



Kuwait

Bureau of Democracy, Human Rights, and Labor

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Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family with a population of 3.32 million, of whom approximately 1.02 million are citizens. The 1962 constitution grants the emir executive authority and authorizes the emir to appoint a crown prince and a prime minister, who selects a cabinet for emiri approval. The government and an elected National Assembly share legislative authority. According to the constitution, the emir may dissolve the elected National Assembly by decree but must call elections within two months. While political parties are not technically illegal, the government effectively barred them in practice. Local observers and the press generally considered the June 2006 parliamentary elections free and fair, although there were reports of vote-buying by the government and certain candidates. Civilian authorities generally maintained effective control of the security forces.

The government limited citizens' right to change their government and form political parties. Security forces abuse prisoners and detainees. The judiciary lacked independence. The government restricted freedoms of speech, press assembly, association, religion, and movement for certain groups. Corruption and trafficking in persons remained problems. The status of stateless Arab residents ("Bidoons") remained unresolved. Women did not enjoy equal rights. Expatriate workers faced difficult conditions in the domestic and unskilled service sectors.

The government allowed the licensing of six new daily Arabic-language newspapers for the first time since 1977.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

There were no developments in the 2006 cases of a Pakistani man who died in police custody shortly after calling his family to say that he was being beaten, or of an Asian man arrested on drug charges who died in police custody.

There were no updates on the 2005 case of Amer Khlaif al-Enezi, who died in custody after his terrorist group, the Peninsula Lions, carried out a violent attack.

b. Disappearance

There were no reports of politically motivated disappearances.

The fate of 544 citizens and 61 other residents taken prisoner during Iraq's occupation of the country in 1990-91 remained a highly emotional issue. Of the 605 missing persons, the remains of 227 were identified by DNA tests, the majority exhumed from mass graves in Iraq after the fall of the Saddam Hussein regime. Since 2003 Iraqi authorities have participated in the Tripartite Commission on Gulf War Prisoners of War and Missing Persons.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, some police and members of the security forces reportedly abused detainees. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. The government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases the government did not make public either the findings of its investigations or punishments it imposed.

There were reports of torture while in custody or during interrogation during the year.

On August 18, two journalists reported that security officials beat them while in custody. Reportedly, one of the journalists, Bashar Al-Sayegh, posted comments on his Web site that the authorities deemed inappropriate and that he "infringed on the emir." Security services arrested Al-Sayegh's colleague, Jassem Al-Qames, because he took photographs of the arrest. Both men claimed that they were blindfolded and beaten en route to the security services building and again when they arrived.

Several foreign nationals provided verifiable claims that security forces abused them during the year.

For example, on August 30, according to press reports, police abused two Egyptian workers. According to the detainees' brothers, the workers were in custody at the Shuwaikh Immigration Department for forging official immigration documents. According to a representative from the Egyptian Embassy who visited them in the hospital one day following their detainment, medical records indicated that they had been abused. According to sources, the attorney general interrogated several employees at the Immigration Department as well as police officers from the General Patrols Department and the Deportation Department about the forged documents.

According to Human Rights Watch (HRW), the friends of several men arrested in December under a new law criminalizing any person from publicly imitating the appearance of the opposite sex reported that the detainees were "physically and psychologically abused" during detention in Tahla prison. Friends of the men stated that three men were beaten, and one was left unconscious. *Al-Rai* newspaper reported that the prison administration ordered guards to shave the men's heads as a form of punishment under the new law. At year's end the men remained in custody.

In March 2006 news sources reported that a police sergeant raped a Filipina woman, and that the policeman was remanded into custody pending results of an investigation. During the year the Court of Cassation sentenced the rapist to 10 years in prison and two other defendants who witnessed the rape each to seven years in prison.

In 2005 a journalist claimed security officers beat him with sticks after he was arrested in 2005 on charges of spreading news that harmed the national interest. The reporter was later acquitted by the Court of Appeals.

