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Country Report on Human Rights Practices 2018 - Kuwait

EXECUTIVE SUMMARY

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

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of torture; arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including criminalization of libel, censorship, and internet site blocking; interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; trafficking in persons; criminalization of consensual adult male same-sex sexual conduct; and reports of forced labor, principally among foreign workers.

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

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

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

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

b. Disappearance

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

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, but there continued to be reports of torture and mistreatment by police and security forces against detained members of minority groups and noncitizens.

Several persons claimed police or Kuwait State Security (KSS) force members beat them at police checkpoints or in detention. Six foreign nationals held at the detention center managed by the Drug Enforcement General Department (DEGD) reported credible cases of mistreatment during interrogation. Detainees reported being bound by the hands and feet and suspended by a rope while an interrogator beat their legs and feet with a wooden stick to coerce confessions or encourage them to give up information. Under the law when meeting with a public prosecutor, prisoners should be afforded an opportunity to file a claim of abuse to be referred to a designated physician for a medical exam and to document and treat their injuries. Two of these prisoners claimed that this opportunity was not provided to them; others may not have been aware they had this right under the country's laws. The DEGD investigated and found no evidence of the torture of the six foreign nationals.

The government stated it investigated complaints against police officers and that disciplinary action was taken when warranted. Disciplinary actions in the past included fines, detention, and occasionally removal from their positions or termination. The government did not make public the findings of its investigations or punishments it imposed. In one publicized case in March, the Appeals Court upheld a ruling against a police officer who was terminated from his job and sentenced to five years in prison on charges of creating false documentation and blackmail in a drug related case. Although government investigations do not lead to compensation for victims of abuse, the victim can utilize government reports and results of internal disciplinary actions to seek compensation via civil courts.

Prison and Detention Center Conditions

According to the Human Rights Committee at the National Assembly, the prisons lacked the minimum standards of cleanliness and sanitation, were overcrowded, and suffered from widespread corruption in management, leading to drug abuse and prisoner safety issues. International observers who visited the Central Prison corroborated some of the reports. In February a group of defendants alleged there was a severe bacterial meningitis outbreak in the general prison population and requested authorities to take immediate action to resolve the problem. The defendants included members of the opposition in parliament as well as known political activists. The Ministry of Interior's decision to transfer the prison hospital back to Ministry of Health management in accordance with international regulations and standards was commended by the International Committee of the Red Cross.

Physical Conditions: Prison overcrowding continued to be a significant problem. The three prisons in the country’s Central Prison Complex were designed to accommodate 2,500 prisoners, but the population had reached more than 6,000 inmates during the year. Prisoners share large dormitory cells that were designed to accommodate 20 to 30 inmates. During interviews with foreign diplomatic representatives, prisoners at the facilities reported it was common for double or triple that number of prisoners to be held in one cell. Inmates incarcerated at the central prison said the prison cells have become so overcrowded that they were forced to sleep on the floor in their cells, on mattresses in the hallway outside their cells, or share beds with other inmates.

In January the Ministry of Interior and the Public Prosecutor’s office agreed to form a special committee tasked with addressing the problem of overcrowding in the prison system. In February the emir ordered the payment of debts for citizens and foreign residents in prison, paving the way for release or extradition of detainees. In April the government issued a pardon commuting the sentences of nearly 2,300 inmates.

A nursery complex was provided for female inmates with young children. Officials stated the prison was not designed to accommodate prisoners with disabilities, adding that there had not been any convict with a significant disability held in the Central Prison.

The number of inmates at the Talha Deportation Center often went significantly beyond the 500 detainees it was designed to accommodate for brief periods. Detainees housed there faced some of the worst conditions in the prison system. Noncitizen women pending deportation were held at the Women’s Prison in the Central Prison Complex due to lack of segregated facilities at the deportation center. Resident representatives from various foreign missions reported that detainees complained of discrimination according to national origin and citizenship status.

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

Independent Monitoring: The Ministry of Interior permitted independent monitoring of prison conditions by some nongovernmental observers and international human rights groups and required written approval for visits by local NGOs. Authorities permitted staff from the ICRC and the UN High Commission for Refugees (UNHCR) to visit the prisons and detention centers. The Kuwait Society for Human Rights and the Kuwait Association for the Basic Evaluation of Human Rights were allowed to visit prisons during the year. A government official stated that local and international NGOs visited prisons approximately 75 times during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police have sole responsibility for the enforcement of laws not related to national security, and the KSS oversees national security matters; both are under the purview of civilian authorities at the Ministry of Interior. The armed forces (land forces, air force, and navy) are responsible for external security and are subordinate to the Ministry of Defense. The Kuwait National Guard is a separate entity that is responsible for critical infrastructure protection, support for the Ministries of Interior and Defense, and for the maintenance of national readiness. The Kuwait Coast Guard falls under the Ministry of Interior.

