status. Bribery of prison workers and poor supervision resulted in a black market trading in drugs, cigarettes, cellphones, electronics, as well as makeshift weapons. Some prisoners complained of having cells raided by unidentified masked men.

Administration: There were some reports of corruption and lack of supervision by the administration of the prison and detention center system. While inmates lodged complaints against prison officials and other inmates, no information was available on the resolution of these complaints.

Independent Monitoring: The Ministry of Interior permitted independent monitoring of prison conditions by some nongovernmental observers and international human rights groups and required written approval for visits by local NGOs. Authorities permitted staff from the International Committee of the Red Cross and the UN High Commission for Refugees (UNHCR) to visit the prisons and detention centers. The government also allowed local NGOs to visit prisons upon approval from the ministry. The Kuwait Society for Human Rights and the Kuwait Association for the Basic Evaluation of Human Rights were allowed to visit prisons during the year. A government official stated that local and international NGOs visited prisons approximately 70 times during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. There were numerous reports, however, that police made arbitrary arrests, principally as part of sustained action against persons in the country illegally, regardless of their actual residency status.

Role of the Police and Security Apparatus

Police have sole responsibility for the enforcement of laws not related to national security, and the KSS oversees national security matters; both are under the purview of civilian authorities at the Ministry of Interior. The armed forces (land forces, air force,

and navy) are responsible for external security and are subordinate to the Ministry of Defense. The Kuwait National Guard is a separate entity that is responsible for critical infrastructure protection, support for the Ministries of Interior and Defense, and for the maintenance of national readiness. The Kuwait Coast Guard falls under the Ministry of Interior.

Civilian authorities maintained effective control over security forces, and the government has effective mechanisms to investigate and punish abuse and corruption.

Police were generally effective in carrying out core responsibilities. There were reports some police stations did not take criminal complaints seriously, especially those of foreigners, and of citizen and noncitizen victims of rape and domestic violence. Alleged crimes perpetrated by nationals against nonnationals rarely led to prosecution. Many cases reached an informal resolution through cash settlement. In cases of alleged police abuse, the district chief investigator is responsible for examining abuse allegations and refers cases to the courts for trial.

Arrest Procedures and Treatment of Detainees

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 or observing the commission of a crime. There were numerous reports of police arresting and detaining foreign nationals without a warrant, primarily as part of the government’s action against unlawful residents. The courts usually do not accept cases without warrants issued prior to arrests. Authorities generally informed detainees promptly of the charges against them and allowed access to their lawyers and family members. There were cases of detainees, especially those held for drug crimes, who were detained for periods of one to two weeks, and who were unaware of the charges against them and not allowed access to an attorney.

Diplomatic representatives observed that in some detention cases, authorities permitted lawyers to attend legal proceedings but did not allow direct contact with their clients. Detainees were routinely denied access to their lawyers and translators in advance of hearings. Defendants who do not speak or understand Arabic often learned of charges against them after the trial as they did not have access to a translator when the charges were pressed against them. The law provides the detained person the right to a prompt judicial determination of the detention’s legality. If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days for a misdemeanor and 20 days for a felony. Prosecutors also may obtain court orders for up to six months’ 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 is assigned to them. Defendants in drug cases were usually held incommunicado for several days while their case was under investigation.

The Ministry of Interior investigates misdemeanor charges and refers cases to the misdemeanor courts as appropriate. The undersecretary in the Ministry of Interior is responsible for approving all administrative deportation orders.

Arbitrary Arrest: There were reports that police arbitrarily detained nonnationals during raids, including some who possessed valid residency permits and visas.

Pretrial Detention: Arbitrary lengthy detention before trial sometimes occurred. Authorities held some detainees beyond the maximum detention period of six months. The total staff of 600 judges and 300 prosecutors at the Ministry of Justice was reported as being inadequate to handle cases in a timely manner and was the main cause of delays in processing cases.

Excessive detention at the government-run Talha Deportation Center, in J'leeb al-Shyukh, where there are no maximum time limits on detention prior to deportation, was also a problem, particularly when the detainee owed money to a citizen or was a citizen from a country without diplomatic representation in the country to facilitate exit documents.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees, and those convicted by a court, were able to challenge their detention. Criminal lawyers reported that defendants were able to challenge their detention successfully, particularly in cases involving drug and alcohol use, by showing violation of the legal process by law enforcement officers at the time of arrest, resulting in acquittals in court.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary, and the government generally respected judicial independence and impartiality. The Supreme Judicial Council nominates all prosecutors and judges and submits nominees to the emir for approval. Judges who were citizens received lifetime appointments until they reached mandatory retirement age; judges who were noncitizens held one to three-year renewable contracts. The Supreme Judicial Council may remove judges for cause. Noncitizen residents involved in legal disputes with citizens frequently alleged the courts showed bias in favor of citizens. While no legal provisions prohibit women from appointment as judges and public prosecutors, the only path to those positions is through work in the prosecutor's office.

Under the law questions of citizenship or residency status and various provisions of immigration law are not subject to judicial review, so noncitizens arrested, for example, for unlawful residency, or those whose lawful residency is canceled due to an arrest, have no access to the courts. The law subjects noncitizens charged with noncriminal

offenses, including some residency and traffic violations, to administrative deportations that cannot be challenged in court; however, noncitizens charged in criminal cases face legal deportations, which can be challenged in court.

Trial Procedures

The constitution provides for the presumption of innocence and the right to a fair public trial, and the judiciary generally enforced this right. The law forbids physical and psychological abuse of the accused. Under the law defendants also enjoy the right to be present at their trial, as well as the provision of prompt, detailed information on charges against them. There were cases where non-Arabic speaking defendants did not understand the charges against them due to language barriers and restrictions on communication between lawyers and their clients. Defendants were not always provided with interpreters as required by law. Criminal trials are public unless a court decides “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. 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 adequate time and facilities to prepare a defense. The public did not have access to most court documents. The Ministry of Justice is required to provide defendants with an interpreter for the entire judicial process, but in practice this did not always occur.

