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2011 Country Reports on Human Rights Practices - Kuwait

EXECUTIVE SUMMARY

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. The country has a population of 3.44 million, of whom 1.1 million are citizens. The May 2009 parliamentary elections were considered generally free and fair. Security forces reported to civilian authorities.

Principal human rights problems included limitations on citizens' right to change their government; trafficking in persons within the expatriate worker population, especially in the domestic and unskilled service sectors; and limitations on workers' rights. Authorities restricted freedom of speech and assembly, especially among foreign workers and stateless Arabs (called "Bidoon"). There were also limitations on citizens' rights to change their government.

Other human rights problems included reports of security forces abusing prisoners; restrictions on freedom of movement for certain groups, including foreign workers and Bidoon; and limitations on freedoms of press, association, and religion at times during the year. Bidoon faced social and legal discrimination, and women did not enjoy equal rights.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that some police and members of the security forces abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. Security forces reportedly detained, harassed, and sexually abused transgender persons.

On January 11, Mohammed al-Maimouni al-Mutairi, a citizen arrested on charges of alcohol

possession, died in police custody after security officials allegedly tortured and beat him. The government conducted multiple investigations and brought criminal charges against 20 officials in connection with his death. This incident contributed to Interior Minister Shaykh Jaber Khaled Al-Sabah's decision to tender his resignation later in January, according to press reports. The trial continued at year's end.

In March a Bangladeshi expatriate worker died in the Kabad police station after allegedly being tortured by three citizens and security officers. The expatriate was being held on suspicion of theft and arson. The case was referred to the public prosecutor. No further information was available at year's end.

The government stated that it investigated all such allegations of abuse and punished some of the offenders; however, in most cases the government did not make public either the findings of its investigations or any punishments it imposed.

Prison and Detention Center Conditions

Some detention facilities lacked adequate sanitation and sufficient medical staff. Prisoners had access to potable water. There were reports of security forces abusing prisoners. In September a member of parliament alleged that security forces at the deportation center in Talha had abused prisoners. The center was severely overcrowded for much of the year and had poor sanitation.

The Central Prison Complex houses the country's three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. There were approximately 200 inmates in the women's prison and 4,100 inmates in the men's prisons. Inmates reportedly lived in overcrowded conditions. Prison conditions for women were not worse than those for men. The Talha deportation center had a capacity of 1,000; official overall prison capacity was unknown.

Prisoners had reasonable access to personal visitors and were permitted religious observance. Ombudsmen may not serve on behalf of prisoners. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions.

The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC), in accordance with ICRC's standard processes. The ICRC visited all three prisons and the detention center during the year. The government allowed representatives of the leading human rights nongovernmental organization (NGO) Kuwait Human Rights Society (KHRS) to visit prisons and prisoners during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, there were reports that police arbitrarily arrested individuals during the year.

Role of the Police and Security Apparatus

The police have sole responsibility for the enforcement of laws not related to national security, and State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities. There were reports that some police stations did not take seriously the requests of complainants, especially foreign nationals. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial; there was some evidence of police impunity.

Security forces sometimes failed to respond effectively to societal violence against family members or domestic workers.

Arrest Procedures and Treatment While in Detention

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. There were a few reports of police arresting and

detaining foreign nationals without a warrant during the year. The courts usually do not accept cases without warrants issued prior to arrests. Detainees were generally informed promptly of the charges against them and allowed access to their lawyers and family members. However, in compliance with the penal code, a suspected criminal may be held at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always respected. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further 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 will be assigned to them.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention, and the government observed these prohibitions, apart from a few reports that police arbitrarily arrested nonnationals.

Pretrial Detention: Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees. Some detainees were held beyond the maximum detention period. Excessive detention in the deportation center was also a problem, particularly when the detainee owed money to a citizen.

Amnesty: While there were no known amnesties during the year, on March 24, the Ministry of the Interior released 433 inmates from the Central Prison after the emir pardoned them. The pardon also commuted sentences for an additional 460 prisoners and abolished the deportation penalty for 170 non-Kuwaitis.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and the right to a fair trial and states that "judges shall not be subject to any authority"; however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens.