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

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

Arrest Procedures and Treatment of Detainees

A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit or observing the commission of a crime. There were numerous reports of police arresting and detaining foreign nationals without a warrant, primarily as part of the government’s action against unlawful residents. The courts usually do not accept cases without warrants issued prior to arrests. Authorities generally informed detainees promptly of the charges against them and allowed access to their lawyers and family members. Police investigate most misdemeanor cases and suspects are released within 48 hours after paying bail or a fine. For more serious misdemeanors and felonies, police can hold a suspect a maximum of four days on their own authority before they must refer the case to prosecution. Nonetheless, there were cases of detainees, especially those held for drug crimes, who were detained for periods of one to two weeks, and who were unaware of the specific charges against them; they were also not allowed to make phone calls or contact lawyers and family members.

Diplomatic representatives observed that in some detention cases, authorities permitted lawyers to attend legal proceedings but did not allow direct contact with their clients. In other cases defendants were absent and sentenced in their absence. Detainees were routinely denied access to their lawyers and translators in advance of

hearings. Defendants who do not speak or understand Arabic often learned of charges against them after the trial, as they did not have access to a translator when the charges were pressed against them. The law provides the detained person the right to a prompt judicial determination of the detention’s legality. If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days for a serious misdemeanor and three weeks for a felony to question the suspect and investigate the case. Prosecutors also may obtain court orders to extend detention for another 15 days, up to a maximum of four months’ detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer is assigned to them. Defendants in drug cases were usually held incommunicado for several days while their cases were under investigation.

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

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

Pretrial Detention: Arbitrary lengthy detention before trial sometimes occurred. Authorities held some detainees beyond the maximum detention period of six months. NGOs familiar with the judicial system reported that they believed the number of judges and prosecutors working at the MOJ was considered inadequate to handle cases in a timely manner and was the main cause of delays in processing cases.

Prolonged detention at the government-run Talha Deportation Center was also a problem, particularly when the detainee owed money to a citizen or was a citizen from a country without diplomatic representation in the country to facilitate exit documents.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary, and the government generally respected judicial independence and impartiality. The Supreme Judicial Council nominates all prosecutors and judges and submits nominations to the emir for approval. Judges who were citizens received lifetime appointments until they reached mandatory retirement age; judges who were noncitizens held one to three-year renewable contracts. The Supreme Judicial Council may remove judges for cause. Noncitizen residents involved in legal disputes with citizens frequently alleged the courts showed bias in favor of citizens. Cases existed in which legal residency holders were detained and deported without recourse to the courts.

Under the law questions of citizenship or residency status are not subject to judicial review, so noncitizens arrested for unlawful residency, or those whose lawful residency is canceled due to an arrest, have no access to the courts. The clause that allows government authorities to administratively deport a person without judicial review requires a person to be a threat to the national security or harmful to the state’s

interests. The law is broadly used and subjects noncitizens charged with noncriminal offenses, including some residency and traffic violations, to administrative deportations that cannot be challenged in court; however, noncitizens charged in criminal cases face legal deportations, which can be challenged in court.

Trial Procedures

The constitution provides for the presumption of innocence and the right to a fair public trial, and the judiciary generally enforced this right. The law forbids physical and psychological abuse of the accused. Under the law defendants also enjoy the right to be present at their trial, as well as the provision of prompt, detailed information on charges against them. There were cases where non-Arabic speaking defendants did not understand the charges against them due to language barriers and restrictions on communication between lawyers and their clients. Defendants were not always provided with interpreters as required by law. Criminal trials are public unless a court decides the “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants used these services. Defendants have the right to adequate time and facilities to prepare a defense. The public did not have access to most court documents. The Ministry of Justice is required to provide defendants with an interpreter for the entire judicial process, but in practice, this did not always occur.

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

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

Political Prisoners and Detainees

There were many instances of persons detained for their political views. Throughout the year the government arrested 12 individuals on charges such as insulting the emir, insulting leaders of neighboring countries, or insulting the judiciary. One defendant was acquitted, while others received jail sentences or were kept in remand pending a final verdict. During the year sentences for insulting or speaking out against the emir or other leaders on social media ranged from a few months in prison to up to 70 years for multiple offenses. Political activist Sagar al-Hashash, who is out of the country on self-imposed exile, has been convicted multiple times (including twice during the year) on various charges that included defaming the emir, speaking out against the judiciary, or insulting neighboring countries such as Bahrain, Saudi Arabia, and the Emirates.