There were no public developments in the 2005 case of six Islamic militants, suspected of engaging in deadly gun battles with security forces, who alleged they had been tortured and abused.

Defendants have the right to present evidence in court that they were mistreated during interrogation; however, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely concealed their identities during interrogation, complicating confirmation of abuse.

Prison and Detention Center Conditions

Prison conditions varied, and some were poor. In its 2005 report, the most recently issued, the National Assembly's Human Rights Defense Committee reported severe overcrowding, poor sanitation, inadequate containment of infectious diseases, and lack of sufficient medical staff as common problems in the old prison complex.

A new men's prison building that opened in 2006 reduced previously severe overcrowding conditions. The new facility met all international standards for prisons.

There were reports that authorities mistreated prisoners and failed to prevent inmate-on-inmate violence. During the year foreigners at the deportation facility in Shuwaikh were incarcerated between 10 days and two months, on average, awaiting deportation. Some were held there for much longer periods, often due to delays in the court system or bureaucracy.

The government permitted visits by independent human rights observers. During the year the government did not prevent the International Committee for the Red Cross (ICRC), which maintains an office in the country, access to inmates. However, the ICRC did not carry out prisoner monitoring during the year.

The nongovernmental organization (NGO) Kuwait Human Rights Society visited some prison and detention centers throughout the year, including several visits to the Deportation Center, which houses persons waiting to be deported from the country.

On December 19, the minister of interior conducted surprise visits to several correctional institutions to check on conditions. During his visits he met with prisoners to listen to their requests and demands. The minister claimed there were no problems.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest, except in cases of hot pursuit. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusations by third parties. However, the courts generally do not accept cases without warrant issued prior to arrests.

Role of the Police and Security Apparatus

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

The police force is organized in a strict, military-style hierarchy. Overall the police were effective in carrying out core responsibilities. However, there were frequent reports of corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case.

There were also reports that some police stations did not take the requests of complainants, especially foreigners, seriously and obstructed their access to the justice system.

During the year there were credible reports of police corruption and abuse of detainees during interrogation. Unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainee during interrogation. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. There were no reported government efforts during the year to reform the police or security forces.

Arrest and Detention

According to the penal code, suspected criminals may be held at a police station for up to four days without charge during which security officers may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain

court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. Detainees were allowed prompt access to a lawyer of their choice after the initial four-day waiting period. The bar association provided lawyers for indigent defendants.

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

Amnesty

The emir's February 24 amnesty freed 472 prisoners (172 citizens), reduced sentences for 1,333 prisoners, and canceled deportation orders for 112 foreigners. This amnesty included a larger number of beneficiaries than in previous years and accorded more leniency to foreigners serving sentences for drug use than in previous years.

e. Denial of Fair Public Trial

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

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

Sunni and Shi'a Shari'a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the family courts the testimony of a man is equal to that of two women. The constitutional court has the authority to issue binding rulings concerning the constitutionality of laws and regulations. The court, whose members are senior judges from the civil judiciary, also rules on election disputes. The martial court convenes in the event the emir declares martial law. The law does not specifically provide for a military court or provide any guidelines for how such a court would operate. The military operates tribunals that can impose punishments for offenses within the military.

Trial Procedures

By law criminal trials are public unless a court or the government decides that "maintenance of public order" or "preservation of public morals" necessitates closed proceedings. There is no trial by jury.

Defendants who enjoy a presumption of innocence have the right to confront their accusers and appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants utilized these services. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The law affords these protections to all citizens.

Political Prisoners and Detainees

There were no official reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, enforcement of rulings has been a significant problem. For example, collecting on punitive financial judgments is nearly impossible. Individual can bring suits against other individuals for a wide array of offenses. Administrative punishments in civil matters are available, such as travel bans. However, there were widespread, reliable reports that it was extremely difficult for those awarded monetary compensation in courts to collect such awards.

