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2008 Country Reports on Human Rights Practices - Kuwait

Bureau of Democracy, Human Rights, and Labor
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Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family with a population of 3.39 million, of which 1.3 million are citizens. Although there were reports of vote buying by the government and certain candidates in the May 17 parliamentary election, local observers and the press considered the election generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The government limited citizens' right to change their government and form political parties. There were reports that security forces abused prisoners and detainees, and the government did not make public any investigations or prosecutions of perpetrators. The government limited freedoms of speech, press, religion, and movement for certain groups. Government corruption and trafficking in persons remained problems. The status of stateless Arab residents (called "Bidoon") remained unresolved. Women did not enjoy equal rights, and expatriate workers faced difficult conditions in the domestic and unskilled service sectors.

RESPECT FOR HUMAN RIGHTS

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.

There were no developments in the two 2006 cases of nonnationals who died in police custody.

b. Disappearance

There were no politically motivated disappearances during the year.

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, some police and members of the security forces reportedly abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, and there were

several reported accounts of police abuse of transgendered persons. The government stated that it investigated all allegations of abuse and punished at least 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.

On March 14, according to Human Rights Watch, police arrested two transgendered persons at a checkpoint, made them take off their men's hats and jackets, and hit them on their faces as they stood in their female clothing. Authorities allegedly held them for five days and shaved their heads before releasing them.

On July 28, security officials allegedly abused hundreds of Bangladeshi workers on strike. Security officials reportedly imprisoned and beat the workers for five days before forcibly deporting them to Bangladesh.

There were no further developments in the December 2007 cases of reported physical and psychological abuse of five transgendered women in Tahla prison. However, after they reported abuse by other inmates, the director of the prison separated them from the general population.

Prison and Detention Center Conditions

Prison and detention center conditions varied. Some were poor, with inadequate sanitation and lack of sufficient medical staff. Authorities reportedly mistreated prisoners and failed to prevent inmate-on-inmate violence.

A new men's prison building that met all international standards opened in 2006, reducing previously severe overcrowding.

On September 30, the parliamentary Human Rights Committee reported that Talha Prison was no longer suitable for inmates and stressed the need to renovate the dilapidated building.

The government permitted visits by independent human rights observers. During the year the International Committee of the Red Cross carried out several visits to the Central Prison, both the men's and women's wards. It also visited temporary jails at police stations. The local nongovernmental organization (NGO) Kuwait Human Rights Society (KHRS) visited the women's ward at the Central Prison during the year, in addition to several temporary jails at police stations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although police sometimes arbitrarily arrested nonnationals.

Role of the Police and Security Apparatus

The police have sole responsibility for the enforcement of laws not related to national security. Kuwait State Security oversees intelligence and national security-related matters. Both are under the purview of civilian MOI authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities; however, there were frequent reports of corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. There were also reports that some police stations did not take the requests of complainants, especially foreigners, seriously and obstructed their access to the justice system.

In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. Unlike in the past, no security

officials were relieved of their duties as a result of credible allegations of abuse of detainees during interrogation.

Arrest and Detention

Police officers generally must obtain an arrest warrant from state prosecutors or a judge before making an arrest, except in cases of hot pursuit. There were credible reports of police arresting and detaining foreigners without a warrant during the year. However, the courts generally do not accept cases without warrants issued prior to arrests. According to the penal code, suspected criminals may be held at a police station for up to four days without charge, during which authorities may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors 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 provided lawyers for indigent defendants.

Of the approximately 3,500 persons serving sentences or detained pending trial, approximately 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990-91 occupation. Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.

During the year foreigners at the deportation facility in Shuwaikh were incarcerated, on average, between 10 days and two months awaiting deportation. Some were held there for much longer periods, often due to delays in the court system or bureaucracy.

Amnesty

On February 28, the emir issued an amnesty that freed 380 prisoners, reduced sentences for 703 prisoners, and canceled deportation orders for 127 foreigners.

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 (MOJ) may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases, all of which originate with the Court of First Instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the High Court of Appeals, with a three-judge panel, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. These decisions may be presented to the Court of Cassation, where five judges review the cases to determine only whether the law was applied properly. The emir has the constitutional authority to pardon or commute all sentences.