The government actively monitors social media and incarcerates bloggers and political activists for expressing antigovernment opinions and ideas. The media reported between two-to-four such convictions per month. In July the Court of Cassation upheld a verdict sentencing two current lawmakers and six former MPs, all of them leading opposition figures, to seven-to-nine years in jail for “storming the National Assembly building” in 2012. The defendants claimed they were peacefully assembled to ask the then prime minister to step down and face corruption charges. The defendants’ attorneys argued in court that the protestors were attacked by security forces trying to break up the rally, forcing them to run into parliament’s building for shelter. The verdict also sentenced more than 60 other political activists charged in the same case. Half of those sentenced were in country and have begun serving their sentences.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary and trial for individuals or organizations in civil matters regarding human rights violations, but authorities occasionally did not enforce such rulings for political reasons. Authorities also occasionally used administrative punishments in civil matters, such as instituting travel bans or deportations. In the majority of cases of human rights or labor law violations, victims can go to the Public Authority for Manpower (PAM) or the Domestic Labor Department (DLD) to reach a negotiated settlement outside of court. If that is unsuccessful, individuals can pursue their cases in court. There is no regional mechanism to appeal adverse domestic human rights decisions.

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

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

Some activists have alleged that family members have been deprived of access to education, healthcare, and jobs if they advocate for the Bidoon.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The Press and Publications Law establishes topics that are off limits for publication and discussion, and builds on the precedent set by the penalty law. Topics banned for publication include religion, in particular Islam; criticizing the emir; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; insulting an individual or his or her religion; and publishing information that could lead to devaluing of the currency or creating false worries about the economy. The government generally restricted freedom of speech in instances purportedly related to national security.

Local activists reported they were regularly contacted by state security services and Ministry of Information officials if they published opinions deemed contrary to the government view. Activists also reported being contacted through the Kuwaiti Embassy when they were residing abroad. In October the foreign minister stated he had directed “Kuwait’s diplomatic missions [abroad] to firmly pursue people offending Kuwait or its leaders.” Government authorities did not always take immediate action in the cases of social media posts to which they objected made by citizens while overseas, but under the law the government may take action once the author returns to the country. Under existing law there is broad latitude in the interpretation of what constitutes a crime when voicing dissent against the emir or the government, and activists can face up to seven years in prison for each count of the offense.

In July the Court of Cassation upheld the Court of Appeals’ verdict sentencing 13 citizens to jail for two years for publicly repeating an antigovernment speech (which was deemed offensive to the emir) by parliamentary opposition leader Musallam al-Barrak. In April the Court of Appeals sentenced another 17 citizens to two years in prison for repeating the same speech. In both cases the sentences were suspended, but the defendants were placed on probation for three years.

In contrast to previous years, the courts sentenced political activists to harsher prison sentences for charges of speaking out against the emir, government, religion, or neighboring states. In one case a citizen was sentenced to 70 years in prison for voicing his antigovernment opinion on social media, and in another case a citizen received 30 years. Both citizens fled the country before the verdict was handed down.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. All print media were privately owned, although the media’s independence was limited. The government did not permit non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations’ use. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emirate. The Ministry of Commerce and Industry may ban any media organization at the request of the Ministry of Information. Media organizations can challenge media bans in the administrative courts. Newspaper publishers must obtain an operating license from the Ministry of Information. Broadcast media, made up of both government and privately owned stations, are subject to the same laws as print media.

Censorship or Content Restrictions: The Ministry of Information censored all imported books, commercial films, periodicals, videotapes, CDs, DVDs, and other materials per the guidelines enumerated for speech and media. Media outlets exhibited a range of opinions on topics relating to social problems, but all apparently self-censored, avoiding critical discussion on topics such as the emir, foreign policy, and religion, to avoid criminal charges or fines or to keep their licenses. Discussions of certain sensitive topics, such as the role of women in society and sex, were also self-censored. Authorities censored most English-language educational materials that mentioned the Holocaust and required education material either to refer to Israel as “Occupied Palestine” or to remove such references entirely, although authorities did not censor these topics in news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

Throughout the year publishers reportedly received pressure from the Ministry of Information, resulting in the publishers often restricting which books are available in the country. The Ministry of Information received approximately 3,400 books for review and banned more than 700 due to content violating religious, political, and public morality guidelines. One author appealed to lift the ban on his book; the appeal was pending at year’s end. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs reviewed books of a religious nature.

Libel/Slander Laws: The law mandates jail terms for anyone who “defames religion,” and any Muslim citizen or resident may file criminal charges against a person the complainant believes has defamed Islam. Any citizen may file a complaint with the authorities against anyone the citizen believes defamed the ruling family or harmed public morals.

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

Internet Freedom

The cybercrime law criminalizes certain online activity, to include illegal access to information technology systems; unauthorized access to confidential information; blackmail; use of the internet for terrorist activity; money laundering; and utilizing the internet for human trafficking. Newspaper reports indicated that nearly 2,000 cybersecurity cases were filed under this law.

The government’s E-Licensing program requires bloggers and websites that provide news in the country to register with the Ministry of Information and apply for a license or be fined. The ministry has issued approximately 500 licenses to individuals and organizations this since the implementation of the law in 2016. No fines were issued during the year.

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

The government filtered the internet primarily to block pornography and lesbian, gay, bisexual, transgender, and intersex (LGBTI) material, and sites critical of Islam.

The Internet World Statistics site reported an internet access rate of 99.8 percent in 2017.