Trial Procedures

By law criminal trials are public unless a court or the government decides "maintenance of public order" or the "preservation of public morals" necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the right to confront their accusers and appeal verdicts. The law requires defendants in felony cases to be represented in court by legal counsel, which the courts provide in criminal cases. 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 confront witnesses against them and present their own witnesses. Defendants and their attorneys generally have access to government-held evidence relevant to their cases and to appeal their cases to a higher court.

Political Prisoners and Detainees

In February, March, and December security forces broke up several illegal gatherings of Bidoon protestors. The government charged some individuals with unauthorized gatherings, and while some charges were dropped, some trials continued at the end of the year (see also section 2.b.).

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters regarding human rights violations; however, rulings occasionally were not enforced. Administrative punishments, such as travel bans, are also available for use in civil matters.

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

The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry foreign nationals. In practice the government offered only nonbinding advice in such matters and did not prevent any such marriages.

The government may deny a citizenship application by a Bidoon resident based on security or criminal violations committed by the individual's family members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and press "in accordance with the conditions and in the circumstances defined by law." In practice the government sometimes did not respect these rights.

Freedom of Speech: The government restricted freedom of speech, particularly in instances purportedly related to national security. The law also specifically prohibits material insulting Islam, the emir, the constitution, or the neutrality of the courts or Public Prosecutor's Office. The law mandates jail terms for anyone who "defames religion," and any Muslim citizen may file criminal charges against a person the citizen believes has defamed Islam, the ruling family, or public morals.

Several individuals were charged with insulting the emir during the year. On February 10, Kuwait University law professor Obeid al-Wasmi was released pending trial after being arrested in December 2010 and charged with spreading false news abroad, taking part in a public gathering with criminal intent, exhorting the security forces to defy lawful orders, and infringing on the emir's authority. His case was pending at year's end.

On January 24, the Court of Cassation vacated on technical grounds the June 2010 conviction of former National Democratic Alliance head Khaled al-Fadhala for slandering the prime minister at a 2009 rally. The case was referred back to the lower court, but on February 10, the prime minister dropped the suit.

Freedom of Press: All print media were privately owned, although their independence was limited. They exhibited a diversity of opinion but self-censored to avoid criminal charges or fines, or to keep their licenses. Restrictions on freedom of speech also applied to the press. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emiri system of government. The Ministry of Commerce may ban any media organization at the request of the Ministry of Information. By law newspaper publishers must obtain an operating license from the Ministry of Information.

Broadcast media are a mix of government and privately owned stations, subject to the same laws as print media.

In December 2010 authorities shut the local offices of the Al Jazeera television network and withdrew its accreditation after it broadcast footage of police using force to break up an unauthorized gathering of oppositions and subsequently gave airtime to opposition parliamentarians who strongly criticized the government for the police actions. On December 23, the Ministry of Information announced that Al Jazeera's offices would reopen as soon as the administrative process was complete, but they remained closed at year's end.

Before the annual international book fair held in October, the Ministry of Information added more books to the thousands of titles already banned for being "contrary to the fair and state policies."

Censorship or Content Restrictions: The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported material deemed illegal per the guidelines listed above. However, satellite dishes were widely available and allowed some citizens to receive unfiltered media. Most English-language educational materials that deal with the

Holocaust or refer to Israel are censored to remove such references; these restrictions do not apply to the media, however.

Libel Laws/National Security: Throughout the year the government restricted media freedom based on libel laws or national security grounds.

On March 27, the Court of First Instance convicted political activist and owner of al-Sour satellite channel Muhammad al-Juwaihel of slandering parliamentarians Musallam al-Barrak and Sa'doun al-Otaibi during a 2009 live television broadcast and sentenced him to one year in prison. However, on April 11, the government released al-Juwaihel after the court suspended the sentence contingent upon continued good behavior and fined him 200 dinars (approximately \$720).

The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. Although the government continued to enforce a May 2010 ban on publishing details of an investigation into an alleged Iranian spy network, media outlets continued to report on the subsequent conviction and sentencing of some defendants.

In March the Ministry of Information announced it was filing charges against Shiite newspaper *Al-Dar* for referring to the Saudi-led military intervention in Bahrain as an "invasion." No further information on this case was available at year's end.

