

2015 Country Reports on Human Rights Practices - Kuwait

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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. The 2013 parliamentary elections were generally free and fair, although some opposition groups boycotted them. Civilian authorities maintained effective control over the security forces.

Principal human rights problems included limitations on citizens' ability to change their government; restrictions on freedom of speech and assembly, especially among foreign workers and stateless Arabs (called "bidoon"); and lack of enforcement of laws protecting worker's and labor rights within the foreign worker population, especially in the domestic and unskilled service sectors, resulting in extremely high vulnerabilities and exposure to human trafficking.

Other human rights problems included reports of security force members' abusing prisoners and protesters, most with impunity; arbitrary arrest and extrajudicial deportation of foreign workers; limitations on freedoms of press, association, worker rights, and religion; and restrictions on freedom of movement for certain groups, including foreign workers and bidoon. Women, as well as bidoon and other noncitizens, faced social and legal discrimination. Domestic violence against women remained persistent, as did violence against domestic workers, all of whom were noncitizens.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

In June a terrorist attack on a Shia mosque killed 27 persons and injured 227; Da'esh claimed responsibility for the attack.

b. Disappearance

There were no reports of politically motivated disappearances.

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 were reports some police and members of other security forces abused detainees. Police and security force members were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. In January a bidoon activist claimed that authorities detained and beat him following a protest for the rights of stateless persons. Security forces occasionally detained and harassed transgender individuals.

Several persons reported police or Kuwait State Security (KSS) force members beat them at police checkpoints or in detention. In March authorities arrested a human rights activist, Nawaf al-Hendal, during a protest at al-Erada Square in front of the National Assembly and charged him with slandering the rulers of a neighboring country and for participating in an illegal rally. Media reports stated authorities arrested and beat him and nine other demonstrators. Subsequently, the government imposed a travel ban on him. Nawaf al-Hendal's trial is scheduled for January 2016.

The government stated in the past that it investigated allegations of abuse and punished some of the offenders. Although the government did not make public all the findings of its investigations or all punishments it imposed, it convicted a police officer in June for beating a female noncitizen. According to media reports, the police officer paid a 300 dinars (\$1,000) fine.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, but the facilities were sometimes overcrowded and lacked adequate sanitation. The country's human rights groups reported that conditions and living standards of prisons improved during the year.

Physical Conditions: The Central Prison Complex housed the country's three prisons: a men's prison for those awaiting trial or convicted of minor offenses; another men's prison for those convicted of more serious crimes; and a women's prison for those held before trial, convicted, or awaiting deportation. There were approximately 4,000 inmates in the Central Prison. Cells held four to six persons, and inmates reportedly lived in moderately overcrowded conditions, although most overcrowding was at the women's prison.

There were separate facilities for men and women but, there were no separate facilities for juveniles, and authorities detained those awaiting trial in the same facilities as convicted criminals.

There were reports three prisoners died in prison: one from assault by fellow inmates, one from a drug overdose, and one noncitizen from suicide.

The deportation center at Talha, the only one in the country, had a capacity of 1,000 persons. The overall detainee population was unknown, although observers reported some overcrowding at times and poor sanitation, mostly the consequence of the age of the facility.

Administration: Ombudsmen were not available to respond to complaints on behalf of prisoners. Authorities permitted prisoners and detainees to submit complaints to the prison management and request an investigation of credible allegations of inhuman conditions, but prisoners reported some unresponsiveness to routine requests.

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

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. There were numerous reports, however, that police arbitrarily arrested individuals, principally as part of sustained action against persons in the country illegally.

During the year authorities deported approximately 22,000 foreign workers for violating the law or suspected of minor legal infractions instead of prosecuting them. In August the Ministry of Interior conducted surprise raids in all six governorates and detained 1,444 foreign workers for a variety of violations including petty crimes, possession of banned substances, and violations of residency laws. Reportedly, authorities deported all of those detained workers.

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, navy, and coast guard) 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 maintaining national readiness.

Civilian authorities maintained effective control over all security forces. While the government had effective mechanisms to investigate and punish abuse and corruption, it did not always apply them. Authorities did not appear to investigate several allegations of mistreatment of detainees by KSS members.

Police were generally effective in carrying out core responsibilities. There were reports some police stations did not take seriously charges by complainants, especially foreigners, and victims of rape and domestic violence. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial. There was some evidence of police impunity, particularly in cases where security personnel used excessive force to disperse

participants in unlicensed political demonstrations and protests. In cases of alleged KSS abuse, no information was available regarding investigation procedures or actual investigations.

On March 23, police dispersed protests at al-Erada Square that had been occurring over the past two weeks over the detention of political prisoners and the arrest of political activists prominent on social media. Police arrested 19 protesters and reportedly assaulted dozens of others with batons and tear gas. Among those injured was former parliamentarian Mohamed al-Kandari.

According to the government, during the first five months of the year, individuals filed 100 complaints against the Ministry of Interior, mostly involving investigative law enforcement personnel. Disciplinary action resulted from 30 of the complaints.

Media reported sexual assaults by police officers throughout the year, usually against nonnational women. Security forces largely did not respond to violence between family members or against domestic workers, especially if the victims were nonnationals.

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, observing the commission of a crime, and certain other exceptions. 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.

In compliance with the law, police may hold a suspected criminal at a police station without charge for as long as four days, with an extension of up to three weeks for cause, during which time authorities may prevent lawyers and family members from visiting. During this time authorities permitted lawyers to attend legal proceedings, but did not allow direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality, but this right was not always enforced. If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days. Prosecutors also may obtain court orders for further detention pending trial. In one instance, authorities arrested a bidoon man and extended his detention six times. 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.