Academic Freedom and Cultural Events

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

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution provides for freedoms of peaceful assembly and association, but the government restricted the right of noncitizens to demonstrate.

Officials sometimes also restricted the location of planned protests to designated public spaces, citing public safety and traffic concerns. In September a group of activists peacefully assembled and protested the censorship of books in front of the Ministry of Information. Activists reported that they had applied in advance, notifying the authorities of their planned protest, but had not received a response. The initial rally dispersed peacefully when members of police requested activists to move to a different venue. A second protest was organized and the authorities gave permission for the rally away from the Ministry of Information. In the past courts have tried and sentenced participants in unlicensed demonstrations to prison terms and deported noncitizens for participating in rallies.

The Bidoon are stateless Arabs who are recognized by the authorities but not granted citizenship. Bidoon activists have reported that if they try to assemble peacefully or organize campaigns to gain equal rights, authorities regularly harass them. Some Bidoon activists indicated they were detained for questioning by authorities each time they planned campaigns or protests.

Freedom of Association

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

The government used its power to register associations as a means of political influence. The Ministry of Social Affairs and Labor can reject an NGO's application if it deems the NGO does not provide a public service. Most charity closings resulted from improper reporting of fundraising activities, which included not getting permission from the ministry or failing to submit annual financial reports. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status, and many of those chose not to register due to bureaucratic inconvenience or inability to meet the minimum 50-member threshold. The Ministry of Social Affairs and Labor continued to reject some new license requests, contending established NGOs already provided services similar to those the petitioners proposed. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion

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

d. Freedom of Movement

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

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

Because there is no path to citizenship, all workers are considered foreign residents and not labelled as migrants.

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

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

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

In May the Court of Cassation affirmed that it is not permissible to withdraw citizenship from any citizen without a legitimate reason, stressing that a final court ruling must justify the withdrawal of the citizenship of any citizen. There were, however, cases in which natural born citizens had their citizenship revoked, even when courts found it illegal.

Persons who had their citizenship revoked, and any family members dependent on that individual for their citizenship status, became stateless individuals. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a “block” on their names in government databases. This “block” prevented former citizens from traveling or accessing free health care and other government services reserved for citizens. A Council of Ministers committee created in 2017 to review citizenship revocations since 1991, received 200 appeals and sent their recommendations for 70 of those to the Council of Ministers. Seven families had their citizenship restored, while the other 63 were rejected. There were no known revocations of citizenship during the year.

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

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

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. UNHCR recognized approximately 1,650 registered asylum seekers and refugees in the country.

During the year the country suspended an agreement allowing refugees to be resettled in Turkey, Jordan, and Sudan, among others. The decision followed protests, notably in Sudan, over this policy.

Freedom of Movement: During the year UNHCR reported that hundreds of Syrian refugees remained at the deportation center since, according to UNHCR, they could not be sent back to Syria without the refugees' approval. Holding refugees at the deportation center for long periods has exacerbated an already difficult situation at the overcrowded facility.

Employment: Most asylum seekers and refugees were from Iraq, Somalia, and Syria, and many were either employed or supported by human rights groups pending resolution of their UNHCR asylum requests and resettlement. Many reported being increasingly fearful of losing their job, residency status, or both.

Access to Basic Services: Due to populist antiexpatriate sentiments in the country, the government enacted policies making healthcare and education more expensive for foreign workers than for citizens. Human rights organizations reported the immediate effect of this policy was that many foreign workers and their families receiving medical treatment chose to be discharged from hospitals rather than receive treatment they could no longer afford. Compounded by stagnant wages, an increasing cost of living, and a lack of job security, more persons--even legally employed workers, especially from conflict zones--began seeking asylum and resettlement in Europe, America, and Australia.

Stateless Persons

According to the latest government figures, there were approximately 88,000 Bidoon in the country, while Human Rights Watch estimated the Bidoon population at more than 100,000 in 2018. The law does not provide noncitizens, including Bidoon, a clear or defined opportunity to gain nationality. The judicial system's lack of authority to rule on the status of stateless persons further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship.

The naturalization process for Bidoon is not transparent, and decisions appeared arbitrary. The Central Agency for Illegal Residents, tasked with monitoring Bidoon affairs, had more than 88,000 registered Bidoon under review. Although Bidoon are entitled to government benefits including five-year renewable residency, free healthcare and education, and ration cards, community members have alleged it was difficult for them to avail of those services due to bureaucratic red tape.

According to Bidoon advocates and government officials, many Bidoon were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. The government alleged that the vast majority of Bidoon concealed their “true” nationalities and were not actually stateless. Agency officials have extended incentive benefits to Bidoon who disclose an alternate nationality, including priority employment after citizens, and the ability to obtain a driver’s license. As of March approximately 12,700 Bidoon admitted holding other nationalities.