Defendants have the right to confront their accusers, to confront witnesses against them, and to present their own witnesses, although these rights were not always respected in practice. Defendants cannot be compelled to testify or confess guilt. Defendants have the right to appeal verdicts to a higher court, and many persons exercised this right.

Under the new domestic labor law, domestic workers are exempted from litigation fees. If foreign workers had no legal representation, the public prosecutor arranged for it on their behalf, but with little or no involvement by the workers or their families. When workers received third-party assistance to bring a case, the cases were often resolved when the employer paid a monetary settlement to avoid a trial.

Political Prisoners and Detainees

There were several instances of persons detained for their political views. Throughout the year the government arrested several individuals on charges such as insulting the emir, insulting leaders of neighboring countries, or insulting the judiciary. While authorities arrested and released some individuals after a few days, they held others for weeks or months pending trial. During the year sentences for insulting or speaking out against the emir or other leaders on social media ranged from a few months in prison to up to 10 years.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary by individuals or organizations in civil matters regarding human rights violations, but authorities occasionally did not enforce such rulings for political reasons. Authorities also occasionally used administrative punishments in civil matters, such as instituting travel bans or deportations. Individuals were able to appeal adverse domestic court decisions to international human rights bodies if they chose to do so.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and the government respected these prohibitions. Cybercrime agents within the Ministry of Interior, however, regularly monitored publicly accessible social media sites and sought information about owners of accounts, although foreign-owned social media companies denied most requests for information.

In 2015 the government passed a DNA law requiring all persons entering the country, including citizens and noncitizens, to submit DNA samples for security purposes. In October the Constitutional Court ruled that the DNA Law was unconstitutional on the grounds that it violated the constitution’s articles on personal liberty, leading to the immediate revocation of the law.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in police or the military to obtain government approval to marry nonnationals. Nevertheless, the government offered only nonbinding advice on such matters and generally did not prevent marriages between Muslims and non-Muslims. According to the Ministry of Foreign Affairs, the country’s diplomats were prohibited from marrying noncitizens.

The government may deny a citizenship application by a bidoon resident based on security or criminal violations committed by the individual’s family members. Additionally, if a person loses citizenship, all family members whose status derives from that person also lose their citizenship and all associated rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression including for the press, although these rights were violated. The courts convicted more than one dozen individuals for expressing their opinions, particularly on social media. The law also imposes penalties on persons who create or send “immoral” messages and gives unspecified authorities the power to suspend communication services to individuals on national security grounds.

Freedom of Expression: The Press and Publications Law establishes topics that are off limits for publication and discussion, and builds on the precedent set by the penalty law. Topics banned for publication include religion, in particular Islam; criticizing the emir; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; insulting an individual or his/her religion; and publishing information that could lead to devaluing of the currency or creating false worries about the economy. The law mandates jail terms for anyone who “defames religion,” and any Muslim citizen or resident may file criminal charges against a person the complainant believes has defamed Islam. The government generally restricted freedom of speech in instances purportedly related to national security. Any citizen may file charges against anyone the citizen believes defamed the ruling family or harmed public morals.

The courts convicted more than one dozen individuals for insulting the emir, the judiciary, neighboring states, or religion on their social media sites.

In July the Court of Cassation upheld rulings made by the Court of Appeals and the Criminal Court and sentenced ruling family member Sheikh Abdullah al-Salem to three years in prison with hard labor for allegedly insulting the emir and one of his ministers.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. All print media were privately owned, although their independence was limited. The government did not permit non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations’ use. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emirate. The Ministry of Commerce and Industry may ban any media organization at the request of the Ministry of Information. Media organizations can challenge media bans in the administrative courts. Newspaper publishers must obtain an operating license from the Ministry of Information. In August the Public Prosecutor ordered a gag on publishing news or comments related to five state security cases. The order covered print, news, and digital media, including social media sources on the basis that it hampered the progress of the investigations and harmed national security. Broadcast media are a mix of government and privately owned stations, subject to the same laws as print media.

Censorship or Content Restrictions: The Ministry of Information censored all imported books, commercial films, periodicals, videotapes, CDs, DVDs, and other materials deemed illegal per the guidelines enumerated for speech and media. Media outlets exhibited a range of opinions on topics relating to social problems, but most self-censored, avoiding critical discussion on topics such as the emir, foreign policy, and religion, to avoid criminal charges or fines or to keep their licenses. Discussions of certain social topics, such as the role of women in society and sex, were also self-censored. Authorities censored most English-language educational materials that mentioned the Holocaust and required education material either to refer to Israel as

“Occupied Palestine” or to remove such references, although authorities did not censor these topics in news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

Throughout the year publishers reportedly received pressure from the Ministry of Information, resulting in the publishers often restricting which books are made available in the country. As of October the Ministry of Information received approximately 9,000 books for review--5,800 of them were published while 951 were banned due to content violating religious, political, and public morality guidelines. Nine of the authors whose books were banned requested to go through the appeals process to get permission to publish. Only four of those books have been reviewed by the appeals committee as of October, and two were allowed to be published, while two other books remained banned. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs reviewed books of a religious nature.

National Security: The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. The government prosecuted online bloggers and social media outlets under the new cybercrime law, the Printing and Publishing Law, and the National Security Law.

Internet Freedom

In 2015 the government passed a cybercrime law that criminalizes online activity to include illegal access to information technology systems; unauthorized access to confidential information; blackmail; use of the internet for terrorist activity; money laundering; and utilizing the internet for human trafficking. Fines ranged from 3,000 dinars (\$9,900) and a three-year prison term for online blackmail to 50,000 dinars (\$165,000) and a 10-year prison sentence for money laundering. Newspaper reports indicated that nearly 1,853 cybersecurity cases were filed under this law in the first six months of the year.