The courts do not address misdemeanor charges; instead, the Ministry of Interior adjudicates them. An undersecretary in the Ministry of Interior is responsible for signing all deportation orders.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention, and the government observed these prohibitions for citizens. There were reports that police during raids arbitrarily detained nonnationals, including some who possessed valid residency permits and visas and claimed to be bystanders.

Pretrial Detention: Arbitrary lengthy detention before trial was a problem, and in 2013 more than 10 percent of the prison population consisted of pretrial detainees. Authorities held some detainees

beyond the maximum detention period of six months. Excessive detention in the deportation center, where there are no maximum time limits on detention prior to deportation, was also a problem, particularly when the detainee owed money to a citizen or was a citizen from a country without diplomatic representation in the country to facilitate exit documents.

Amnesty: The emir pardoned 1,129 convicted criminals during the year.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary, and the government generally respected judicial independence. Although the constitution and law provide for an independent judiciary, the emir appoints all judges; the renewal of judicial appointments is subject to executive approval. Judges who were citizens received lifetime appointments; judges who were noncitizens held one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens. While no legal provisions prohibit women from appointment as judges and public prosecutors, the only path to those positions is through work in the prosecutor's office. As of December 15, the government did not allow additional women to apply to prosecutor positions.

Under the law questions of status, and citizenship, and various provisions of immigration law are not subject to judicial review, so noncitizens arrested, for example, for unlawful residency, or those whose lawful residency is canceled due to an arrest, have no access to the courts. The law subjects noncitizens charged with noncriminal offenses including some residency and traffic violations to administrative deportations that cannot be challenged in court; however, noncitizens charged in criminal cases face legal deportations, which can be challenged in court.

Trial Procedures

The constitution provides for the presumption of innocence and the right to a legal trial for the accused with the right to a defense. The judiciary is not independent of the executive in the case of noncitizen judges, due to their reappointments requiring approval by the emir. The law expressly forbids physical and psychological abuse of the accused. Under the law defendants also enjoy the right to prompt, detailed information on charges against them with free interpretation, as necessary. Criminal trials are public unless a court or the government decides "maintenance of public order" or the "preservation of public morals" necessitate closed proceedings. There is no trial by jury. 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. Defendants and their attorneys generally had access to government-held evidence, but the general public did not have access to most court documents. The Ministry of Justice generally provides defendants with interpreters when needed.

Defendants have the rights to confront their accusers, to confront witnesses against them, and to present their own witnesses, although authorities did not always allow defendants this opportunity. 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.

There were reports that low-income, foreign-citizen laborers and domestic workers were unable to afford legal counsel in pursuing cases against their employer or sponsor. If they had no legal representation, the public prosecutor sometimes tried the case 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.

There were reports that the courts denied bidoon activists some legal rights.

Political Prisoners and Detainees

There were several instances of persons detained for their political views. Throughout the year, the government arrested a few dozen persons on charges such as participation in unlicensed demonstrations or insulting the judiciary. Most of those arrested were citizens protesting Saudi Arabia's military action in Yemen. A few were bidoons advocating for human rights or opposition political figures alleging government corruption. While authorities arrested and released some individuals after a few days, they held others for weeks or months pending trial.

In March the government arrested the blogger Abdul Rahman al-Ajmi for posting Twitter feeds critical of the emir and Saudi Arabia. In August authorities sentenced him to four years in prison. In November an appeal overturned his conviction.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters regarding human rights violations, but authorities occasionally did not enforce rulings for various reasons, including the influence of involved parties or concern for possible political repercussion. Authorities also occasionally used administrative punishments in civil matters, such as revoking citizenship, instituting travel bans, and deportations. Authorities imposed temporary travel bans on at least 10 activists arrested for online posts critical of the government or neighboring countries until their legal proceedings were completed.

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

The constitution and the law prohibit such actions, and the government generally respected these rights. Security forces regularly monitored publicly available social media and sought information about owners of accounts, although foreign-owned social media companies denied most requests for information.

During the year, following the bombing of the Imam al-Sadeq mosque in June, authorities enacted a new law requiring all citizens and residents to provide DNA samples to authorities. Human Rights Watch criticized the law as a violation of privacy and stated that Kuwait was the only country requiring this type of national database. The new law will be implemented in March 2016.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in police or the military to obtain government approval to marry nonnationals. Nevertheless, the government offered only nonbinding advice on such matters and did not prevent any such marriages. According to an official, the Ministry of Foreign Affairs prohibited the country's diplomats from marrying noncitizens without the diplomat being asked to resign.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, although these rights were often violated. The government sometimes issued gag orders, temporarily or permanently shut media outlets, and convicted persons for expressing their opinions, particularly those published 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.

The Commission for Mass Communications and Information Technology (CMCIT) is an independent body under the communications minister with broad discretionary powers to grant or rescind licenses to companies that provide internet, cable, satellite, land, and wireless communications. Members of the CMCIT were not yet chosen, nor did the commission begin its work by the end of the year.

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

The courts convicted dozens of persons for insulting the emir, the judiciary, neighboring states, or religion on their social media sites. Several cases involved questioning authorities' competency, decisions, or honesty, and resulted in jail terms of up to 10 years. In January authorities arrested Nawaf al-Hindal, Mohammed al-Ajmi, and Musaid al-Musallam for posting messages on social media deemed insulting to Saudi Arabia. In May the Court of Cassation confirmed the sentence of Musalam al-Barrak, a former member of the National Assembly and opposition leader, to serve a two-year term for insulting the emir during a speech in 2012. As of year's end, al-Barrak was serving his jail term.