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

The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without a warrant in cases of hot pursuit. The security forces occasionally monitored the activities of persons and their communications.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

The country had nine Arabic and three English-language daily newspapers, all of which were privately-owned and four of which began publication during the year as a result of the 2006 Press and Publications Law, which eased the process of licensing new newspapers. Print media generally exhibited independence and diversity of opinion, although there were reports that they practiced self-censorship at times. In addition, in September the government banned the import and circulation of several Egyptian newspapers over articles it deemed injurious to Kuwait.

The government owned nine local radio and four television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister newspaper, *Al-Rai*. International media outlets operated bureaus in the country including Al-Jazeera, which the government permitted to reopen in 2005.

A large contingent of international media representatives generally covered the June 2006 parliamentary elections without restriction. During the elections the government attempted to shut down several satellite channels that started broadcasting election-related programming in support of particular political blocs.

The Press and Publications Law prohibits the publication of material that criticizes Islam, the emir, the constitution or the neutrality of the courts or public prosecutor's office. It also forbids incitement to acts that will offend public morality. Revealing classified information or secret government communications is illegal, as is trying to undermine the country's currency, economic stability, or external relations through the media. Slandering or revealing the secrets of individuals or groups is also against the law. Depending on which provision of the law is broken, punishments range from one year imprisonment and a fine of \$69,000 (20,000 dinars) for criticizing Islam to \$1,725 (500 dinars) for less serious offenses. The law widened the scope of protection and strengthened the punishments for criticism of Islam. The court can impose administrative punishments, including confiscation, closure, and withdrawal of licenses. The criminal law also contains an array of press-related charges, such as offense to religious sensibilities, public morality, and the "basic convictions of the nation."

The law mandates jail terms for journalists who "defame religion." The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes has defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

On August 18, authorities arrested two journalists on suspicion of criticizing the emir on a web log and detained them at the Kuwait State Security Building. Authorities released the journalists on August 20 and 21, respectively.

In May 2006 authorities jailed Hamid Buyabis for having quoted direct criticism of the emir in an article he wrote in a daily newspaper. In November 2006 authorities jailed Khalid Obaysan al-Mutairi for one day for writing an article that seemed to support Saddam Hussein as the legitimate leader of Iraq. Also in November 2006 a journalist was found guilty under the new Press and Publications Law of questioning the independence of the judiciary. She was given a three-month suspended sentence and three years' probation.

During the year citizens and government officials filed numerous law suits claiming slander against local newspapers, but the courts frequently ruled in favor of the newspapers.

Satellite dishes were widely available and operated without restriction. However, the MOI censored all books, films periodicals, videotapes, and other imported publications deemed morally offensive. The MOI controlled the publication and distribution of all informational materials.

According to the March 2006 Press and Publications Law, publishers must obtain an operating license from the MOI to begin publishing a newspaper. If the MOI refuses to grant the license, the publisher may appeal to the courts. Publishers may lose their license if their publications do not appear for three months in the case of a daily newspaper or six months in the case of a less-frequent publication, a stipulation preventing publishers from publishing sporadically. Individuals also must obtain permission from the MOI before publishing any printed material, including brochures and wall posters.

Internet Freedom

There were approximately 700,000 users of the Internet in the country. Since 2005 the Ministry of Communication (MOC) has blocked Web sites that the government considered to "incite terrorism and instability." For example, during the year the government closed down the Web site of a citizen seen to support terrorism. Also during the year the government shut down a Web site run by Mohammed Al-Jassem, a vocal critic of the government, because the Web site was seen to be too critical of the government. In 2005 the government also blocked the Web site of a citizen seen to be too critical of the government. The government required Internet service providers to block some political sites and Web sites deemed immoral. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

Academic Freedom and Cultural Events

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

The MOI reserved the right to approve or reject public events. It rejected events it deemed politically or morally inappropriate. The ministry reported that it rejected many applications for events, but did not release the names of these events. Some hotels and performance halls reported increased hesitation to host musical functions because of what they perceived as a rise in the power of cultural conservatives.