Bidoon leaders alleged that when some members of the Bidoon community attempted to obtain government services from the central agency, officials would routinely deceive them by promising to provide the necessary paperwork if Bidoon agreed to sign a blank piece of paper. Later, Bidoon reported, the agency would write a letter on the signed paper purportedly “confessing” the Bidoon’s “true” nationality such as Saudi, Iraqi, Syrian, Iranian, or Jordanian, which rendered them ineligible for recognition or benefits as Bidoon.

According to UNHCR some Bidoon underwent DNA testing to “prove” their Kuwaiti nationality by virtue of blood relation to a Kuwaiti citizen. Bidoon are required to submit DNA samples confirming paternity to become naturalized, a practice critics said leaves them vulnerable to denial of citizenship based on DNA testing.

The government discriminated against Bidoon in some areas. Some Bidoon and international NGOs reported that the government did not uniformly grant some government services and subsidies to Bidoon, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates. Since the government treats them as illegal immigrants, Bidoon do not have property rights.

Bidoon advocates reported that many Bidoon families were unable to obtain birth certificates for their children due to extensive administrative requirements, which restricted the children’s ability to obtain government-issued identification cards, access adequate medical care, attend school, and be counted in official statistics.

Many adult Bidoon lacked identification cards due to the many administrative hurdles they face, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in some Bidoon children not receiving an education and working as street vendors to help support their families. Many Bidoon children who attended school enrolled in substandard private institutions as citizens were given priority to attend public school.

The government amended the existing law on military service to allow the sons of soldiers who served in the military for 30 years and the sons of soldiers killed or missing in action to be eligible to join the military. According to the head of the Interior and Defense Parliamentary Committee, more than 25,000 Bidoons are awaiting enlistment.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

Political Parties and Political Participation: The government did not recognize any political parties or allow their formation, although no formal law bans political parties. National Assembly candidates must nominate themselves as individuals. Well organized, unofficial blocs operated as political groupings, and MPs formed loose alliances. In June 2016 the National Assembly amended the election law to bar those convicted of insulting the emir and Islam from running for elected office. Voters register to vote every February upon reaching the voting age of 21. Prosecutors and judges from the Ministry of Justice supervise election stations. Women prosecutors served as supervisors for the first time during the 2016 elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate in political life. Although women gained the right to vote in 2005, they still faced cultural and social barriers to political participation. For example, some tribal leaders have successfully excluded women from running for office or choosing preliminary candidates by banning them from being considered or attending unofficial tribal primaries. In the 2016 elections, 15 women filed candidate applications with one woman successfully winning a seat. Women registered to vote at a higher rate than men. Two appointed women cabinet members also serve in the country’s 65-seat parliament. In the 2016 parliamentary elections, male candidates from the Shia community, which comprised approximately one-third of the citizen population, won six seats in parliament.

There were no female public prosecutors in the country until the first group of 21 was recruited in 2015. While no legal provisions prohibit women from appointment as judges, none has been appointed, as yet, because no women have yet met the threshold of five years of service as a prosecutor required to be considered. After not hiring female prosecutors for two years, the Supreme Judicial Council accepted a new

group of 30 female prosecutors in July. As more female candidates are regularly hired by the Public Prosecutor’s Office, a larger pool of female candidates will become eligible to serve as judges after 2020.

Section 4. Corruption and Lack of Transparency in Government

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

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

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

Corruption: The Audit Bureau is an agency responsible for supervising public expenses and revenues and for preventing any misuse or manipulation of public funds. The government distributes reports by the Audit Bureau annually to the emir, prime minister, head of parliament, and minister of finance. The public did not have access to these reports. Parliament’s Committee on the Protection of Public Funds frequently announced inquiries into suspected misuse of public funds. For the first time in the country’s history, a former health minister and two assistant undersecretaries were referred to the ministerial court over charges of public funds encroachment and embezzlement. In 2017 the former minister of communications referred to the public prosecution an embezzlement case involving the Kuwait Port Authority and a private company based on alleged financial irregularities discovered by the State Audit Bureau. In May the criminal court sentenced defendants from both organizations to 82 years in jail with labor and ordered them to return 62 million dinars (\$205 million) of embezzled funds.

Investigations have uncovered apparently widespread use of false academic credentials by citizens and foreign residents in the public and private sectors, exposing a lack of transparency in the hiring and promotion of officials. Authorities conducted an investigation in July, which uncovered more than 10 false doctorates held by local citizens working in critical government jobs.

In March the National Assembly passed a Conflict of Interest law to promote transparency in the public sector. Employees violating this law would risk imprisonment for up to five years, a fine of up to 10,000 dinars (\$33,000), and a requirement to refund any ill-gotten gains.

Media and government officials reported cases of widespread, visa-related corruption, namely selling visas or visa fraud, at the Ministry of Social Affairs and Labor and the Ministry of Interior. Newspapers reported that widespread abuse of “visa trading” targeting marginal workers continued throughout the year. Civil society organizations continued to criticize the government for its failure to curb this illegal trade and bring perpetrators to justice. The Ministry of Interior Criminal Investigation Department for Residence Affairs prioritized investigation and deportation of foreign nationals involved in visa selling. In November the media reported a government raid on three companies that illegally brought in approximately 2,900 foreign resident workers.