Internet Freedom

The government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block Web sites considered to "incite terrorism and instability" and required Internet service providers to block Web sites that "violate [the country's] customs and traditions," in addition to political sites that the government found offensive. The government prosecuted and punished individuals for the expression of political or religious views via the Internet, including by e-mail, based on existing laws related to libel and/or national security. There were reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or beliefs. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communication upon request.

On June 7, authorities arrested Nasser Abul after he posted alleged insults on Twitter against the Sunni community, as well as Bahraini and Saudi royal families. On September 27, the Court of First Instance convicted Abul for defaming religion and sentenced him to three months in prison; however, he was released immediately for time served prior to his trial. The court cleared Abul of other charges, including slander, endangering the state, and harming political relations with other Gulf countries.

Academic Freedom and Cultural Events

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

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, in practice the government restricted this right.

Political oppositionists organized dozens of protests and rallies throughout the year. In practice security officials generally allowed peaceful protests to go forward without permits. Citing public safety and traffic concerns, officials sometimes restricted the location of planned protests to designated public spaces.

In February, March, and December security forces broke up several illegal gatherings of Bidoon

protesters. In most cases the protests were allowed to proceed for some time before demonstrators were instructed to disperse. After some protesters refused to leave, and in some cases where others allegedly attacked members of the security forces, the security forces used nonlethal means to disperse the crowd and arrested some protestors. Some domestic and international NGOs alleged that the use of force was excessive.

Freedom of Association

The constitution provides for freedom of association; however, in practice the government restricted this right. The law prohibits officially licensed groups from engaging in political activities.

The government uses its power to license associations as a means of political control. There were 73 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor did not license any new NGOs during the year. There remained 149 NGOs pending licensing by the ministry; many had been waiting years for approval. Dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country had no legal status. The ministry rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. The ministry can also reject an NGO's application if it deems that the NGO does not provide a public service. 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 [2010 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the government placed some limits on freedom of movement in practice. The government was generally uncooperative with most efforts by the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide implementation of protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Women and stateless persons (Bidoon) faced problems with or restrictions on foreign travel. Women have the right to obtain a passport and travel without a male family member's permission. However, a husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which a court order may extend the travel ban. The government restricted the ability of some Bidoon to travel abroad through the nonissuance of travel documents. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

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

Exile: The law prohibits the deportation or forced exile of citizens, although the government can revoke citizenship of naturalized citizens for various causes, including felony conviction, and subsequently deport individuals.

Citizenship: The government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the law; however, it can revoke the citizenship of naturalized citizens. During the year the government revoked the citizenship of some dual nationals and their children.

Protection of Refugees

Access to Asylum: The country's laws do 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 the UNHCR, there were approximately 1,100 registered asylum seekers and 322 recognized refugees in the country during the year. The country's immigration regulations prohibit local integration for asylum seekers. In practice, however, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees.

Stateless Persons

According to the law, citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The law further fails to provide nonnationals, including Bidoon, a clear or defined opportunity to gain nationality. Female citizens may sponsor their nonnational children (regardless of their age) and husbands for residency permits and may petition for their children to be naturalized, should they become divorced or widowed from a noncitizen husband.

Although the exact number of Bidoon residents was unknown, the Supreme Council for Higher Planning reported in November 2010 that there were 106,000 Bidoon in the country. The government continued to discriminate against Bidoon in some areas. On March 10, the Council of Ministers issued a decree approving the provision of some government services and subsidies, including education, employment, medical care, and the issuing of civil documents, such as birth and death certificates, to Bidoon. In practice, however, some Bidoon and international NGOs claimed that the decree had not been uniformly implemented. The government accepted Bidoon in some government positions, and some Bidoon worked in the armed forces or police; although there are no legal strictures that prevent their service in the enlisted ranks, the Bidoon have effectively been barred from enlisting in either force since 1985.