The government also implemented a new E-Licensing program that requires bloggers and websites in the country to register with the Ministry of Information and apply for a license. Any person or organization, such as a news outlet, that is working without a license is subject to fines ranging from 500 to 5,000 dinars (\$1,650 to \$16,500). The ministry has issued 453 licenses to individuals and organizations this year.

The government continued to monitor internet communications, such as blogs and discussion groups, for defamation and generalized security reasons. The Ministry of Communications blocked websites considered to “incite terrorism and instability” and required internet service providers to block websites that “violate [the country’s] customs and traditions.” The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by email and social media, based on existing laws related to libel, national unity, and national security. The

government prosecuted some online bloggers under the 2006 Printing and Publishing Law and the National Security Law. Individuals must receive a license from the Ministry of Information to establish a website.

The government filtered the internet primarily to block pornography and LGBTI material, and sites critical of Islam.

The country had a high rate of internet access due partly to pervasive ownership of smart phones. The World Bank reported an internet access rate of 82 percent in 2016.

Academic Freedom and Cultural Events

The law provides for the freedoms of opinion and research, but self-censorship limited academic freedom, and the law prohibits academics from criticizing the emir or Islam.

The Ministry of Interior reserved the right to approve or reject public events and those it considered politically or morally inappropriate.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution provides for freedoms of peaceful assembly and association, but the government restricted this right in the case of noncitizens. The law prohibits them from demonstrating or protesting.

Officials sometimes also restricted the location of planned protests to designated public spaces, citing public safety and traffic concerns. In April, however, hundreds of supporters of the prominent opposition leader Musallam al-Barrak celebrated his release from prison with an impromptu rally and procession from the Central Prison to his house without any government interference. In the past courts have tried and sentenced participants in unlicensed demonstrations to prison terms and deported noncitizens for participating in rallies.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. The law prohibits officially registered groups from engaging in political activities.

The government used its power to register associations as a means of political influence. The Ministry of Social Affairs and Labor can also reject an NGO's application if it deems the NGO does not provide a public service. In May there were approximately 115 officially licensed NGOs in the country, including a bar association, other professional groups, and scientific bodies as well as 18 charities. Most charity closings resulted from improper reporting of fund raising activities, which included not getting

permission from the ministry or failing to submit annual financial reports. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status, and many of those chose not to register due to bureaucratic inconvenience or inability to meet the minimum 50-member threshold. The Ministry of Social Affairs and Labor rejected some license requests, contending established NGOs already provided services similar to those the petitioners proposed. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The constitution generally provides for freedom of internal movement, but numerous laws constrain foreign travel.

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other individuals of concern.

Abuse of Migrants, Refugees, and Stateless Persons: There were widespread reports of abuse of migrant workers, especially domestic workers from Asia. Because there is no path to citizenship, all workers are considered expatriates and not labelled as migrants.

The law does not provide for granting 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. According to UNHCR there were more than 3,000 registered asylum seekers and recognized refugees in the country. Most of these were from Syria, Iraq, and Somalia, and many were either employed with access to basic services or supported by human rights groups pending resolution of their UNHCR asylum requests and resettlement. Many were increasingly fearful of losing their jobs and/or residency status. Due to populist antiexpatriate sentiments in the country, the cabinet enacted policy making healthcare and education more expensive for foreign workers than for citizens. The immediate effect of this policy was witnessed by human rights organizations who reported that many foreign workers and their families that were receiving medical treatment chose to be discharged from hospitals rather than receive treatment they could no longer afford. Compounded by stagnant wages, higher cost of living, and a lack of job security, more persons--even legally employed workers, especially from conflict zones--began seeking asylum and resettlement in Europe, America, and Australia.

The law does not provide noncitizens, including bidoon, a clear or defined opportunity to gain nationality. The judicial system’s lack of authority to rule on the status of stateless persons further complicated the process for obtaining citizenship, leaving bidoon with no access to the judiciary to present evidence and plead their case for citizenship. According to 2016 government figures, there were approximately 96,000 bidoon in the country, while Human Rights Watch estimated the bidoon population at more than 105,000.

The naturalization process for bidoon is not transparent, and decisions appeared arbitrary. The Central Agency for Illegal Residents, tasked with monitoring bidoon affairs, had more than 96,000 bidoon citizenship requests under review. According to UNHCR the bidoon population can be broken down into 8,000 who have clear and legitimate claims to citizenship, 35,000 who could possibly be eligible, and the remainder who have little or no claim under current laws.

According to bidoon activists and government officials, many bidoon were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. The government alleged that the vast majority of bidoon concealed their “true” nationalities and were not actually stateless. Agency officials have extended special benefits to bidoon to entice them disclose their true nationality. So far 10,000 bidoon have admitted holding other nationalities. They claimed benefits that include residency that can be renewed every five years, free healthcare and education services as well as ration cards. Other privileges to those that come forward to adjust their status include priority employment after local nationals and obtaining driving licenses.

According to UNHCR some bidoon underwent DNA testing to prove their Kuwaiti nationality. Bidoon are required to submit DNA samples confirming paternity in order to become naturalized, a practice critics said leaves them vulnerable to denial of citizenship based on DNA testing.

The government discriminated against bidoon in some areas. Some bidoon and international NGOs reported that the government did not uniformly grant some government services and subsidies to bidoon, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates. Bidoon activists claimed many bidoon families were unable to obtain birth certificates for their children, which restricted the children’s ability to obtain government-issued identification cards, access adequate medical care, and attend school. The Court of Appeals affirmed court jurisdiction over bidoon complaints against the Central Agency including those related to certificate issuance. The Court of Appeals overturned the ruling issued by a first instance court that dismissed a complaint by a female bidoon against the agency that denied her the right to be issued some certificates over lack of jurisdiction. The agency attorneys pleaded that the agency work falls under the “sovereignty acts” that cannot be challenged in courts (such as citizenship issues).