In June the Supreme Court upheld a six-year prison sentence against Saleh al-Saeed, a blogger and commentator found guilty in December 2014 of insulting Saudi Arabia on a Syrian television channel.

Press and Media Freedoms: All print media were privately owned, although their independence was limited. The government did not permit non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations' use. Media outlets

exhibited a limited range of diversity of opinion on topics relating to social problems, but most self-censored, avoiding critical discussion on topics like the emir, foreign policy, and religion, to avoid criminal charges or fines or to keep their licenses. Restrictions on freedom of speech also applied to the media. Discussions of specific social topics, such as the role of women in society and sex, sometimes were self-censored. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emiri system of government. The Ministry of Commerce and Industry may ban any media organization at the request of the Ministry of Information. Newspaper publishers must obtain an operating license from the Ministry of Information.

Broadcast media are a mix of government and privately owned stations, subject to the same laws as print media. In July 2014 the government revoked the licenses of pro-opposition media outlets *al-Yawm* television and the *Alam al-Yawm* newspaper. After revoking the citizenship of one of its owners, allegedly due to fraud, the government then cited the citizenship revocation as an additional reason for the closings. In January the government rescinded the commercial license of the *al-Watan* newspaper due to claims that the newspaper had violated its capital requirements. In February a court rejected the newspaper's appeal, and in November the Court of Cassation issued a final verdict and upheld the lower courts' rulings resulting in the permanent closure of the newspaper. The country also declined in media freedom evaluations compiled by international human rights agencies. Those evaluations reflected the tougher measures taken with the media, including the adoption of a law that allows authorities to fine journalists up to 300,000 dinars (\$1 million) for criticizing the emir or crown prince or misrepresenting what they said. It also imposes sentences of up to 10 years in prison for those convicted of violating the law.

Before the annual international book fair held in November, the Ministry of Information requires publishers to submit a list of books they might offer at the event. The ministry returns the list with "suggestions" of titles they should not bring. In the past three years, the government added more than 30 books to a list of banned books. During the 2015 Kuwait International Book Fair, authorities listed a total of 250 banned books, including *The Scent of the Tango*, as offensive to the ruling family because of references to negative aspects of the country's society and the ruling family. Most of the books on the banned list revolved around religion, politics, and public morality.

Violence and Harassment: Security officials reportedly threatened foreign journalists with deportation if they did not resign from some opposition media outlets. Member of Parliament (MP) Abdullah al-Turaiji wrote a letter to the minister of interior calling the "withholding of passports of workers in the *al-Yawm* media outlets by the General Investigation Unit unlawful, arbitrary, and illegal." Noncitizen employees, whose residency the newspaper or television station sponsored, lost their residency status when the media outlets closed. Such action forced noncitizen employees to find other employment and sponsorship, leave the country, or remain in the country illegally.

Censorship or Content Restrictions: The Ministry of Information censored all imported books, commercial films, periodicals, videotapes, CDs, DVDs, and other materials deemed illegal per the guidelines enumerated for speech and media. Authorities censored most English-language educational materials that mentioned the Holocaust and required education material either to refer to Israel as "Occupied Palestine" or to remove such references, although authorities did not censor these topics in the news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

In January the government closed the print newspaper and television station of *al-Watan* permanently, claiming it had violated the minimum capital requirements. Citizens and rights groups, such as Amnesty International and Human Rights Watch, issued statements condemning the media closures as violations of freedom of expression. Prior to its closure, al-Watan had supported the political opposition.

Libel/Slander Laws: Throughout the year the government restricted media freedom based on libel laws.

National Security: The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. As of December the government prosecuted 90 cases against individuals criticizing the government with statements on social media. In November authorities sentenced the blogger Hamid bu Yabis to four years in prison for posting Twitter messages deemed insulting to Saudi Arabia. His appeal was pending as of December.

Internet Freedom

In July the government passed a new cybercrime law that bans criticism of Islam, the emir, the judiciary, and policy with neighboring states on internet-based forums, sites, and publications. The government monitored internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block 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 e-mail and social media, based on existing laws related to libel, national unity, and national security. There were reports the government attempted to collect personally identifiable information in connection with individuals' peaceful expressions of political, religious, or ideological opinion or beliefs. Authorities required owners of internet cafes to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communications upon request.

In January charges were filed against MP Abdul Hamid Dashti after he criticized Saudi Arabia's involvement in the conflict in Yemen. Prosecutors released him on bail of 1,000 dinars (\$3,330). The government prosecuted online bloggers and social media outlets under the new cybercrime law, the Printing and Publishing Law, and the National Security Law.

Open Net Initiative, an internet-freedom watchdog organization, cited significant repression of freedom of speech online by the government. The organization noted the government's filtering of the internet to block pornography primarily, as well as lesbian, gay, bisexual, transvestite, and intersex (LGBTI) material, some secular sites, sites critical of Islam, and others carrying content on religious faiths other than Islam. The report also criticized authorities for imposing some restrictions on voice-over-internet-protocol providers, on which many foreign workers relied to communicate with their families.

The country had a high internet penetration rate due in large part to pervasive ownership of smart phones. Reported rates of internet penetration varied from 62 to 75 percent.