Sunni and Shia Shari'a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the family courts the testimony of a man is equal to that of two women.

The Constitutional Court, whose members are senior judges from the civil judiciary, has the authority to issue binding rulings concerning the constitutionality of laws and

regulations and also rules on election disputes.

The martial court convenes in the event the emir declares martial law. The law does not specifically provide for a military court or provide any guidelines for how such a court would operate. The military operates tribunals that can impose punishments for offenses within the military.

Trial Procedures

By law criminal trials are public unless a court or the government decides that "maintenance of public order" or "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. Defendants in felony cases are required by law 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 utilized these services. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The law affords these protections to all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, enforcement of rulings was a significant problem. Administrative punishments, such as travel bans, are also available 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. Security forces occasionally monitored individuals' private communications and activities.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice the government offered only nonbinding advice in such matters.

When a Bidoon resident applies for citizenship, the government considers security or criminal violations committed by his or her family members as a barrier to that resident getting citizenship.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Individuals were able to criticize the government freely in private and informal gatherings and in public gatherings as long as they did not attack Islam, the emir, or the crown prince. Pointed criticism of ministers and other high-ranking government officials was widespread, and individuals were not subjected to punishments as a result.

The country had 14 Arabic and three English-language daily newspapers, all of which

were privately owned. Print media generally exhibited independence and diversity of opinion, although there were reports that they practiced self-censorship at times in order to avoid unnecessary conflict with the government. The government continued its September 2007 ban on the import and circulation of several Egyptian newspapers. The government owned nine local radio and four television stations, and there were 11 privately owned television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister newspaper of the same name.

The law prohibited the publication of material criticizing Islam, the emir, the constitution, or the neutrality of the courts or public prosecutor's office. The law also mandates jail terms for journalists who "defame religion," and any Muslim citizen may file criminal charges against an author the citizen believes has defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

On May 28, according to Reporters Without Borders, a court ordered Fuad al-Hashem of the daily Al-Watan to pay 7,190 dinars (approximately \$25,000) for defamation as a result of three cases brought by the Qatari prime minister, who accused Al-Hashem of harming his reputation in articles dealing with his relations with Israel. At year's end there was no information as to whether al-Hashem had paid the fine.

On November 11, the Court of Cassation sentenced the person who posted a comment insulting the emir on Bashar Al-Sayegh's Web site in 2007 to two years in prison. Al-Sayegh himself was acquitted of any charges on February 2.

The MOI censored all books, films, periodicals, videotapes, and other imported publications deemed morally offensive, although satellite dishes were widely available and allowed some citizens to receive unfiltered media. The MOI controlled the publication and distribution of all informational materials.

The law requires newspaper publishers to obtain an operating license from the MOI. Publishers may lose their license if their publications do not appear for three months in the case of a daily newspaper, or six months in the case of a less-frequent publication.

Internet Freedom

There were approximately 900,000 users of the Internet in the country. The government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications (MOC) continued to block Web sites deemed to "incite terrorism and instability" and required Internet service providers to block other Web sites, some political. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

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 prohibited academics from criticizing the emir or Islam.

The MOI reserved the right to approve or reject public events and rejected those it deemed politically or morally inappropriate. The ministry reported that it rejected many applications for events but did not release the names of these events. Some hotels and performance halls reported increased hesitation to host musical functions because of what they perceived as a rise in the power of cultural conservatives. For example, on August 24, conservative members of parliament reportedly chided and demanded the punishment of a hotel owner and party organizers for sponsoring a mixed-gender dance. On August 27, the ministry referred the owner of the hotel to the Commercial Attorney's Office for investigation. There were no updates in the case at year's end.

The MOI censored films based on objectionable content such as extreme violence,

profanity, and all intimacy between genders.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected the right in practice. Organizers of public gatherings of more than 20 persons must inform the MOI of their plans.

The law also protects "diwanias" (informal weekly social and political gatherings). Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanias to discuss current economic, political, and social issues. Women held diwanias of their own, but such diwanias were uncommon; a few diwanias were open to both sexes.