The Ministry of Education partners with the Charity Fund for Education to pay for bidoon children to attend private schools, but the children must fall into one of seven categories to qualify for an education grant.

Many adult bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in some bidoon children not receiving an education and working as street vendors to help support their families. Many bidoon children who attended school enrolled in substandard private institutions because only citizens may attend public school.

The government allowed bidoon to work in some government positions, as dictated in the 2011 decree, including in the military. In April the government announced a new initiative that would allow the sons of soldiers who served in the military for 30 years and the sons of soldiers killed or missing in action to be eligible to join the military.

Since the government treats them as illegal immigrants, bidoon do not have property rights.

Foreign Travel: Bidoon and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of some bidoon to travel abroad by not issuing travel documents, although it permitted some bidoon to travel overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj (Islamic pilgrimage). The Ministry of Interior has not issued “Article 17” passports (temporary travel documents that do not confer nationality) to bidoon except on humanitarian grounds since 2014.

The law also permits travel bans on citizens and nonnationals accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to impose one. This provision resulted in delays and difficulties for citizens and foreigners leaving the country.

Exile: While the constitution prohibits exile of citizens, the government can deport foreigners for a number of legal infractions.

Citizenship: By law the government is prohibited from revoking the citizenship of an individual who was born a citizen unless that individual has obtained a second nationality, which is against the law. The country does not give birthright citizenship based on the right of anyone born in the territory to nationality or citizenship. Additionally, the government can revoke the citizenship of naturalized citizens for cause, including a felony conviction and, subsequently, deport them. The government has justified the revocation of citizenship by citing a 1959 nationality law that permits withdrawal of citizenship from naturalized Kuwaitis who acquired citizenship dishonestly or threatened to “undermine the economic or social structure of the country.” Additionally, if a person loses citizenship, all family members whose status derives from that person also lose their citizenship and all associated rights. The Court

of Cassation ruled that the courts had jurisdiction over citizen revocation cases. Persons who had their citizenship revoked, and any family members dependent on that individual for their citizenship status, became stateless individuals. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a “block” on their names in government databases. This “block” prevented former citizens from traveling or accessing health care and other government services reserved for citizens. In April the Council of Ministers created a committee presided over by emiri adviser and former speaker Ali al-Rashid to review complaints of citizenship revocations since 1991. The committee restored the citizenships of seven out of 184 families. There were no known revocations of citizenship during the year.

The law prohibits the granting of citizenship to non-Muslims, but it allows non-Muslim male citizens to transmit citizenship to their descendants. According to the law, children derive citizenship solely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship. Female citizens may sponsor their nonnational children (regardless of age) and husbands for residency permits, and they may petition for naturalization for their children if the mother becomes divorced or widowed from a noncitizen husband.

Section 3. Freedom to Participate in the Political Process

Citizens had only limited, indirect control of the executive branch because the constitution stipulates the country is a hereditary emirate. The 50 elected members of the National Assembly (along with government-appointed ministers) must, by majority vote based on universal and equal suffrage and conducted by secret ballot providing for the free expression and the will of the people, approve the emir’s choice of crown prince (the future emir). According to the Succession Law, the crown prince must be a male descendant of Sheikh Mubarak Al Sabah and meet three additional requirements: have attained the age of 30, possess a sound mind, and be a legitimate son of Muslim parents. The National Assembly may remove the emir from power by a two-thirds majority vote if it finds that any of these three conditions is or was not met.

Elections and Political Participation

Recent Elections: Observers generally considered the 2016 parliamentary election free and fair and found no serious procedural problems. The election followed the emir’s October 2016 order to dissolve the National Assembly because of “mounting security challenges and volatile regional developments.” Most opposition politicians and their supporters who boycotted the 2013 election returned and participated without incident. Official turnout for the 2016 elections was approximately 70 percent.

Political Parties and Political Participation: The government did not recognize any political parties or allow their formation, although no formal law bans political parties. National Assembly candidates must nominate themselves as individuals. Well-organized, unofficial blocs operated as political groupings, and MPs formed loose alliances. The law prohibits primaries during elections, but some tribes continue to hold

unofficial primaries to select candidates for the National Assembly elections. In June the National Assembly amended the election law to bar those convicted of insulting the emir and Islam from running for elected office. Voters register to vote every February upon reaching the voting age of 21. Prosecutors and judges from the Ministry of Justice supervise election stations. Women prosecutors served as supervisors for the first time during the 2016 elections.

Participation of Women and Minorities: Although women gained the right to vote in 2005, they still faced cultural and social barriers to political participation. For example, some tribal leaders have successfully excluded women from participating in local and national elections by banning them from being considered in unofficial tribal primaries. In the 2016 elections, 15 women filed candidate applications. One candidate withdrew resulting in 14 women standing for election with one woman successfully winning a seat. Women voted at a higher rate than men, having registered at 52.4 percent versus 47.6 percent.

No laws limit participation of women and/or members of minorities in the political process, and they did participate in political life. Although women were granted the right to vote and run for office in 2005, there is currently only one elected woman and two appointed women cabinet members in the country's 65-seat parliament of which 15 seats are held ex-officio for cabinet members. In the 2016 parliamentary elections, candidates from the Shia community, which comprised approximately one-third of the citizen population, won six seats in parliament.

Section 4. Corruption and Lack of Transparency in Government

The law mandates criminal penalties for corruption by government officials, but the government did not implement the law effectively. Government observers believed officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

There were many reports that individuals had to pay intermediaries to receive routine government services. Police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. Widespread reports indicated that police favored citizens over noncitizens. There were several reports of corruption in the procurement and bidding processes for lucrative government contracts.

All judicial officers received training on corruption and transparency obligations as part of the Judicial Institute's official curriculum.