The CMCIT has authority to refuse licenses to service providers without disclosing the reasons for its decision. The commission is also responsible for assuring that all service providers prevent the transmission of content "harmful to public order and morals," thus encouraging self-censorship by the internet service providers in anticipation of its start of operations.

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.

Throughout the year publishers reportedly received pressure from the Ministry of Information, resulting in the publishers' often restricting which books are made available in the country. The Ministry of Information ceased to provide information publicly on the number of banned books but claimed the books banned usually encouraged racism, prejudice, religious offenses, and sectarianism. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs reviewed books religious in nature, while a special committee that includes academics and authors reviewed other books. During the year the government banned the new book, *The Mice of Mother Hissa*, by Saud al-Sanousi due to alleged descriptions of sectarian tension in the country's society.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted this right. The law prohibits noncitizens from demonstrating or protesting.

Political oppositionists organized a few protests and rallies at the beginning of the year. Citing public safety and traffic concerns, officials sometimes also restricted the location of planned protests to designated public spaces. Courts tried and sentenced participants in unlicensed demonstrations to as many as two years in prison for their involvement, and authorities also administratively deported dozens of noncitizens for participation in rallies.

Human rights groups often criticized security forces for using excessive force to disperse protesters. In some cases security forces claimed they required force because protesters were violent and threw rocks or set fire to cars or tires while demonstrating. In March the KSS dispersed an estimated 500 protestors; police beat some of the protestors. The violence concluded three weeks of what had been peaceful protests centered on political reforms, calls for the release of political detainees, and the government's decision to withdraw citizenship for political dissidents. Authorities arrested dozens of protestors.

Freedom of Association

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

The government uses its power to register associations as a means of political control. The Ministry of Social Affairs and Labor can also reject an NGO's application if it deems the NGO does not provide a public service. There were approximately 120 officially licensed NGOs in the country, including a bar association, other professional groups, and scientific bodies. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status. The Ministry of Social Affairs and Labor rejected some license requests, contending established NGOs already provided services similar to those the petitioners proposed. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion

See the Department of State's [*Report on International Religious Freedom*](#).

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

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

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

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 to Saudi Arabia for the annual Hajj (Islamic pilgrimage). As of 2014, the Ministry of Interior has not issued "Article 17" passports (temporary travel documents that do not confer nationality) to bidoon except on humanitarian grounds.

The law also permits travel bans on citizens and non-nationals 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. Numerous domestic workers who escaped from their employers reported waiting several months to regain passports, which employers illegally took from them when they began their employment.

Exile: While the constitution prohibits exile of citizens, the government can deport foreigners for a number of legal infractions. While the constitution states the "emir is the head of state and shall be immune and inviolable," it also states, "No Kuwaiti may be deported from Kuwait." In March, Twitter user Abdullah Fayrouz received a sentence of two years with hard labor for questioning a judge's honesty, after a court in June 2014 upheld a five-year sentence followed by deporting him for insulting the emir. This action was the first time a court issued a verdict that included a permanent exile of a citizen for insulting the emir. In December 2014 the appeals court ordered Fayrouz's citizenship restored. At year's end he was in jail serving his seven-year sentence. In September 2014 the media reported the Ministry of Interior would also deport Fayrouz's Egyptian mother "to maintain order and public interest." The woman had lived in the country for 40 years, married a Kuwaiti, and had Kuwaiti children. Authorities arrested her after she visited her son in prison and accused her of attempting to smuggle a cell phone to her son. While in detention, there

were reports that Fayrouz's mother was harassed and abused. In March she was deported to Egypt, where she died in June.

Citizenship: By law the government cannot revoke the citizenship of an individual who is born a citizen unless that individual has obtained a second nationality, which is against the law. Nevertheless, the government can revoke the citizenship of naturalized citizens for cause, including a felony conviction, and subsequently deport them. During 2014 the government revoked the citizenship of at least 33 individuals – some dual nationals, some not – including opposition activists, a media owner, a Salafist cleric, and several tribal members. The government justified the revocations by citing a 1959 nationality law that permits withdrawal of citizenship from naturalized Kuwaitis if they acquired citizenship dishonestly or threatened to "undermine the economic or social structure of the country." Persons who had their citizenship revoked became stateless individuals. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a "block" on their names in government databases. This "block" prevented former citizens from traveling or accessing health care and other government services reserved for citizens. There were no known revocations of citizenship during the year.

The law prohibits the granting of citizenship to non-Muslims, but it allows Christian 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.

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. According to UNHCR, there were more than 3,000 registered asylum seekers and recognized refugees in the country. Most of these were from Syria, Iraq, and Somalia.

Stateless Persons

The law does not provide nonnationals, including bidoon, a clear or defined opportunity to gain nationality. The judicial system's lack of authority to rule on citizenship further complicated the process for obtaining citizenship, leaving bidoon with no access to the judiciary to present evidence and plead their case for citizenship. According to government figures, there were approximately 112,000 bidoon in the country.

The naturalization process for bidoon is not transparent, and decisions appeared arbitrary. Despite calls during the year by MPs and various authorities to naturalize 2,000 to 4,000 bidoon per year, as of year's end, the government naturalized only those who were children of soldiers killed fighting for the country; the exact number was unavailable but was estimated at fewer than 100. The Central Agency had more than 100,000 bidoon citizenship requests under review at the end of 2014. In August the government decided to consider bidoon citizenship applications individually along with other naturalization cases.