Financial Disclosure: The Anti-Corruption Authority (ACA) is charged with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor’s Office or police for further investigation or action. As of September the ACA had received 136 corruption reports, four administrative violation reports, and three financial irregularity reports. The ACA referred 19 reports to the Office of the Public Prosecutor.

In April the Public Prosecution received more than 110 reports filed by the ACA against officials who failed to submit their financial statements on time.

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

The government imposed some limits on the operations of domestic and international human rights groups. A number of domestic and international human rights groups generally operated with limited restrictions, investigating and publishing their findings on human rights cases. The law permits the existence of NGOs, but the government continued to deny registration to some. NGOs may not engage in political activity or encourage sectarianism. NGOs are required to demonstrate that their existence is in the public interest to be registered. Registered NGOs must show they will conduct business beneficial to the country; their work cannot undermine cultural values and norms as defined by the government.

Major local NGOs dedicated specifically to human rights included the Kuwait Society for Human Rights and the Kuwaiti Association of the Basic Evaluators of Human Rights. Other local registered NGOs were devoted to the rights or welfare of specific groups--such as women, children, prisoners, and persons with disabilities--operated with little government interference, as did a few dozen local, unregistered human rights groups. The government and various national assembly committees met occasionally with local NGOs and generally responded to their inquiries.

Government Human Rights Bodies: The National Assembly’s Human Rights Committee, which operates independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses and worked with plaintiffs and relevant stakeholders to reach a mutual settlement. The committee visited the central prison and the central deportation center throughout the year to review overcrowding, prison and detainee treatment, and the condition of both facilities. The committee had

adequate resources and was considered effective. In 2015 the Ministry of Foreign Affairs established an office of human rights funded by and under the authority of the ministry’s legal department. The office’s purpose is to produce human rights reports and respond to such reports produced by international organizations and governments that referenced the country. In January the committee started receiving grievances online.

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

Women

Rape and Domestic Violence: Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime; spousal rape is not a crime under the law, and there is no specific domestic violence law. Authorities did not effectively enforce laws against rape. Violence against women continued to be a problem. The penal code allows a rapist to elude punishment on the condition that he marry his victim and that her guardian consents that the perpetrator not be punished. There were reports alleging that some police stations did not take seriously reports by both citizens and noncitizens of rape and domestic violence.

When reported, police typically arrested perpetrators and investigated allegations of rape and, in a limited number of cases, prosecuted the accused. In September, two male citizens were sentenced to five years in prison for raping a non-Kuwaiti woman.

Although the government does not regularly publish statistics on violence against women, domestic violence cases against women were regularly reported by members of civil society organizations that worked on gender violence issues. While there is no specific domestic violence law, punishments ranged between six months in jail to the death penalty. Service providers that assisted women claimed that domestic violence statistics were significantly underreported. Women’s rights activists have recounted numerous stories of citizen women trying to get help to leave an abusive situation, but there were no shelters specifically for victims of domestic abuse. The authorities claimed to have opened a shelter for victims of domestic abuse, but activists familiar with the facility have said it was an empty building. Advocates claimed that women who reach out to police rarely get help because officers were not adequately trained to deal with domestic violence cases. Victims were generally sent back to their male guardians, who in some instances may also be their abusers.

The government does not publish statistics on violence against women. During the year a Kuwait University study found that 53 percent of Kuwaiti women were victims of domestic violence. A woman may petition for divorce based on injury from spousal abuse, but the law does not provide a clear legal standard regarding what constitutes injury. A woman must produce a report from a government hospital to document her injuries in addition to having at least two male witnesses (or a male witness and two female witnesses) who can attest to the abuse.

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women do not enjoy the same legal status and rights as men, but citizen women enjoyed many political rights. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia, as implemented in the country, discriminates against women in judicial proceedings, freedom of movement, marriage, child custody, and inheritance. There were no known cases of official or private sector discrimination in accessing credit, owning or managing a business, and securing housing. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women (see section 7.d.). Secular courts allow any person to testify and consider male and female testimony equally, but in sharia courts, which govern personal status matters such as marriage, divorce, child custody, and inheritance issues, the testimony of one man equals that of two women.

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

Inheritance is also governed by sharia, which varies according to the specific school of Islamic jurisprudence. In the absence of a direct male heir, a Shia woman may inherit all property, while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

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

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

Children

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

Education: Education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. The 2011 Council of Ministers decree which extended education benefits to Bidoon has not been implemented fully.

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

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

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

In April the Child Protection Office of the Ministry of Health reported 60 cases of sexual assault on children, of approximately 600 child abuse cases that occurred in 2017. Most abuses occurred within the family. The agency reported an increase in the rate of reported cases of child abuse following the establishment of the office, which has made significant efforts in monitoring and following cases of child abuse since it was established in 2014.