Freedom of Association

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

The government used 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 (MOSAL) did not license any new NGOs during the year, compared with one licensing the previous year and seven the year before. At year's end there were 149 NGOs pending licensing by the MOSAL; many have been waiting years for approval.

The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of 12,000 dinars (approximately \$41,000) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL began issuing licenses after a long period of refusing to do so, do not receive financial assistance. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. The MOSAL also can reject an NGO's application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO's name prior to licensing and sometimes did so on the grounds that the name was too close to that of an already existing NGO. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences as official representatives of their NGO.

There were many unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.

c. Freedom of Religion

The constitution provides for freedom of religion; however, the government limited this right. The constitution protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The constitution declares that Islam is the state religion and that Shari'a is "a main source of legislation."

Non-Muslim religious groups unanimously reported that freedom of belief is respected, but non-Muslim religious organizations had more difficulty operating. The government did not recognize some Christian churches, and they could not operate openly. Some recognized churches found quotas on clergy and staff visas burdensome. Shia faced some disadvantages in comparison with Sunnis.

Members of religions not sanctioned in the Koran, such as Baha'is, Buddhists, Hindus, and

Sikhs, may not operate official places of worship, but they were allowed to worship in their homes without government interference. There is no specific law banning the establishment of other non-Muslim places of worship; however, in practice the government denied permission to the few groups that applied for licenses to build new places of worship, deterring some religious groups applying.

Islamic religious instruction is mandatory in all government schools and in any private school that has one or more Muslim students. The law prohibits organized religious education other than Islam; however, in practice the government allowed non-Muslim religious instruction as long as no Muslim students were taking part in the education. The government did not interfere with religious instruction inside private homes.

Muslims who wished to convert from Islam to another religion faced intense societal pressure and generally had to hide their new religious affiliation. The law prohibits naturalization of non-Muslims and forbids marriage between Muslim women and non-Muslim men; these prohibitions effectively coerced individuals to convert to Islam.

The government prohibited non-Muslim missionaries from proselytizing to Muslims, although they may serve non-Muslim congregations. The Islamic Presentation Committee, under the authority of the Ministry of Awqaf and Islamic Affairs, actively proselytized to non-Muslims.

The government does not permit the establishment of non-Islamic religious publishing companies, and only one private company had an import license for non-Muslim religious materials.

Societal Abuses and Discrimination

While discrimination based on religion reportedly occurred on a personal level, most observers agreed it was not widespread.

Parliamentarians, the media, and mosque leaders engaged in anti-Jewish rhetoric during the year. On August 31, a columnist for Al-Watan daily, Dr. Ahmad Al-Duaij, wrote an article questioning the veracity of the Holocaust and describing Jews as "diabolical." There were no known Jewish citizens and very few expatriate workers.

The Ministry of Awqaf and Islamic Affairs (MAIA) continued to promote its "moderation" project, which aimed to discourage extremism among Muslims and improve the image of Muslims among non-Muslims.

For a more detailed discussion, see the [2008 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, there are numerous laws constraining foreign travel, and the government placed some limits on freedom of movement in practice. The government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year some laborers claimed that they were not allowed to leave the residential camps where they lived.

Women, persons under 21 years of age, and Bidoon faced problems with, or restrictions on, foreign travel. While not sanctioned by law, MOI regulations mandate that all persons under 21 years of age obtain permission from their father or another male relative to receive a passport and travel abroad and that married women obtain their husband's permission to apply for a passport. Further, a husband may request that

immigration authorities prevent his wife's departure from the country for 24 hours, after which a court order may extend the travel ban. The government severely restricted the ability of the Bidoon population to travel abroad; however, it permitted some Bidoon to travel to Saudi Arabia for the annual hajj.

The law also permits the government to place a travel ban on any citizen or foreigner accused or suspected of violating the law, and it allows citizens to petition authorities to do so. In practice this resulted in citizens and foreigners arbitrarily being prevented or delayed from departing the country.

The law prohibits the deportation or forced exile of citizens, although the government can revoke citizenship for various causes including felony conviction and subsequently deport individuals. On November 4, the Council of Ministers issued a decision to revoke Kuwaiti citizenship from five individuals whom they deemed ineligible for citizenship. Although the government formed a committee to investigate the cases, there was no update at year's end.