The MOI's Technical Compilations Department-Cinema Censorship Section censored movies shown in theaters based on objectionable content such as sexual scenes, extreme violence, and profanity.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly. A 1979 law on public gatherings restricts this right in practice, however by requiring groups to apply for a permit from the MOI in order to hold a public gathering of more than 20 people. The government issued such permits routinely. In May 2006 the Court of Cassation struck down the public gatherings law as unconstitutional in reviewing a case in which two lawyers held a meeting to criticize the government. Organizers must continue to inform the ministry of their plans, but they no longer need permission. The law also protects "diwanias" (informal weekly social and political gatherings). Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanias to discuss current economic, political, and social issues. Women also held diwanias of their own, but such diwanias were uncommon; a few diwanias were open to both sexes.

Freedom of Association

The law provides for freedom of association; however, the government restricted this right in practice. The law prohibits officially-licensed groups from engaging in political activities. Political parties are not addressed by the law but in effect are forbidden. Several unofficial parliamentary blocs existed and acted in the National Assembly as loosely-organized parties.

The government used its power to license associations as a means of political control. There were 73 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed one new NGO during the year, compared to seven NGOs during the previous year and 19 the year before. At year's end there were 149 NGOs pending licensing by MOSAL; many have been waiting years for approval.

The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of \$41,400 (12,000 dinars) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when MOSAL began issuing licenses after a long period of refusing to do so, do not receive financial assistance. MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. MOSAL also can reject an NGO's application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO's name prior to licensing, and sometimes did so on the grounds that the name was too close to that of an already existing NGO. Members of licensed NGOs must obtain permission from MOSAL to attend international conferences as official representatives of licensed NGOs.

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

c. Freedom of Religion

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

non-Muslim religious organizations had more difficulty operating. Shi'a faced some disadvantages in comparison with Sunnis.

The Ministry of Awqaf and Islamic Affairs (MAIA) officially oversees religious affairs. Many religious groups gather informally for worship without societal or governmental interference. Officially recognized Christian churches must deal with a variety of governmental entities, including MOSAL (for visas and residence permits for clergy and other staff) and the local municipality (for building permits). While reportedly there was no official government "list" of recognized churches, seven Christian churches had some type of official recognition enabling them to operate openly. These churches--Anglican, Armenian Orthodox, Coptic Orthodox, Greek Catholic (Melkite), Greek Orthodox National Evangelical (Protestant), and Roman Catholic--were allowed by MOSAL to have resident visas for expatriate staff.

Four denominations were widely understood to benefit from full government recognition and were allowed to operate compounds officially designated as churches: Anglican, Coptic Orthodox, National Evangelical, and Roman Catholic (including Latin Catholic, Maronite, and other groups). However, there were quotas on the number of clergy and staff they could bring into the country, which some churches found sufficient and others found insufficient. Most existing facilities were inadequate to serve their respective communities.

Members of religions not sanctioned in the Koran, such as Baha'is, Buddhists, Hindus, and Sikhs, may not operate official places of worship, but they were allowed to worship in their homes without government interference.

There is no specific law banning the establishment of non-Muslim places of worship; however, in practice the government denies permission to the few groups that applied for licenses to build new places of worship. This deterred some religious groups from applying for a license during the year.

Most Christian groups have found it impossible to build new churches to serve the growing community of expatriate Christians in the country, who number over 400,000. The Greek Catholic (Melkite) Church continued a protracted struggle with the Municipal Council to secure land on which to build a new church. After it received an initial offer in 2005, the Municipal Council eventually denied its request in July 2006. The debate within the council's technical committee left little doubt that the problem was more religious than technical. The issue caused a number of prominent parliamentarians and religious figures to vociferously condemn the idea of building more churches in the country. The church appealed the council's decision through legal channels.