According to bidoon activists and government officials, many bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. The government maintained, however, that the vast majority of bidoon concealed their true nationalities and were not actually stateless. According to the government, 7,243 bidoon adjusted their legal status between 2011 and August, claiming Saudi, Iraqi, Syrian, Iranian, Jordanian, and other nationalities. In November the government stated that 34,000 bidoon are qualified for consideration for citizenship but that only 8,000 would be eligible due to their security status.

According to the government, during the year more than 2,780 Kuwaiti women married bidoon men. A 2013 report by the Women's Refugee Commission estimated that 30,000 bidoon were spouses or children of female citizens.

The government discriminated against bidoon in some areas. Some bidoon and international NGOs reported that the government did not uniformly implement a 2011 decree approving provision of some government services and subsidies, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates, to bidoon. Bidoon activists claimed many bidoon families were unable to obtain birth certificates for their children, which restricted the children's ability to obtain government-issued identification cards, access adequate medical care, and attend school.

According to a government official, the government issued 2,664 birth and death certificates to bidoon in the first nine months of the year. The Ministry of Justice issued 1,439 marriage and divorce certificates to bidoon in the first nine months of the year. The Ministry of Education provides the Education Charitable Fund to pay for some bidoon children to attend private schools, but the children must fall into one of seven categories to qualify for an education grant. During the 2013-14 school year, the charity paid the school fees for approximately 15,000 bidoon children. Also during the 2014-15 school year, 150 seats were held at Kuwait University for bidoon seeking bachelor of arts degrees.

Zakat House, a charity funded by private donations, provided food, subsidies, financial aid, and training to bidoon. It also paid for the genetic fingerprinting required for every bidoon applying for citizenship. According to UNHCR, some bidoon underwent DNA testing to prove their Kuwaiti nationality.

Many adult bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in the bidoon children from the household working as street vendors to help support their families and not receiving an education. Lack of financial resources and proper documentation for some of their children forced some bidoon parents to choose which of their children to enroll in school. Many bidoon children who attended school enrolled in substandard private institutions because only citizens may attend public school. In May, however, the government approved the transfer of 5,000 bidoon students from private to public schools due to their families' service in the military. Many bidoon families depended on charity to assist with medical and educational expenses.

The government allowed bidoon to work in some government positions, as dictated in the 2011 decree. According to an official at the Central Apparatus for Remedying the Status of Illegal Residents (Central Agency), 2,571 bidoon worked in government ministries during the year. As of

October the Ministry of Health employed 1,005; the Ministry of Education employed 471; and the Ministry of Awqaf and Islamic Affairs employed 135 bidoon. Some bidoon worked in the armed forces or police. Although no legal strictures prevent their service in the enlisted ranks, authorities had effectively barred bidoon from enlisting in either force since 1985. In August the Ministry of Defense announced it had accepted into the army 700 bidoon children of citizen women and bidoon killed fighting for the country.

The government instituted other policies that discriminate against bidoon. Since the government treated them as illegal immigrants, bidoon do not have property rights. Bidoon identification cards included color codes that indicated when the carrier had a security restriction, such as a travel ban or other unresolved issues with the government.

In 2014 a high-level official in the Ministry of Interior announced a proposal to give "economic citizenship" to the bidoon from the small island country of Comoros. It was unclear whether the government intended to simply give them the documentation of citizenship or physically relocate bidoon. Bidoon activists were concerned that some would accept the proposal due to fatigue over trying to obtain citizenship in the country. Other activists were concerned that the government might force them to take another, illegitimate nationality. The plan remained in active consideration during the year.

Section 3. Freedom to Participate in the Political Process

Citizens had only a limited, indirect control of the executive branch because the constitution stipulates the country is a hereditary emirate. The 50 elected members of the National Assembly (along with government-appointed ministers) must, by majority vote, approve the emir's choice of crown prince (the future emir). The crown prince must be a male descendant of Sheikh Mubarak Al-Sabah and meet three additional requirements: have attained the age of majority, 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 2013 parliamentary election free and fair and found no serious procedural problems. The election followed the Constitutional Court's 2013 order to dissolve the National Assembly, whose election the court determined was unconstitutional (the second such order in one year). Some opposition politicians and their supporters boycotted the election to protest the emir's 2012 decree reducing the number of votes per person from four to one. Official turnout for the 2013 elections was approximately 52 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. Some tribes held illegal primaries to maximize their members' chances for election to the National Assembly.

Participation of Women and Minorities: Although they gained the right to vote in 2005, women faced cultural and social barriers to political participation. For example, some tribal leaders excluded women from tribal primaries. In the 2013 elections, two women gained seats in the National Assembly, and two women were in the cabinet. One female MP, however, lost her seat when the constitutional court declared a miscount in her district. The remaining woman in the National Assembly resigned in May 2014 to protest not being allowed to question the prime minister in the National Assembly. Women typically voted at a higher rate than men did.

No laws or cultural practices prevented minorities from participating in political life. In the 2013 parliamentary elections, candidates from the Shia community, which comprised approximately one-third of the citizen population, won eight seats in parliament. In the previous two parliaments, elected in December 2012 and February 2012, Shia held 17 and five seats, respectively. The unusually high Shia representation in the December 2012 parliament largely resulted from a Sunni Islamist and tribal-led boycott of that election.

Section 4. Corruption and Lack of Transparency in Government

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

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

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 independent agency responsible for supervising public expenses and revenues and for preventing any misuse or manipulation of public funds. The government distributes reports by the Audit Bureau annually to the emir, prime minister, head of parliament, and minister of finance. The public did not have access to these reports. The parliamentary Committee on the Protection of Public Funds frequently announced inquiries into suspected misuse of public funds, but none resulted in prosecution during the year.