Protection of Refugees

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, neither of which the country has signed. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. In practice the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened, and the constitution prohibits the extradition of political refugees; however, the government often kept such persons in detention until they agreed to return or made alternative travel arrangements, and it rarely granted them permission to live and work in the country.

Stateless Persons

According to Refugees International, citizenship is derived entirely from the father; children born to citizen mothers and non-national fathers do not inherit citizenship unless the mother is divorced or widowed. The law further fails to provide non-nationals, including Bidoon and non-Muslims, the opportunity to gain nationality on a nondiscriminatory basis.

Although the exact number of Bidoon residents was unknown, the Ministry of Planning estimated there were more than 100,000 Bidoon in the country at the end of 2006. The government continued to discriminate against the Bidoon in areas such as education, employment, medical care, and freedom of movement. Bidoon children may not attend public schools. Although the government accepted Bidoon in an increasing number of government positions, it barred Bidoon from enlisting in the armed forces. Bidoon generally did not qualify for the subsidized health care that citizens received, and the government also made it difficult for Bidoon to obtain official documents necessary for employment or travel, such as birth certificates, civil identification cards, driving licenses, and marriage certificates.

The government continued to grant citizenship to a small number of Bidoon. During the year it granted citizenship to 573 Bidoon on the basis of sufficient ties to the country; however, more than 80,000 citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they were truly stateless. However, the government maintained that the vast majority of Bidoon were concealing their true identities.

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

The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice. However, citizens

had only a very limited, indirect impact on control of the executive branch as the constitution stipulates that the country is a hereditary emirate. The elected National Assembly must approve the emir's choice of crown prince (the future emir) and may remove the emir from power if it declares him unfit. In 2006 the National Assembly exercised this power for the first time in the country's history.

Elections and Political Participation

On May 17, two months after the emir dissolved the National Assembly, Islamists gained seats in an early parliamentary election that was generally considered free and fair. According to press reports, 35 percent of Kuwaiti citizens were eligible to vote, and this election was the first since the number of electoral districts was reduced from 25 to five in 2006.

There is no formal law banning political parties; however, the government did not recognize any political parties or allow anyone to form political parties. Although the law does not address political parties, they are in effect forbidden. Nevertheless, several well-organized, unofficial blocs, acting much like political parties, existed and were active in National Assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts. Tribes dominated two of the five constituencies and also exerted influence on the other three.

There were no women in the National Assembly; however, there were two women on the Municipal Council, and the ministers of education and housing and of state for development affairs were women.

Government Corruption and Transparency

The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption.

The MOSAL and the MOI continued to discover numerous cases during the year of ministry employees forging documents enabling the importation of foreign workers. The government response was not effective in combating this problem. Violations were referred to investigative bodies within the ministries and then sent to the general attorney's office for action. No rigorous action was taken against the violators.

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 this law.

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

The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in overtly 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 (KSFHR). The KHRS, which operated since the early 1990s and received its official license in 2004, sporadically published a magazine and met with senior government officials. The KSFHR, which came into existence in 2005, aimed to approach human rights from an Islamic perspective. Its leaders have spoken out on human rights issues such as the treatment of foreign workers and the Bidoon, but it had not published anything other than a booklet describing the organization and had not conducted any activities. Other local licensed NGOs devoted to specific groups, such as women,

children, foreign workers, prisoners, and persons with disabilities, were permitted to work without government interference. Also, an unknown number of 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 permits international human rights organizations to visit the country and establish offices, although none operated in the country. The International Office for Migration's regional director visited the country during the year. Refugees International performed and published a human rights study on the Bidoon in 2007 without government interference.

The government permitted visits by international governmental organizations. The UN undersecretary for humanitarian affairs and emergency relief visited the country twice during the year and met with senior government officials including the foreign minister. One of the UN human settlements officers met with the minister of housing and the minister of state for planning affairs. The government also continued to cooperate fully with the work of the UN special rapporteurs for Iran and Iraq and the high-level representative of the secretary general on the issue of its citizens missing in Iraq since the end of the Gulf War.