The agency set up a 24-hour hotline to receive reports of child mistreatment and abuse from within the family.

In July government officials said that cases of child abuse continued to rise every year, with 20 percent of all cases related to sexual abuse. A new policy aimed at protecting children from dangers posed by social media platforms and exploitation by parents and

other adults had been put in place by the Child Protection Office in the Juvenile Protection Department. The policy holds families of children 13 years old or younger responsible for the use of social media applications that might be unsuitable for young children or can expose them to sexual predators.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

During the year the government reserved a small number of admissions to Kuwait University for citizens with disabilities, and there was regular media coverage of students with disabilities attending university classes. Nonetheless, authorities did not

provide noncitizens with disabilities the same educational opportunities, and noncitizen students with disabilities experienced a lack of accessible materials and lack of reasonable accommodations in schools.

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

National/Racial/Ethnic Minorities

Approximately 70 percent of residents were noncitizens, many originating from other parts of the Middle East, the Indian subcontinent, and South and Southeast Asia. Societal discrimination against noncitizens and Bidoon was prevalent and occurred in most areas of daily life, including employment (see section 7.d.), education, housing, social interaction, and health care. The Ministry of Interior uses administrative deportation, which is not subject to judicial review, to deport noncitizens for minor offenses, such as operating a taxi without a license.

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

Consensual same-sex sexual conduct between men and crossdressing are illegal. The law punishes consensual same-sex sexual activity between men older than 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with men younger than 21 may be imprisoned for up to 10 years. No laws criminalize sexual behavior between women. The law imposes a fine of approximately 1,060 dinars (approximately \$3,500) and imprisonment for one to three years for persons imitating the appearance of the opposite sex in public. Transgender persons reported harassment, detention, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation and gender identity occurred; to a lesser extent, officials also practiced such discrimination, usually upon discovering that a person stopped for a traffic violation did not appear to be the gender indicated on the identification card.

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

HIV and AIDS Social Stigma

Local human rights NGOs reported no accounts of societal violence or discrimination against persons with HIV/AIDS, but persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease. Consular officers who have reviewed medical visa applications for countries with strong HIV/AIDS treatment have

alleged that local doctors and hospitals will not diagnose a patient with HIV/AIDS on their medical reports so that the patient is not subject to social stigma. Since 2016 authorities deported 576 foreign residents with HIV/AIDS.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

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

According to the PAM, there were 2.75 million workers in the country. Only 17.7 percent of the total workforce were citizens. Most citizens (78 percent) worked in the public sector, in part because the government provided lucrative benefits to citizens, including generous retirement funding.

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

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

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

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

b. Prohibition of Forced or Compulsory Labor

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

Over the last year, 3,600 Indian workers were stranded in the country when the Kharafi National Company declared bankruptcy on one of its largest projects and stopped paying workers. In July more than 700 of the Indian workers were forced to leave the country without their earned salaries after the Indian government negotiated with the PAM a 250 dinars (\$825) relief amount to purchase air tickets for repatriation to India and have their travel bans lifted. According to officials the PAM selected the 700 workers that received the relief stipend based on their sponsorship status with Kharafi National Company, complaints lodged with the PAM, and willingness to leave the

country between November and April without the payment of earned salaries. Some of the workers who remained in the country were able to find new sponsors and take on new work.

As of April, PAM inspectors in collaboration with residency affairs detectives raided 206 fake and inactive companies that had approximately 4,000 workers under their sponsorship. These companies were found to be in violation of residency laws. The owners of fake companies were referred to the public prosecution, and the courts fined them more than one million dinars (\$3.3 million) in penalties.

In July the Ministry of Social Affairs and Labor indicated that approximately 7,200 court rulings were issued against fake companies involved in visa trafficking since 2014. The total amount of fines collected from those companies exceeded 12 million dinars (\$40 million), an average of 1,700 dinars (approximately \$5,600) per company. In August the PAM reported it had won more than 500 cases against visa traffickers. These companies were founded solely to sell visas to foreign workers; once the workers were registered to the fake companies, they become unemployed, worked as marginal workers, or were trafficked.

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

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but reports of forced labor in the construction and sanitation sectors also existed. Forced labor conditions for migrant workers included nonpayment of wages, long working hours, deprivation of food, threats, physical and sexual abuse, and restrictions on movement, such as withholding passports or confinement to the workplace. As of July employers filed 4,500 “absconding” reports against private sector employees. Domestic workers have filed approximately 240 complaints against their employers in accordance with the domestic labor law. Numerous domestic workers who escaped from abusive employers reported waiting several months to regain passports, which employers illegally confiscated when they began their employment.

The PAM operated a shelter for abused domestic workers. As of October, according to a government source, the shelter had a capacity of 500 victims. It housed as many as 450 residents in April before the residency amnesty that removed travel bans from workers seeking to return home. According to the latest report, 145 workers were resident at the shelter.