While the government granted citizenship to several hundred Bidoon during the year, more than 80,000 Bidoon citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the government maintained that the vast majority of Bidoon were concealing their true identities and were not actually stateless.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens had only a limited, indirect impact on control of the executive branch, as the constitution stipulates that the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must be a descendant of Shaykh Mubarak Al-Sabah and meet three additional requirements: that he has attained the age of majority, is of sound mind, and is a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is no longer accurate. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

Elections and Political Participation

Recent Elections: The 2009 parliamentary election, held two months after the emir dissolved the National Assembly, was generally considered free and fair. It was the third election in three years, due to the emir's previous constitutional dissolutions of parliament in 2006 and 2008.

Political Parties: The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Well-organized, unofficial blocs operated as political groupings, and members of parliament formed loose alliances. Some tribes held illegal primaries to maximize their members' chances for election to the National Assembly. Assembly candidates must nominate themselves as individuals.

Participation of Women and Minorities: Tribal leaders excluded women from the tribal primaries. Four women served as elected parliamentarians in the 50-member National Assembly.

There are no laws or cultural practices preventing minorities from participating in political life.

Members of the minority Shia community held nine of 50 seats in the National Assembly.

Section 4. Official Corruption and Government Transparency

The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption. Although the bureau and a government-formed committee reported various allegations of corruption and irregularities during the year, there were no public high-profile corruption cases before the courts. The parliament also frequently announced inquiries into suspected misuses of public funds, but none resulted in prosecution during the year. Opinion polls conducted in 2010 indicated a decline in the public's faith in the government's ability to control corruption.

In September media outlets reported allegations of "irregularities" including suspicious deposits of millions of dollars into the personal bank accounts of several members of parliament. At year's end the public prosecutor was investigating at least 15 parliamentarians in conjunction with the case.

There were many reports about individuals having to pay intermediaries in order to receive routine government services. Additionally, 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 showed favoritism towards citizens versus noncitizens.

Public officials were not subject to financial disclosure laws.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The government enforced the law.

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

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to the rights or welfare of specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen local unlicensed human rights groups operated without government restriction during the year. The government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

The government permitted international human rights organizations to visit the country. In June and December Human Rights Watch officials visited and conducted interviews, including with government officials, principally concerning the rights of the Bidoon community. Refugees International and the Open Society Institute also conducted study missions during the year.

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operates independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. Committee members also visited the Central Prison during the year. The committee had access to adequate resources and was considered effective. It did not issue reports.

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

The law prohibits discrimination based on race, origin, disability, or language; discrimination based on social status is not addressed. In practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and expatriate workers.

Women

Rape and Domestic Violence: Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the country occasionally imposed for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. Police occasionally arrested alleged rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively, especially in cases of noncitizen women raped by their employers.

The law does not specifically prohibit domestic violence, but such cases are tried as assault. A victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. Each of the country's 83 police stations reportedly received complaints of domestic abuse. However, most domestic abuse cases were not reported, especially outside the capital, likely due to the strong social stigma associated with publicly acknowledging such problems. Police officials rarely arrested perpetrators of domestic violence even when presented with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony. Individuals also reportedly bribed police officials to ignore domestic abuse charges. Although courts found husbands guilty of spousal abuse in previous years, those convicted rarely faced severe penalties. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year.

A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard as to what constitutes injury. In addition, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury. There were no shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year.

Harmful Traditional Practices: Honor crimes, according to the penal code, are penalized 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 and/or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a fine of 225 dinars (\$800), slightly less than a month's earnings at the public sector minimum wage. There were no reported honor crimes in recent years.

Sexual Harassment: There is no specific law that addresses sexual harassment; however, the law criminalizes "encroachment on honor," which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year the government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive, yet unreported, problem.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth, were freely available. While the government did not provide any formal family planning programs, oral contraceptives were available without a prescription.

Discrimination: Women have many political rights; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system, and they experienced legal, economic, and social discrimination. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia discriminates against women in judicial proceedings, freedom of movement (see section 1. d.), marriage, and inheritance. Secular courts allow any person to testify and consider male and female testimony equally; however, in the sharia courts the testimony of a man is equal to that of two women.