Corruption: The Audit Bureau is an agency responsible for supervising public expenses and revenues and for preventing any misuse or manipulation of public funds. The government distributes reports by the Audit Bureau annually to the emir, prime

minister, head of parliament, and minister of finance. The public did not have access to these reports. The parliamentary Committee on the Protection of Public Funds frequently announced inquiries into suspected misuse of public funds, but none resulted in prosecution during the year. In June the Committee recommended the referral of KGL Investment (KGLI) to the Public Prosecution for irregularities found in its contract with the Kuwait Port Authority. It was alleged that KGLI and the Port Authority manipulated ledgers and other documents, allowing KGLI to control almost one million square meters of property in Abdullah Port rent free.

A 2012 law establishing an Anticorruption Authority (ACA) was overturned by the Constitutional Court in 2015 because the law was based on emergency decree. In January 2016 the National Assembly passed a new draft bill to re-establish the ACA, which was implemented in November 2016. The law charges the ACA with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor’s Office or police for further investigation or action.

Media and government officials reported cases of widespread, visa-related corruption, namely selling visas or visa fraud, at the Ministry of Social Affairs and Labor and Ministry of Interior. According to a study conducted by the Research and Studies Sector at the National Assembly, 73 percent of marginal workers were victims of visa traders. The study criticized the government for failure to curb this illegal trade and bring perpetrators to justice. The study stated that in 2014, 40,000 marginal workers were brought into the country based on 1,000 false commercial licenses.

Financial Disclosure: In November 2016 government officials began filing financial disclosure statements with the ACA after the law came into effect. Approximately 10,000 officials are required to submit this disclosure, and 9,730 officials have complied with the law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government imposed some limits on the operations of domestic and international human rights groups. A number of domestic and international human rights groups generally operated with limited restrictions, investigating and publishing their findings on human rights cases. The law permits the existence of NGOs, but the government continued to deny registration to some. NGOs may not engage in political activity or encourage sectarianism. Officially registered groups must demonstrate that their existence is in the public interest. Official NGOs must show they will conduct business beneficial to the country; their work cannot undermine cultural values and norms as defined by the government. Major local independent NGOs dedicated specifically to human rights included the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The Kuwait Trade Union Federation was the local affiliate of the Solidarity Center. In 2015 the government dissolved the board of directors of the local chapter of Transparency International, accusing the NGO of exaggerating the level

of corruption in the country. Since January 2016 the board has been reinstated, but the NGO had its assets sold and employees let go by the interim government-appointed board. The NGO did not receive permission to raise funds from international organizations/donors.

Locally licensed NGOs devoted to the rights or welfare of specific groups--such as women, children, prisoners, and persons with disabilities--operated with little government interference, as did a few dozen local, unregistered human rights groups. The government and various National Assembly committees met occasionally with local NGOs and generally responded to their inquiries.

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operated independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses and worked with the plaintiff and relevant stakeholders to reach a mutual settlement. The committee visited the Central Prison and the central deportation center throughout the year to review overcrowding, prison and detainee treatment, and the condition of both facilities. The committee had adequate resources and was considered effective. In 2015 the Ministry of Foreign Affairs established an office of human rights funded by and under the authority of the ministry's legal department. The office's purpose is to produce human rights reports and respond to such reports produced by international organizations and governments that referenced the country.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime; spousal rape and domestic violence are not considered crimes. Authorities did not effectively enforce laws against rape. Violence against women continued to be a problem. The penal code allows for a rapist to elude punishment on the condition that he marry his victim and her guardian consents that the perpetrator not be punished. There were reports alleging that some police stations did not take seriously reports by both citizens and noncitizens of rape and domestic violence.

When reported, police typically arrested and investigated alleged rapists and, in a limited number of cases, prosecuted the accused. In January an Egyptian woman was raped by a fellow Egyptian national. The perpetrator was not arrested, but he was sentenced in his absence to 10 years in prison.

The government does not publish statistics on violence against women. During the year a Kuwait University study found that 40 percent of married women were victims of domestic violence. There were no known shelters specifically for victims of domestic violence.

A woman may petition for divorce based on injury from spousal abuse, but the law does not provide a clear legal standard regarding what constitutes injury. Additionally, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to such injury.

Other Harmful Traditional Practices: Officials did not report any honor killings during the year. The penal code treats some honor crimes as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the “act of adultery” and immediately kills her or the man with whom she is committing adultery faces a maximum punishment of three years’ imprisonment and a fine of 225 dinars (\$743).

Sexual Harassment: Human rights groups characterized sexual harassment in the workplace as a pervasive and unreported problem. No specific law addresses sexual harassment, but the law criminalizes “encroachment on honor,” which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. The government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators of sexual harassment and assault faced fines and imprisonment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: Women do not enjoy the same legal status and rights as men, but citizen women enjoyed many political rights, including the right to vote and to serve in parliament and the cabinet (see section 3, Elections and Political Participation). Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia, as implemented in the country, discriminates against women in judicial proceedings, freedom of movement, marriage, child custody, and inheritance. There were no known cases of official or private sector discrimination in accessing credit, owning and/or managing a business, and securing housing. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Secular courts allow any person to testify and consider male and female testimony equally, but in sharia courts, which govern personal status matters such as marriage, divorce, child custody, and inheritance issues, the testimony of one man equals that of two women.

The 1984 Kuwaiti Family Law Code prohibits marriage between Muslim women and non-Muslim men. The law does not require a non-Muslim woman to convert to Islam to marry a Muslim man, but many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce, the law grants the father or his family sole custody of children of non-Muslim women who do not convert. A non-Muslim woman who does not convert to the religion of her husband is also ineligible for naturalization as a citizen and cannot inherit her husband's property unless specified as a beneficiary in his will.

Inheritance is also governed by sharia, which varies according to the specific school of Islamic jurisprudence. 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.