A government owned company for recruiting domestic workers officially launched its services in 2017 and initially planned to bring 120 domestic workers a month from the Philippines and approximately 100 male workers from India. In November the government-owned company, which is mandated to provide training for domestic workers and cut out middlemen to lower recruitment fees for employers, announced

new agreements with India and the Philippines to start bringing workers. The target recruitment fee is between 350 and 895 dinars (approximately \$1,150 and \$3,000) per worker, depending on experience and skillset. The government regularly conducted information awareness campaigns via media outlets and public events and otherwise informed employers to encourage compliance by the public and private recruiting companies with the new law.

There were numerous media reports throughout the year of sponsors abusing domestic workers or significantly injuring them when they tried to escape; some reports alleged that abuse resulted in workers' deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted serious cases of abuse when reported. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse. In November a local woman was charged with premeditated murder and trafficking in persons for beating her domestic worker to death.

In February the case of Joanna Demafelis, a Filipina domestic worker killed and left in an apartment freezer by her Syrian and Lebanese employers highlighted the plight of domestic workers in the country. The employers of the Filipina domestic worker, who had fled the country, were arrested in February in Syria and Lebanon following an Interpol manhunt and faced extradition to Kuwait. The Criminal Court sentenced the pair in their absence to death by hanging.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

The government made efforts to enforce laws regulating child labor. Approximately 450 PAM labor and occupational safety inspectors routinely monitored private firms for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension of their company operations. Nevertheless, the government did not consistently enforce child labor laws in the informal sector, such as in street vending.

d. Discrimination with Respect for Employment and Occupation

The law prohibits discrimination in employment based on race, sex, gender, and disability. The government immediately deports HIV-positive foreign workers, and there is no protection for workers based on sexual orientation. No laws prohibit labor discrimination based on non-HIV communicable diseases, or social status, but there were no reported cases of discrimination in these areas. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Female domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked.

Shia continued to report government discrimination based on religion. For example, Shia were represented in police force and military/security apparatus, although not in all branches and often not in leadership positions. Some Shia continued to allege that a glass ceiling of discrimination prevented them from obtaining leadership positions in public-sector organizations, including the security services. In the private sector, Shia were generally represented at all levels in proportion to their percentage of the population.

The law states that a woman should receive “remuneration equal to that of a man provided she does the same work,” although it prohibits women from working in “dangerous industries” and in trades “harmful” to health. Educated women contended the conservative nature of society restricted career opportunities, although there were limited improvements. Media reported that the gender pay gap between male and female workers in the public sector was 28.7 percent for citizens and 7.9 percent for non-Kuwaitis. While more than 70 percent of college graduates from Kuwait University were women, they were underrepresented among the number of students sent to study internationally, likely due to societal concerns about permitting young women to study away from their families. According to government statistics, women represented 51 percent of the population but had a total female workforce participation rate of 56 percent.

e. Acceptable Conditions of Work

The law sets the national minimum wage in the oil and private sector at 75 dinars (approximately \$250) per month. The minimum wage for domestic workers was 60 dinars (approximately \$200) per month. Most low-wage employees lived and worked in the country without their families, and employers generally provided at least some form of housing.

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

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

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

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

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

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

In the first 10 months of the year, the Labor Disputes Department received approximately 15,150 complaints from workers of which approximately 5,800 were referred to the courts; these complaints were either about contract issues, such as nonpayment of wages, or about difficulties transferring work visas to new companies. Most of the complaints were resolved in arbitration, with the remaining cases referred to the courts for resolution. In July the Court of Appeals ordered Al-Kharafi & Sons to pay heirs of a deceased Egyptian foreign resident (former employee of the company) 30,000 dinars (\$99,000) in consequence of the company's negligence and noncompliance to safety and security regulations. The lawsuit indicated employees of

the company caused the unintentional death of the victim due to negligence by tasking the employee to clean a six-meter-deep manhole without proper gear and without checking for poisonous gases.

At times the PAM intervened to resolve labor disputes between foreign workers and their employers. The authority's labor arbitration panel sometimes ruled in favor of foreign laborers who claimed violations of work contracts by their employers. The government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving domestic workers. Media reports indicated that the Minister of Social Affairs and Labor won 58 court cases against visa traders by October.

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

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

Some domestic workers did not have the ability to remove themselves from an unhealthy or unsafe situation without endangering their employment. There were reports of domestic workers' committing or attempting to commit suicide due to desperation over abuse, including sexual violence or poor working conditions. In 2016 the government implemented the domestic labor law that provides legal protections for domestic workers. The law established a formal grievance process and identified the Domestic Labor Department at the Ministry of Interior as the sole arbitration entity for domestic worker labor disputes. A worker not satisfied with the department's arbitration decision has the right to file a legal case via the labor court. As of September the department conducted more than 2,400 inspections of domestic worker recruiting agencies, shut 15 fake agencies, and closed 30 for failing to meet the requirements of the law,

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

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