The law prohibits marriage between Muslim women and non-Muslim men. A non-Muslim woman is not required by law to convert to Islam to marry a Muslim male; however, in practice many non-Muslim women faced strong economic and societal pressure to convert. The law grants custody of children of non-Muslim women who fail to convert to the father in the event of a divorce. By law a non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband's property without being specified as a beneficiary in his will.

Inheritance is also governed by Sharia, which varies according to the specific school of Islamic jurisprudence followed by different populations in the country. 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.

On January 26, the National Assembly passed a series of amendments that gave women additional housing, work, and family benefits previously denied to them under existing laws. The amendments provide female citizens working in the public sector with an increase in family leave benefits, and housing subsidies enjoyed by male citizens were extended to widowed and divorced female citizens, female citizens married to noncitizens, and single female citizens above 40. The amendments also grant female citizens the right to sponsor their noncitizen spouses and children for legal residency and exempt them from paying annual residency permit fees. However, female citizens remain unable to pass citizenship to their noncitizen husbands or their children. Male citizens married to female noncitizens did not face such discrimination in law or practice.

The law states that a woman should receive "remuneration equal to that of a man provided she does the same work"; however, it prohibits women from working in "dangerous industries" and in trades "harmful" to health. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. Women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of college graduates.

The law requires that classes at all universities be segregated by gender. Public universities enforced this law more rigorously than private universities.

A parliamentary committee for women's and family affairs exists; female parliamentarians made up four of its five members. The committee was instrumental in pushing through the amendments granting benefits to women. Additionally, some women attained prominent positions in government and business as ministers and heads of corporations. There were no female judges.

Children

Birth Registration: Citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants. Parents were sometimes unable to obtain birth certificates for their Bidoon children because of additional administrative requirements, creating an inability to access other public services such as education and health care.

Education: By law education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. On March 10, the Council of Ministers issued a decree extending education benefits to Bidoon; however, bureaucratic problems continued to hinder Bidoon children's access to free education.

Child Abuse: Although there was no societal pattern of child abuse, most cases went unreported due to social stigmas associated with the disclosure of the practice.

Child Marriage: The legal marriage age is 17 for men and 15 for women, but younger girls continued to marry earlier in some tribal groups. The Ministry of Justice estimated that underage marriages constituted 2 to 3 percent of total marriages.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli actions with those of Jews more broadly. School administrators have issued standing instructions to teachers to expunge English-language textbooks of any references to Israel or the Holocaust.

Trafficking in Persons

See the Department of State's *2011 Trafficking in Persons Report*.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, and mental disabilities and 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. There were no specific reports of discrimination against persons with disabilities; however, noncitizens with disabilities did not have access to government-operated facilities or receive stipends paid to citizens with disabilities that covered transportation, housing, job training, and social welfare.

In June 2010 the government approved a new disability law that had not been implemented at year's end, reportedly because of conflicts with existing law. The law provides larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. It requires government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs. The law also allows citizens with disabilities, or those with children with disabilities, to receive larger than normal housing grants and earlier pensions. Although Bidoons are not normally entitled to receive housing grants, the new provisions include Bidoon with disabilities.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs oriented to persons with special needs. The National Assembly has a Committee for Disabled Affairs.

National/Racial/Ethnic Minorities

Approximately 68 percent of the country's residents were noncitizens, many originating from the Indian subcontinent and Southeast Asia. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.

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

Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (\$3,800) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either. There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, although unofficial ones existed.

Other Societal Violence or Discrimination

Local human rights NGOs reported that there were no accounts of societal violence or discrimination

against persons with HIV/AIDS; however, this may be because persons with HIV do not generally disclose their status due to social stigma against the disease.

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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The labor code, which does not apply to public sector employees, domestic workers, or maritime employees, provides workers limited rights to form and join trade unions. Discrete labor laws set work conditions in the public and private sectors, with the oil industry treated separately. The labor code permits limited trade union pluralism at the local level, but there is only one government-authorized federation, the Kuwait Trade Union Federation (KTUF).

The law provides workers a limited right to collective bargaining, again excepting domestic servants, maritime workers, and civil servants. 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 strikers by employers or prevent the government from interfering in union activities, including the right to strike. Legal strikes require permission from the Ministry of Interior, which was rarely granted.