The National Assembly's Human Rights Defense Committee is an advisory body. During the year its work consisted primarily of hearing individual complaints of human rights abuses.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, origin, disability, or language; however, in practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, noncitizens, and domestic workers.

Women

Violence against women continued to be a serious and overlooked problem. Rape is criminalized with a maximum penalty of death, which the country imposes 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. The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. According to third-country diplomatic sources, victims reported that some police stations and hospitals handled their cases in a professional way, but many did not.

The law does not specifically prohibit domestic violence, although cases are tried as assault, and a victim of domestic violence may file a complaint with the police requesting formal charges be brought against the abuser. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. However, even with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony, police officials rarely arrested perpetrators of domestic violence. 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 suffered. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases were not reported, especially outside of the capital, and individuals reportedly bribed police officials to ignore domestic abuse charges. Abusive husbands, if convicted, rarely faced severe penalties.

There are no shelters or hot lines specifically for victims of domestic violence, although a temporary shelter for domestic workers opened in September 2007 housed victims during the year. In the year since it was opened, the shelter has housed 279 domestic workers.

Honor crimes are prohibited; however, the penal code reduces penalties for such crimes to misdemeanors with a maximum prison sentence of three years. There were no reported cases of honor crimes during the year.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. During the year police also uncovered numerous prostitution rings. However, according to reports, the prostitution rings were made up of women who were not being forced or held captive against their will. The government generally deported prostituted persons to their countries of origin; however, some were released after signing a pledge of good conduct. Pimps received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped and forced into prostitution.

There is no specific law that addresses sexual harassment. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem. While no official statistics on the problem were available, a June 2007 newspaper survey found that 40 percent of female respondents from various professions had experienced sexual harassment.

Women have political rights; however, they do not enjoy the same rights as men under family law or property law or in the judicial system, and they continued to face discrimination in many areas. Nevertheless, women have attained prominent positions in government and business. A parliamentary committee for women's and family affairs exists.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is governed by Shari'a, which differs according to the school of Islamic jurisprudence followed by the different populations in the country. In the absence of a direct male heir, Shia women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. A divorced woman loses her right to live in housing purchased through the government loan program when her children reach age 18, regardless of any payments she may have made on the loan, and a female citizen married to a noncitizen cannot, by law, even qualify for the loan program. Female citizens married to noncitizens were also required to pay annual residence fees of 217 dinars (approximately \$740) for their husbands and children; the law grants residency only if the noncitizen husband is employed, and citizen women cannot 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 provides for female "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. On June 8, the Constitutional Court ruled that the housing benefits package outlined in a resolution by the Council of Ministers for judges, general attorneys, and counselors in the legal advice and legislation department was unconstitutional. According to the resolution, married employees of both genders received a housing allowance of 323 dinars (approximately \$1,100), single male employees received 217 dinars (\$740), and single female employees received nothing. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. On June 29, the police academy enrolled its first group of female cadets.

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

Children

The government is generally committed to the rights and welfare of citizen children, although noncitizen children suffered. The government did not issue birth certificates to Bidoon children, which resulted in the denial of free public services to those children. Education, which for citizen children was free through the university level and compulsory and universal through the secondary level, was generally unavailable to Bidoon children, who sometimes attended private schools.

There was no societal pattern of child abuse, although there were isolated instances.

The legal age for girls to marry is 15, but younger girls continued to marry within some tribal groups. The MOJ estimated the problem at 2 to 3 percent of total marriages. The government attempted to educate the rural community through the MAIA and imams in local mosques.

Trafficking in Persons

The law does not explicitly prohibit trafficking in persons, although it prohibits transnational slavery and forced prostitution. Trafficking in persons was a serious problem.

The country was a destination and transit point for men and women for forced labor and commercial sexual exploitation. Victims came from South and East Asia, including Bangladesh, India, Pakistan, Sri Lanka, Nepal, Indonesia, and the Philippines, although individuals from other countries, such as Ethiopia and Eritrea, also reportedly were trafficked. Hundreds of thousands of Egyptians worked in the country, and some were subjected to trafficking, particularly in the form of debt bondage. There were reports that foreign workers under age 18 were employed in homes in the country, but most victims were adults.