In March the government activated to dictate financial disclosure provisions and provide protection for whistleblowers. The law charges the ACA with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or police for further investigation or action. The government funds the authority, which has its own budget. In December, however, the courts declared the ACA law invalid because it was passed by emergency decree. At year's end the National Assembly was working to introduce new legislation to re-implement the ACA.

Media and government officials reported cases of widespread, visa-related corruption, namely selling visas or visa fraud, at the Ministry of Social Affairs and Labor and Ministry of Interior.

Several officials at the Ministry of Interior faced prosecution after their arrests on charges of falsifying labor import documents to profit from the sale of visas. In October media reported the government ordered the arrest of a key visa trafficker who recruited 1,500 foreign workers on fake work permits, charging each worker 1,500 dinars (\$5,000) for a visa. According to a government official, of 1,368 firms found to be involved in visa fraud, authorities have referred only 336 for prosecution.

In September the minister of electricity, water, and public works resigned after his conviction, along with 14 other officials, in a corruption case dating to 2007.

Financial Disclosure: The anticorruption law requires that executive-level public employees, including officials at the ministerial level and above, MPs, the speaker of parliament, and the head of the Supreme Judicial Council, disclose their financial assets. Repercussions against those who do not provide appropriate financial disclosures include fines and possible imprisonment.

Financial disclosure reports are confidential, not public documents; leaking of such information is a crime. The law mandates the ACA to monitor disclosures. The ACA has the right to oblige those who report to provide additional information. As of October the speaker of the National Assembly submitted his financial disclosure documents, and other government ministers were in the process of submitting the required documents.

Public Access to Information: The law provides for public access to unclassified government information by citizens and noncitizens alike, but access appeared largely theoretical. Legal experts stated that the only way for unclassified information to be released was through a request by a government ministry.

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

The government restricted the operations of domestic and international human rights groups. A number of domestic and international human rights groups generally operated with limited restriction, 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. The groups must demonstrate their existence is in the public interest. NGOs must show they will conduct business beneficial to the country; their work cannot undermine cultural values and norms as defined by the government. Major local independent NGOs dedicated specifically to human rights included the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The Kuwait Trade Union Federation was the local affiliate of the Solidarity Center. In May the government closed the chapter of Transparency International, accusing the NGO of exaggerating the level of corruption in the country.

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

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operated independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. 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. It did not issue reports during the year.

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

The law prohibits discrimination based on race, origin, disability, or language. The government did not consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, bidoon, noncitizens, and foreign workers.

Women

Rape and Domestic Violence: Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime; spousal rape is not a crime. The media reported hundreds of rape cases, but government statistics were unavailable. Social stigma associated with publicly acknowledging rape likely resulted in underreporting because of reluctance by women to report the crime. Many victims were noncitizen domestic workers. When reported, police arrested and prosecuted alleged rapists in some but not all cases. In September the higher courts revoked a life sentence on a citizen for raping a Filipina woman and instead sentenced him to death. Authorities did not effectively enforce laws against rape.

The law does not specifically prohibit domestic violence, but in some instances courts try such cases as assault. A victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. Victims, however, did not report most domestic abuse cases, especially outside the capital. In July the government established two hotlines for reporting of domestic violence. The hotlines are operational only during the day and trained counselors do not respond to the calls. In some cases hospitals denied treatment for victims of sexual assault who had not reported the case to the police first. Police officials rarely arrested perpetrators of domestic violence even when presented with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony, and treated such reports as social instead of criminal matters. Individuals also reportedly bribed some police officials to ignore assault charges in cases of domestic abuse. Husbands convicted of spousal abuse in previous years rarely faced severe penalties. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during past years, but no data were available for the year.

A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard regarding what constitutes injury. Additionally, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury. There were no known shelters specifically for victims of domestic violence, although a permanent shelter for domestic workers could house up to 400 victims. The Public Authority for Manpower operated the shelter, and, as of August, according to a government source, the shelter housed 340 victims and received approximately 200 victims per month. International and national organizations had relatively open access to workers residing in the shelter and reported adequate living conditions;

however, observers accused male guards of abusing and sexually harassing some of the women. Human rights groups also stated the shelter was not staffed by year-end with representatives from the Public Prosecutors Office, Ministry of Interior, Ministry of Foreign Affairs, and representatives from human rights organizations. As of September, 4,757 domestic workers had used the shelter.

Other Harmful Traditional Practices: Although officials did not report any honor killings during the year, there were familial attacks by male family members on female family members that fit the category of potential honor killings. The penal code penalizes some honor crimes as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a fine of 225 dinars (\$750). Sentencing guidelines for honor crimes do not apply to bidoon. Media reported in November that a bidoon man stabbed his sister three times because he was upset she "was planning to stay alone in an apartment." A local contact reported that in December family members raped, beat, and sexually assaulted a noncitizen woman for converting to Christianity from Islam.

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

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely the number, spacing, and timing of children; to manage their reproductive health; and to have access to the information and means to do so free from discrimination, coercion, and violence. The information and means to make decisions, as well as skilled attendance during prenatal care, essential obstetric care, childbirth, and postpartum care were freely available. While the government did not provide any formal family planning programs, contraceptives were available without prescription to citizens and noncitizens. According to the UN Population Division, an estimated 45 percent of women of reproductive age used a modern method of contraception in 2014.