The law prohibits antiunion discrimination and employer interference with union functions. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. By law employers found guilty of such discrimination must reinstate workers fired for union activities.

Foreign workers, who constitute the vast majority of the work force, are permitted by law to 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. The law denies foreign domestic workers (approximately 570,000 of the estimated 1.5 million noncitizen workforce) and maritime employees the right to associate and organize.

The law also stipulates that any new union must include at least 100 workers, 15 of them citizens. 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 law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. By law the Ministry of Social Affairs and Labor can request the dissolution of a union by the Court of First Instance. The emir also may dissolve a union by decree.

Although the law restricts freedom of association and collective bargaining rights, the government did not always enforce these limits. Worker organizations were generally not independent of the government, and the government interfered in union activities. The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. If a union ceases to exist, the government, in turn, confiscates its assets.

The KTUF included 15 of the 47 licensed unions, accounting for the vast majority of union workers. Throughout the year some member unions or workers who felt the KTUF did not meet the needs of all workers left and joined the unlicensed National Trade Union Federation.

From September through the end of the year, numerous public sector unions staged demonstrations, work stoppages, and sit-ins, demanding higher salaries and greater benefits. At various points government officials threatened striking civil servants with punishment and granted military and security forces the power to break strikes, a move sharply criticized by the KTUF. The government

ultimately met most of the strikers' demands in full or negotiated compromise packages. The International Trade Union Confederation criticized the government for not allowing the complete free exercise of labor unions in accordance with International Labor Organization agreements.

Skilled foreign workers who were members of unions with significant citizen membership also went on strike during the year. While public sector union leaders faced no government repercussions for their roles in the threats to strike, sit-ins, and demonstrations, companies threatened noncitizen workers calling for strikes with termination and deportation.

The KTUF stated the government did not widely enforce the requirement that foreign workers have at least five years of residence prior to joining a union.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor "except in cases specified by law for national emergency and with just remuneration." However, there were reports of such practices, usually made possible by employer misuse of the sponsorship system of noncitizen workers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but 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 or sexual abuse, and restrictions on movement, such as the withholding of passports or confinement to the workplace. Female domestic workers were particularly vulnerable to sexual abuse and forced prostitution. Police and courts were reluctant to prosecute citizens for abuse in private residences.

See also the Department of State's [2011 Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor. The legal minimum age for employment is 18; however, employers may obtain permits from the ministry to employ juveniles between the ages of 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.

The government made efforts to enforce the law effectively. Approximately 300 labor ministry inspectors monitored private firms routinely for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension in their company operations. There were credible reports of child labor, consisting almost entirely of domestic servants of South Asian origin. Some underage workers entered the country on travel documents with falsified birth dates.

d. Acceptable Conditions of Work

The law set the national minimum private sector wage at 60 dinars (\$215) per month, which does not provide a decent standard of living for a worker and a family. The government will not issue visas for dependents to accompany workers earning less than 250 dinars per month (\$900).

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 allows for 13 designated national holiday days off 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.

Minimum wage guarantees and overtime protections do not apply to domestic workers.

Workers submitted complaints to the Ministry of Labor's Labor Disputes Department; however, the government did not enforce the standards well, and domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours a week, often with no day of rest. There were also reports that employers forced domestic workers to work overtime without additional compensation.

The government issued occupational health and safety standards; however, compliance and

enforcement by the Labor Ministry appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled pollution resulting from certain industries, trained workers to use machines, and reported violations.

Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. Inspections do not, however, take place in private residences, the workplace of the majority of the country's domestic workers, and the government did not make significant efforts to address working conditions for these workers. There were frequent reports of domestic workers committing or attempting suicide related to desperation over abuse or poor working conditions. The number of such cases continued to be significant during the year.

As in past years, the government paid limited attention to worker safety issues, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop between 11 a.m. and 4 p.m. during the months of June, July, and August, or when the temperature rises to 50 degrees Celsius (122 Fahrenheit) in the shade. The Ministry of Labor monitored work sites to ensure compliance with these rules and recorded 142 violations during the year. Workers could report these violations to their embassies, the KTUF, or the Labor Disputes Department. Noncompliant employers faced fines or a forced suspension in their company operations.