Principal traffickers were labor-recruitment agencies and sponsors (employers) of foreign workers. The primary method used to obtain and transport victims was for employers to offer valid contracts to workers and then not honor those contracts. There were reports that employers gave workers new contracts at lower salaries than those they signed previously or deducted multiple fees from their salaries. Some companies reportedly kept workers' cash cards and withdrew part of the salary after the paycheck had been deposited. Workers found it difficult to leave these situations for several reasons: employers frequently withheld workers' passports or otherwise restricted their movements; employees often were in debt from their travel to the country; and employers could file or threaten to file criminal charges against workers for absconding. Workers had only limited ability to transfer from the sponsorship of one employer to another. Some workers also faced physical and sexual assault as means of forcing them to work.

Some traffickers, citizens and noncitizens, would set up a "sham" company and get permission to import a certain number of foreign workers. The trafficker's agent in a foreign country would collect high fees from prospective workers, purportedly for the right to come to the country to work. However, when the workers arrived, they found there was no work for them. In some cases, the employer would file an absconding charge or simply report that the employee was no longer employed. Victims were left without means of support and sometimes in violation of immigration laws and were thus vulnerable to trafficking, while the employer could then import more workers and charge them the same fees. In other cases, workers knew that they were merely paying for sponsorship and that it was up to them to find work.

Traffickers also forced some female domestic workers into prostitution after they had escaped an abusive employer or by deceiving them with a promise of a job in a different sector.

Although the law does not explicitly prohibit trafficking in persons, traffickers may be prosecuted for transnational slavery, with a penalty of up to five years' imprisonment, or forced prostitution, with a penalty of up to five years' imprisonment or seven for minors. However, the government reported no such prosecutions or convictions during the year. Penalties for trafficking-related crimes range from fines and incarceration for failure to abide by the standardized domestic labor contract to life sentences and death for rape. However, in most cases, law enforcement efforts were not effective and focused on administrative measures, such as shutting down companies in violation of labor laws or issuing the return of withheld passports or payment of back-wages, rather than criminal punishments for abusive employers.

During the year the courts did not make convictions for trafficking-related crimes. The MOSAL, the government agency responsible for enforcing labor regulations, referred 29 companies to the Investigation Department for nonpayment of worker salaries.

The government assisted some trafficking victims; however, victims were sometimes detained, prosecuted, or deported for acts, such as prostitution or absconding, committed as a result of being trafficked. The government sheltered some trafficking victims in the domestic worker shelter built in 2007, and it occasionally paid for airline tickets to repatriate runaway or abused domestic workers. The Domestic Workers Administration sometimes brokered solutions between employers and former employees. There were no government programs to prevent trafficking during the year.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There was no reported discrimination against persons with disabilities generally; however, noncitizens with disabilities did not have access to government-operated facilities or receive stipends paid to citizens with disabilities, which covered transportation, housing, job training, and social welfare.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constituted the government's Higher Council for Handicapped Affairs, which made policy recommendations, provided financial aid to persons with disabilities, and facilitated the integration of such persons into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs that catered to persons with special needs.

Other Societal Abuses and Discrimination

Homosexuality is illegal, and there was discrimination against homosexuals, in addition to cases of police abuse of transgendered persons.

In December 2007 the National Assembly approved a law to impose a fine of 1,059 dinars (approximately \$3,600) and/or one year's imprisonment for those imitating the appearance of the opposite sex in public. There were no updates at year's end regarding the men arrested under this law in December 2007.

Unmarried men continued to face housing discrimination based solely on marital status. Although the law prohibits single men from obtaining accommodation in many urban residential areas, at year's end the government had yet to fulfill a plan to construct housing for them on the outskirts of the capital.

6. Worker Rights

a. The Right of Association

With the notable exceptions of the country's approximately 540,000 domestic servants and an unknown number of maritime employees, the law provides that workers have the restricted right to join unions without previous authorization. An estimated 80,000 persons, or 5 percent, of a total workforce of 1.6 million were organized into unions. The law empowers the government to interfere significantly in union activities, including the right to strike; however, the government did not impede strikes.