Discrimination: Women have many political rights, including the right to vote and serve in parliament and the cabinet, but they do not enjoy the same rights as men under family law, labor law, property law, inheritance law, or in the judicial system. 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 employment, occupation, credit, pay, owning and/or managing a business, education, and housing. Secular courts allow any person to testify and consider male and female testimony equally, but in sharia courts the testimony of one man equals that of two women.

The law prohibits marriage between Muslim women and non-Muslim men. The law does not require a non-Muslim woman to convert to Islam to marry a Muslim man, but many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce, the law grants the father custody of children of non-Muslim women who fail to convert. A non-Muslim

woman who fails to convert 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.

The law grants a "housewife allowance" to nonworking women age 55 and older. Female citizens are unable to pass citizenship to their noncitizen husbands or their children; exceptions were made for some children of widowed or divorced female citizens. Male citizens married to female noncitizens do not face such discrimination.

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

According to government statistics, women comprised only 14 percent of legislators, senior officials, and managers.

The law requires segregation by gender of classes at all universities and secondary schools, although it was not always enforced. In December the constitutional court ruled that the gender segregation law is constitutional but that separate facilities are not required to enforce gender segregation. The court ruled that separate sitting areas in the classroom met the law's requirement.

Two members of the 50-seat National Assembly elected in 2013 were women, although both subsequently departed (see section 3). When it reconvened in October 2014, parliament reconstituted its committee on women's and family affairs. Some women attained prominent positions in business as heads of corporations, but only one woman served as a minister in the cabinet.

There were no female judges. In November 2014 the first 22 female employees of the Public Prosecutor's Office completed their training and became public prosecutors, a prerequisite for appointment as a judge. In 2013 these 22 women were the first to be accepted to the judicial institute. During the year, however, the Ministry of Justice again tried to prevent women from applying for entry-level positions in the Public Prosecutor's Office. In March the government put a hold on future women's applications for prosecutor positions pending an assessment of the performance of the first 22 prosecutors.

Children

Birth Registration: Citizenship derives entirely from the father; children born to citizen mothers and nonnational fathers do not inherit Kuwaiti citizenship unless the mother is divorced or widowed from the nonnational father. The government designates religion on birth and marriage certificates. The government automatically granted citizenship to orphaned or abandoned infants, including bidoon infants. Parents were sometimes unable to obtain birth certificates for their bidoon children because of additional administrative requirements, creating an inability to access other public services such as education and health care (see section 2.d., Stateless Persons).

Education: Education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. In 2011 the Council of Ministers issued a decree extending education benefits to bidoon, but bureaucratic problems continued to hinder bidoon children's access to free education. The government requires Islamic religious instruction in public schools for all students. The government also requires Islamic religious instruction for Muslim students in private schools that have one or more Muslim students, regardless of whether the student is a citizen or not. In August the government allowed 5,000 children of bidoon families to attend public schools.

Medical Care: Failure to possess the requisite identification papers sometimes restricted bidoon access to public medical care.

Child Abuse: There was no reported societal pattern of child abuse. Most cases likely went unreported due to social stigma associated with the disclosure of the practice.

Early and Forced Marriage: The legal marriage age is 17 for men and 15 for women, but girls continued to marry at a younger age in some tribal groups. The Ministry of Justice estimated underage marriages constituted 2 to 3 percent of all marriages in 2013.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department of State's report at travel.state.gov/content/childabduction/en/country/kuwait.html.

Anti-Semitism

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

Trafficking in Persons

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

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 people with physical, and in particular, visual disabilities.

The government stated there were 47,000 citizens and 7,000 noncitizens with disabilities in the country. There is a disability law, and a parliamentary Committee for Disabled Affairs. Under that law, the monthly allowance given to the mother of a disabled child or the wife of a person with disabilities is granted 600 dinars (from \$1,000 to \$2,000). Families of citizens with disabilities are eligible to receive grants worth up to 20,000 dinars (\$67,000).

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

Children with disabilities attended public school, but information on whether there were patterns of abuse in educational settings was unavailable. The law does not restrict the right of persons with disabilities to vote and participate in civic affairs. Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constituted the government's Higher Council for Handicapped Affairs, which makes policy recommendations; provides direct financial aid to citizens with disabilities; and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job training programs oriented to persons with special needs.

National/Racial/Ethnic Minorities

Approximately 68 percent of residents were noncitizens, many originating from Egypt, the Indian subcontinent, and Southeast Asia. Societal discrimination against noncitizens and bidoon was prevalent and occurred in most areas of daily life, including employment (see section 7.d.), education, housing, social interaction, and health care. As part of expanded activity against illegal residents, police stopped, arrested, and sometimes deported noncitizens believed to be using private automobiles as taxis. This action disproportionately affected the noncitizen laborers who could not afford their own automobiles or taxi fares.

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

Consensual same-sex sexual conduct between men and cross-dressing are illegal. The law punishes consensual same-sex sexual activity between men older than 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with men younger than 21 may be imprisoned for as long as 10 years. No laws criminalize sexual behavior between women. The law imposes a fine of 1,059 dinars (\$3,530) and imprisonment for one to three years for persons imitating the appearance of the opposite sex in public. Transgender persons reported harassment, detainment, and abuse by security forces. A human rights organization reported that authorities incarcerated two transgender persons due to their transgender identity.

Police arrested seven cross-dressers and gay men in September after allegedly breaking up a party at a private residence. Police reportedly obtained a warrant, raided the residence, and charged those arrested with engaging in immoral activities.