Female citizens are unable to pass citizenship to their noncitizen husbands or their children; however, exceptions were made for some children of widowed or divorced female citizens. Male citizens married to female noncitizens do not face such discrimination.

Women experienced discrimination in the workplace (see section 7.d.).

The law requires segregation by gender of classes at all universities and secondary schools, although it was not always enforced.

Children

Birth Registration: Citizenship derives entirely from the father; children born to citizen mothers and noncitizen fathers do not inherit citizenship unless the mother is divorced or widowed from the noncitizen father and may then facilitate the child's application for citizenship. The government designates religion on birth and marriage certificates. The government often granted citizenship to orphaned or abandoned infants, including bidoon infants. Parents were sometimes unable to obtain birth certificates for their bidoon children because of extensive administrative requirements that prevented such children from accessing public services such as education and health care.

Education: Education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. A 2011 Council of Ministers decree extended education benefits to bidoon.

Medical Care: Lack of identification papers sometimes restricted bidoon access to public medical care.

Early and Forced Marriage: The legal marriage age is 17 for boys and 15 for girls, but girls continued to marry at a younger age in some tribal groups.

Sexual Exploitation of Children: There are no laws specific to child pornography, because all pornography is illegal. There is no statutory rape law or minimum age for consensual sexual relations, although premarital sexual relations are illegal.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli government actions or views with those of Jews more broadly. Reflecting the government’s nonrecognition of Israel, there are longstanding official instructions to teachers to expunge any references to Israel or the Holocaust from English-language textbooks. The law prohibits companies from conducting business with Israeli citizens, including transporting them on their national airlines.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. It imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. Noncitizens with disabilities neither had access to government-operated facilities nor received stipends paid to citizens with disabilities that covered transportation, housing, job training, and social welfare costs. The government still has not fully implemented social and workplace aides for persons with physical, and in particular, vision disabilities.

There is a disability law, and a parliamentary Committee for Disabled Affairs. Under that law the monthly allowance given to the mother of a disabled child or the wife of a person with disabilities is 600 dinars (\$1,980), and families of citizens with disabilities are eligible to receive grants worth up to 20,000 dinars (\$66,000).

During the year the government reserved a small number of admissions to Kuwait University for citizens with disabilities, and there was regular media coverage of students with disabilities attending university classes. Nonetheless, authorities did not provide noncitizens with disabilities the same educational opportunities, and noncitizen students with disabilities experienced a lack of accessible materials and lack of reasonable accommodations in schools.

Children with disabilities attended public school. The government supervised and contributed to schools and job training programs oriented to persons with disabilities.

National/Racial/Ethnic Minorities

Approximately 70 percent of residents were noncitizens, many originating from other parts of the Middle East, the Indian subcontinent, and Southeast Asia. Societal discrimination against noncitizens and bidoon was prevalent and occurred in most areas of daily life, including employment (see section 7.d.), education, housing, social interaction, and health care. As part of expanded activity against illegal residents, police stopped, arrested, and sometimes deported noncitizens believed to be using private automobiles as taxis. This action disproportionately affected the noncitizen laborers who could not afford their own automobiles or taxi fares.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual conduct between men and crossdressing are illegal. The law punishes consensual same-sex sexual activity between men older than 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with men younger than 21 may be imprisoned for as long as 10 years. No laws criminalize sexual behavior between women. The law imposes a fine of 1,059 dinars (\$3,495) and imprisonment for one to three years for persons imitating the appearance of the opposite sex in public. Transgender persons reported harassment, detention, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation and gender identity occurred; to a lesser extent, officials also practiced such discrimination, usually upon discovering that a person stopped for a traffic violation did not appear to be the gender indicated on the identification card. Transgender men and women often faced rejection by their families and, in some cases, disputes over inheritances.

No registered NGOs focused on LGBTI matters, although unregistered ones existed. Due to social convention and potential repression, LGBTI organizations neither operated openly nor held gay pride marches or gay rights advocacy events.

HIV and AIDS Social Stigma

Local human rights NGOs reported no accounts of societal violence or discrimination against persons with HIV/AIDS, but persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease.

Other Societal Violence or Discrimination

Unmarried men continued to face housing discrimination based solely on marital status. The law prohibits single men from obtaining accommodation in many urban residential areas. Single noncitizens faced eviction due to a decision by the municipality to enforce this prohibition and remove them from residences allocated for citizens' families, citing the presence of single men as the reason for increasing crime, a burden on services, and worsening traffic.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join trade unions, bargain collectively, and conduct legal strikes, with significant restrictions. The government, however, did not always respect these rights.

The law does not apply to public-sector employees, domestic workers, or maritime employees. Discrete labor laws set work conditions in the public and private sectors, with the oil industry treated separately. The law permits limited trade union pluralism at the local level, but the government authorized only one federation, the Kuwait Trade Union Federation (KTUF). The law also stipulates any new union must include at least 100 workers and that at least 15 of the total number must be citizens.

The law provides workers, except for domestic workers, maritime workers, and civil servants, a limited right to collective bargaining. There is no minimum number of workers needed to conclude such agreements.

Public-sector workers do not have the right to strike. Private-sector workers have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

According to the Public Authority for Manpower, there were 2.63 million workers in the country. Only 18.1 percent of the total workforce were citizens. Most citizens (76 percent) worked in the public sector, in part because the government provided lucrative bonuses to citizens, including retirement funding.

The law prohibits antiunion discrimination and employer interference with union functions. It provides for reinstatement of workers fired for union activity. Nevertheless, the law empowers the courts to dissolve any union for violating labor laws or for threatening “public order and morals,” although a union can appeal such a court decision. The Ministry of Social Affairs and Labor can request the Court of First Instance to dissolve a union. Additionally, the emir may dissolve a union by decree.