The government restricts the right of freedom of association to only one union per occupational trade and permits only one federation, the Kuwait Trade Union Federation (KTUF), which comprises 15 of the 47 licensed unions. The law 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 have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.

The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. 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. The emir also may dissolve a union by decree. No union was dissolved during the year. The government denied several unions' applications for official recognition during the year.

The law denies domestic servants (one-third of the noncitizen workforce) and maritime employees the right to associate and organize. It also discriminates against over one million other foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this last requirement was not widely enforced in practice.

The law limits the right of workers, especially noncitizens, to strike. Most labor disputes are resolved in compulsory negotiations; if not, either party may petition MOSAL for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the office of the attorney general, and MOSAL. The law does not contain any provision ensuring strikers' freedom from legal or administrative action taken against them by the government. Employers generally try to settle the disputes with their workers themselves in order to retain them.

On July 28, Bangladeshi workers, mainly cleaners and trash collectors, began a strike over grievances related to pay and work conditions. One of the demonstrations reportedly became violent, with workers smashing windows and vandalizing cars, and police responded with tear gas and clubs. According to reports, security officials imprisoned and beat the workers for five days before forcibly deporting them to Bangladesh. However, these strikes served to raise government awareness, and on September 11, parliament established an independent committee for foreign workers' problems.

b. The Right to Organize and Bargain Collectively

The law provides workers, with the important exceptions of domestic servants, maritime workers, and civil servants, with the right to bargain collectively, subject to certain restrictions; the government generally respected in practice the rights of those workers covered by the law. Approximately 70 percent of the labor force was covered by collective agreements. There are no restrictions on collective bargaining.

The law also prohibits antiunion discrimination and employer interference with union functions; and the government generally protected those rights. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. Employers found guilty of such discrimination must reinstate workers fired for union activities. There were no reports of discrimination against employees based on their affiliation with a union.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, "except in cases specified by law for national emergency and with just remuneration"; however, there were reports that such practices occurred. Domestic servitude and forced prostitution were the most common types of forced labor.

Some foreign domestic workers, often trafficked, were victims of forced labor. Physical or sexual abuse of female domestic workers was a serious problem, and the police and courts took action against employers when presented with evidence of serious abuse. There were frequent reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse. For example, on December 10, a citizen reported that his Asian housemaid committed suicide in Jeleeb Al-Shuyoukh, Kuwait City. On December 13, a citizen woman hospitalized her Ethiopian housemaid after the latter attempted suicide by swallowing a chemical detergent.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor; however, there were credible reports of underage workers, including domestic servants.

The legal minimum age for employment is 18; however, employers may obtain permits from the MOSAL to employ juveniles between the ages of 14 and 18 in nonhazardous trades. Juveniles may work a maximum of six hours a day on the condition that they work no more than four consecutive hours followed by a one-hour rest period.

There were reports that some children were trafficked to the country to provide domestic labor, and some underage workers reportedly falsified their ages in order to enter the country. During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries.

The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor.

e. Acceptable Conditions of Work

The public sector minimum wage for citizens was 217 dinars (approximately \$740) per month, while the public sector noncitizen wage was 97 dinars (\$333). The public sector minimum wage provided a decent standard of living for a citizen worker and family. There was no legal minimum wage in the private sector, except for those domestic workers who had signed contracts since 2006 who received at least 40 dinars (\$136) per month. The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

The law establishes general conditions of work for the private sector. The law limits the standard workweek to 48 hours (40 hours for the oil industry) with one full day of rest per week and one hour of rest after every five consecutive hours of work. These standards were not well enforced, 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.

The government issued occupational health and safety standards; however, compliance and enforcement by MOSAL 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. However, government attention to worker safety issues remained insufficient, 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 when the temperature rises to 50 degrees Celsius (122 Fahrenheit); however, media sources alleged that the government falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. MOSAL enforced the ban on working during the hottest times of the day by doing site visits. In June MOSAL inspection teams visited 506 open work sites and discovered more than 530 persons working during the daytime ban.