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

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

HIV and AIDS Social Stigma

Local human rights NGOs reported no accounts of societal violence or discrimination against persons with HIV/AIDS, but persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease. While the Ministry of Health estimated there were 250 citizens with HIV, other estimates put the number at 600 individuals. Foreign citizens found to be HIV-positive faced immediate deportation.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

Public sector workers do not have the right to strike. Private sector workers have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. Legal strikes require permission from the Ministry of Interior, which the ministry rarely granted. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

According to the Public Authority for Manpower, there were 2.52 million workers in the country. Only 19 percent of the total workforce were citizens. Most citizens (70 percent) worked in the public sector, because the government provided lucrative bonuses to citizens, including retirement funding.

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

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

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

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

In December, a sit-in by 25 labor unions took place outside of the premises of the Public Authority for Manpower protesting the drafting of new bylaws to regulate labor unions.

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," but the government did not effectively enforce the law.

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 due to passport retention by their employers and, in the case of some domestic workers, locked in their work locations. Workers who fled 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. As of October the government closed 19 recruitment agencies and stated that it had received and investigated 1,331 complaints from domestic workers.

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 and illegally withheld salaries from domestic workers and minimum-wage laborers.

According to various reports, laborers, estimated to number between 2,000 and 4,000, worked in forced labor conditions, averaging 15-hour days with no freedom of movement and living in squalid conditions. Former North Korean laborers and officials indicated that employers paid worker salaries to a North Korean government-owned company instead of directly to the individual workers. Kuwait served as the only point of aerial disembarkation for all North Korean laborers in GCC countries.

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.

In June parliament passed a domestic worker labor law that would require employers to grant domestic workers a maximum 12-hour workday, with one day off per week and 30 days paid leave per year. The law would also establish a minimum wage of 45 dinars (\$150), end-of-service benefits – one month's wage for every year worked – and ban employing domestic workers below age 20 or more than 50 years of age. Parliament also voted to establish a shareholding company for recruiting domestic workers. The company would replace more than 300 independent companies, streamlining the recruitment process and limiting potential abuse of domestic workers. The law will go into effect on passage of the bylaws that had not occurred by end-year. In November the government filed a case against a Kuwaiti, a Syrian, and an Egyptian for running an illegal domestic-worker-recruiting agency that employed 17 foreign nationals. The defendants were on bail, and authorities sent the 17 workers to the domestic workers' shelter at year's end, on the understanding that they could seek employment again if the court determined they were not complicit in the illegal company.

There were numerous media reports throughout the year of sponsor abuse of domestic workers or significantly injuring them while they tried to escape; some reports alleged abuse resulted in workers' deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted serious cases of abuse when reported. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse. At year's end a female citizen was serving a 10-year prison

term for abusing a domestic worker. In December, an appeals court overruled a lower court's acquittal of a female citizen for assaulting her domestic worker. The case was pending final appeal with the Court of Cassation.

Numerous media reports highlighted the problem of visa trading and human rights. 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.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor. The legal minimum age for employment is 18, 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 bidoon children and children of South Asian origin worked as domestic laborers. Some underage workers entered the country on travel documents with falsified birth dates.

Bidoon children as young as seven years old worked long hours as street vendors, sometimes under dangerous conditions, according to reports by human rights NGOs. The efforts to provide for their families often jeopardized their education and resulted in the decisions of many to abandon their schooling.

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

d. Discrimination with Respect for Employment and Occupation

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

Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women (see section 6, Women). Domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked. The government discriminated on the basis of 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 some of these public sector organizations, including the security services.

The law states that a woman should receive "remuneration equal to that of a man provided she does the same work," although it prohibits women from working in "dangerous industries" and in trades "harmful" to health. Educated women contended the conservative nature of society restricted career opportunities, although there were limited improvements. While women were 72 percent of college graduates from Kuwait University, they were underrepresented in the number of students sent to study internationally, likely due to continued societal concerns about permitting young women to study away from their families.

e. Acceptable Conditions of Work

The law sets the national minimum wage in the private sector at 65 dinars (\$217) per month. The current minimum wage for domestic workers is 45 dinars (\$150) per month. According to 2012 UN standards, the poverty line for a family of five is 1,000 dinars (\$3,300) per month. Most low-wage employees live and work in the country without their families and employers provided at least some form of housing.

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

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

The law and regulations governing acceptable conditions of work do not apply to domestic workers. The Ministry of Interior has jurisdiction over domestic worker matters, and authorities treated their problems as administrative, not labor related.

The Ministry of Social Affairs and Labor is responsible for enforcement of wage and 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 450 labor 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 worksites to provide 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 sufficiently substantial to deter violators.

Workers submitted complaints to the Ministry of Social Affairs and Labor's Labor Disputes Department, but the government did not enforce the standards uniformly. In the first 10 months of the year, the Labor Disputes Department received 12,600 complaints from workers; 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 amicably, with the remaining cases referred to the courts for resolution.

At times, the Ministry of Social Affairs and Labor intervened to resolve labor disputes between foreign workers and their employers. The ministry'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.

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.

Several embassies with large domestic worker populations in the country have met with varying degrees of success in pressing the government to prosecute serious cases of domestic worker abuse. One embassy stated that it hired a law firm to represent workers who needed legal representation, and they had a 97 to 100 percent success rate during the year pressing the government to prosecute the most severe cases of domestic worker abuse. Severe cases included those where there were significant, life-threatening injuries.