Foreign workers, who constituted more than 80 percent of the workforce, may join unions only as nonvoting members after five years of work in the particular sector the union represents, provided they obtain a certificate of good conduct and moral standing from the government. They cannot run for seats or vote in board elections. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement for discouraging unions in sectors that employ few citizens, including much of private-sector employment, such as construction.

The government enforced applicable laws, with some exceptions, and procedures were generally not subject to lengthy delay or appeals.

The government treated worker actions by citizens and noncitizens differently. While citizens and public sector union leaders and workers faced no government repercussions for their roles in union or strike activities, companies directly threatened noncitizen workers calling for strikes with termination and deportation.

In February 300 Bangladeshi workers staged a peaceful sit-in protest at their accommodation camp over unpaid salaries and alleged extortionary behavior by their employer in exchange for their residency visas. They claimed that their Bangladeshi supervisor was regularly charging them fees for taking annual leave or renewing residency documents. Labor officers from the Bangladesh Embassy confirmed the labor violations and worked with local authorities to provide for payment of salaries.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminally sanctions forced or compulsory labor “except in cases specified by law for national emergency and with just remuneration.” Although the law prohibits withholding of workers’ passports, the practice remained common among sponsors and employers of foreign workers and the government demonstrated no consistent efforts to enforce this prohibition. Employers confined some domestic and agricultural workers to their workspaces by retaining their passport and, in the case of some domestic workers, locked in their work locations. Workers who fled abusive employers had difficulty retrieving their passports, and authorities deported them in almost all cases. The government usually limited punishment to assessing fines, shutting employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. In October the government conducted raids

on fake and inactive companies that resulted in the suspension of 843 commercially licensed companies with over 5,911 registered workers. These companies were founded only to sell visas to foreign workers; once the workers were registered to the fake companies, they would be unemployed or worked as marginal workers or trafficked.

Some incidents of forced labor and conditions indicative of forced labor occurred, especially among foreign domestic and agricultural workers. Such practices were usually a result of employer abuse of the sponsorship system (kafala) for noncitizen workers. Employers frequently illegally withheld salaries from domestic workers and minimum-wage laborers.

According to various reports, North Korean laborers, estimated to number between 2,500 and 3,000, worked in forced labor conditions, averaging 15-hour days with no freedom of movement and living in squalid conditions. Former North Korean laborers and officials indicated that employers paid worker salaries to a North Korean government-owned company instead of directly to the individual workers. In 2016 the government halted all North Korean flights to Kuwait and ceased issuing new work visas for North Korean workers. In September the government reaffirmed its commitment to the international community and stopped renewing visas for existing workers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but reports of forced labor in the construction and sanitation sectors also existed. Forced labor conditions for migrant workers included nonpayment of wages, long working hours, deprivation of food, threats, physical and sexual abuse, and restrictions on movement, such as withholding passports or confinement to the workplace. As of October, employers filed 8,976 “absconding” reports against employees and domestic workers filed 323 complaints against their employers in accordance with the new domestic labor law. Numerous domestic workers who escaped from abusive employers reported waiting several months to regain passports, which employers illegally confiscated when they began their employment.

The Public Authority for Manpower operated a shelter for abused domestic workers. As of October, according to a government source, the shelter had a capacity of 500 victims and housed on average 350 at any one time. International and national organizations had relatively open access to workers residing in the shelter and reported adequate living conditions.

In 2016 the government began implementing the 2015 domestic worker labor law that requires employers to grant domestic workers a maximum 12-hour workday, with one day off per week and 30 days paid leave per year. The law also establishes a minimum wage of 60 dinars (\$198), end-of-service benefits--one month’s wage for every year worked--and bans employing domestic workers below age 20 or more than 50 years of age. Parliament also voted in 2015 to establish a shareholding public-sector company for recruiting domestic workers. The company officially launched its services in September and initially planned to bring 120 domestic workers a month from the

Philippines and about 100 male workers from India. The government-owned company is mandated to provide training for domestic workers and cut out middlemen to lower recruitment fees for employers. The target recruitment fee is between 120 and 280 dinars (\$396 and \$924) per worker, depending on experience and skillset. The government regularly conducted information awareness campaigns via media outlets and public events and otherwise informed employers to encourage compliance by the public and private recruiting companies with the new law.

There were numerous media reports throughout the year of sponsors abusing domestic workers or significantly injuring them while they tried to escape; some reports alleged abuse resulted in workers' deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted serious cases of abuse when reported. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse. In April a video of an Ethiopian domestic worker falling out of a 7th floor apartment window went viral. The videographer of the incident was the employer who stood watching and recording as the domestic worker pleaded for help and eventually lost her grip and fell several stories, surviving the fall but sustaining serious injuries. The employer was arrested for failing to help the worker.

Numerous media reports highlighted the problem of visa trading, where companies and recruitment agencies work together to “sell” visas to prospective workers. Often times the jobs and companies attached to these visas do not exist, and the workers are left to be exploited and find work in the black market to earn a living and pay back the cost of the residency visa. Arrests of visa traffickers and illegal labor rings occurred almost weekly. Since workers cannot freely change jobs, they were sometimes willing to leave their initial job due to low wages or unacceptable working conditions and enter into an illegal residency status with the hope of improved working conditions at another job.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor. The legal minimum age for employment is 18, although employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between 15 and 18 in some nonhazardous trades. Juveniles may work a maximum of six hours a day with no more than four consecutive hours followed by a one-hour rest period. Juveniles cannot work overtime or between 7 p.m. and 6 a.m.

Although not extensive, there were credible reports that children of South Asian origin worked as domestic laborers. Some underage workers entered the country on travel documents with falsified birth dates.

The government made efforts to enforce laws regulating child labor. Approximately 460 Public Authority for Manpower labor and occupational safety inspectors routinely monitored private firms for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension of their company operations. Nevertheless, the government did not consistently enforce child labor laws in the informal sector, such as in street vending.

d. Discrimination with Respect for Employment and Occupation

The law prohibits discrimination in employment based on race, sex, gender, and disability. The government immediately deports HIV-positive foreign workers, and there is no protection for workers based on sexual orientation. No laws prohibit labor discrimination based on language, non-HIV communicable diseases, or social status, but there were no reported cases of discrimination in these areas.

Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked. Shia continued to report government discrimination based on religion. For example, Shia were represented in police force and military/security apparatus, although not in all branches and often not in leadership positions. Some Shia continued to allege that a glass ceiling of discrimination prevented them from obtaining leadership positions in public-sector organizations, including the security services. In the private sector, Shia were generally represented at all levels in proportion to their percentage of the population.

The law states that a woman should receive “remuneration equal to that of a man provided she does the same work,” although it prohibits women from working in “dangerous industries” and in trades “harmful” to health. Educated women contended the conservative nature of society restricted career opportunities, although there were limited improvements. While 72 percent of college graduates from Kuwait University were women, they were underrepresented among the number of students sent to study internationally, likely due to societal concerns about permitting young women to study away from their families. According to government statistics submitted to the Convention on the Elimination of All Forms of Discrimination against Women meeting in Geneva in November, women represented 51 percent of the population but had a total female workforce participation rate of 56 percent.

e. Acceptable Conditions of Work

The law sets the national minimum wage in the oil and private sector at 75 dinars (\$247) per month. The actual minimum wage for domestic workers was 60 dinars (\$198) per month. Most low-wage employees lived and worked in the country without their families, and employers generally provided at least some form of housing.

The law limits the standard workweek to 48 hours (40 hours for the petroleum industry), and gives private-sector workers 30 days of annual leave. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day. The law provides for 13 designated national holidays annually. Workers are entitled to 125 percent of base pay for working overtime and 150 percent of base pay for working on their designated weekly day off.

The government issued occupational health and safety standards that were current and appropriate for the main industries. For example, the law provides that all outdoor work stop between 11 a.m. and 4 p.m. during June, July, and August, or when the temperature rises to more than 120 degrees Fahrenheit in the shade. A worker could file a complaint against an employer with the Public Authority for Manpower if the worker believed his safety and health were at risk.

The law and regulations governing acceptable conditions of work do not apply to domestic workers. The Ministry of Interior has jurisdiction over domestic worker matters and enforces domestic labor working standards.

The Ministry of Social Affairs and Labor is responsible for enforcement of wages, hours, overtime, and occupational safety and health regulations of nondomestic workers. Enforcement by the ministry was generally good, but there were gaps in enforcement with respect to unskilled foreign laborers. Several ministry officials cited inadequate numbers of inspectors as the main reason for their inability to enforce the laws to the best of their abilities.

Approximately 460 labor and occupational safety inspectors monitored private firms. The government periodically inspected enterprises to raise awareness among workers and employers and to assure that they abided by existing safety rules, controlled pollution in certain industries, trained workers to use machines, and reported violations.

The Ministry of Social Affairs and Labor monitored work sites to inspect for compliance with rules banning summer work and recorded hundreds of violations during the year. Workers could also report these violations to their embassies, the KTUF, or the Labor Disputes Department. Noncompliant employers faced warnings, fines, or forced suspensions of company operations, but these were not sufficient to deter violators.

In the first 10 months of the year, the Labor Disputes Department received 10,821 complaints from workers of which 3,173 were referred to the courts; these complaints were either about contract issues, such as nonpayment of wages, or about difficulties transferring work visas to new companies. Most of the complaints were resolved in arbitration, with the remaining cases referred to the courts for resolution.

At times the Public Authority for Manpower intervened to resolve labor disputes between foreign workers and their employers. The authority’s labor arbitration panel sometimes ruled in favor of foreign laborers who claimed violations of work contracts by their employers. The government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving domestic workers. By October Minister of Social Affairs and Labor won 58 court cases against visa traders. According to officials the 350 court cases were filed by the ministry against visa traders.

Foreign workers were vulnerable to unacceptable conditions of work. Domestic workers and other unskilled foreign workers in the private sector frequently worked substantially in excess of 48 hours a week, with no day of rest.

Domestic workers had little recourse when employers violated their rights except to seek admittance to the domestic workers shelter where the government mediated between sponsors and workers either to assist the worker in finding an alternate sponsor or to assist in voluntary repatriation. There were no inspections of private residences, the workplace of the majority of the country’s domestic workers. Reports indicated employers forced domestic workers to work overtime without additional compensation.

Some domestic workers did not have the ability to remove themselves from an unhealthy or unsafe situation without endangering their employment. There were reports of domestic workers’ committing or attempting to commit suicide due to desperation over abuse, including sexual violence or poor working conditions. In 2016 the government implemented the domestic labor law that provides legal protections for domestic workers for the first time. The law established a formal grievance process and identified the Domestic Labor Department at the Ministry of Interior as the sole arbitration entity for domestic worker labor disputes. A worker not satisfied with the department’s arbitration decision has the right to file a legal case via the labor court. As of October the department conducted 2,553 inspections of domestic worker recruiting agencies and closed 79 of them for failing to meet the requirements of the new law and shut 15 fake agencies.

Several embassies with large domestic worker populations in the country met with varying degrees of success in pressing the government to prosecute serious cases of domestic worker abuse. Severe cases included those where there were significant, life-threatening injuries.

ecoi.net summary:

Annual report on human rights in 2017



Country:

Kuwait

Source:

[USDOS – US Department of State](#) [\(/en/source/11558.html\)](#)

Original link:

<https://www.state.gov/j/drl/rls/hrrpt/2017/nea/277251.htm> (<https://www.state.gov/j/drl/rls/hrrpt/2017/nea/277251.htm>)

Document type:

Periodical Report

Language:

English

Published:

20 April 2018

Document ID:

1430360 (former ID [357176 \(/en/document/357176\)](#))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