Whereas Shi'a were estimated at approximately 30 percent of the population, there were fewer than 40 Shi'a mosques and over 1,000 Sunni mosques. The MAIA stated that it would license and pay for Shi'a mosques on the condition that the MAIA would control the religious donations paid by Shi'as, as it does with the Sunnis. Shi'a resisted this requirement. According to the MAIA, the Shi'a preferred to practice their religion in their "husseiniyas" (religious meeting places for Shi'a) in order to avoid government interference. The MAIA also said that new residential areas in the country will all be allocated Shi'a mosques.

Unlike previous years, the government did not allow Shi'a to reenact the martyrdom of Husayn, the Prophet Muhammad's grandson, on the occasion of Ashura, and it did not permit public marches for the commemoration. However, the government provided security to Shi'a neighborhoods and allowed worshipers to gather peacefully in public spaces to participate in other Ashura rituals.

Muslims who wished to convert from Islam to another religion faced intense societal pressure and generally had to hide their new religious affiliation.

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

Islamic religious instruction is mandatory in all government schools and in any private school that has one or more

Muslim students. The law prohibits organized religious education other than Islam; however, in practice the government allowed non-Muslim religious instruction as long as no Muslim students were taking part in the education. The government did not interfere with religious instruction inside private homes. Government inspectors reportedly visited public and private schools outside church compounds periodically to ensure that no religious teaching other than Islam took place. Government inspectors monitored religious worship services for possible antigovernment, extremist, or proselytizing rhetoric.

The government does not permit the establishment of non-Islamic religious publishing companies. A private company, the Book House Company Ltd., was permitted to import a significant number of Bibles and other Christian religious materials, including videotapes and compact discs, for use solely by government-recognized church congregations. The Book House Company Ltd. was the only company that had an import license to bring in such materials, which requires approval by government censors. The company supplied only bookstores operating within the Christian compounds.

In April the government again banned several books from display at an Islamic book festival organized by the Social Reform Society, a religiously-conservative NGO affiliated with the Kuwaiti Muslim Brotherhood. The banned books were authored by or contained the writings of individuals associated with the Wahhabi/Salafi movement in Islam.

A 1980 law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 were allowed to transmit their citizenship to their descendants.

The law forbids marriage between Muslim women and non-Muslim men. A non-Muslim woman is not required by law to convert to Islam to marry a Muslim man. In practice, however, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children. Failure to convert may also result in a wife not being eligible to inherit her husband's property or be naturalized.

Societal Abuses and Discrimination

Shi'a were free to worship without government interference; however, the Shi'a minority remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in higher levels of the government.

There were no facilities in the country to educate Shi'a imams. The Ministry of Education made no progress in reviewing a 2005 Shi'a proposal to establish a private college to train Shi'a clerics in the country. Similarly, there were no further developments to the 2005 call by a Shi'a leader to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam.

While discrimination based on religion reportedly occurred on a personal level, most observers agreed it was not widespread. Sunni-Shi'a relations were good overall. Tensions from regional conflicts led to increased attention to the issue. However, no tangible problems resulted.

There was institutionalized discrimination against Shi'a. Some Shi'a reported that they had been passed over for promotions and suspected their religious affiliation was the reason. Shi'a were underrepresented in certain branches of the military and security apparatuses.

Unlike previous years, Muslim converts to Christianity did not report harassment and discrimination by employers. There was a perception among some domestic employees and members of the unskilled labor force that there would be better treatment from employers as well as from society as a whole if they converted to Islam; however, others did not see conversion to Islam as a factor in this regard.

There were no reports of anti-Semitic acts sponsored by or endorsed by the government. Unofficial anti-Semitic

commentary from parliamentarians, the media, and from mosque preachers occurred. The government took no action to enact laws relating to the protection of the rights to religious freedom of Jews. There were no known Jewish citizens and very few expatriate workers. In the previous year there were examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict.

The MAIA continued to promote its "moderation" project, which aimed to discourage extremism among Muslims and improve the image of Muslims among non-Muslims. During the year MAIA's World Moderation Center funded a major research project to analyze the factors that cause individuals to become religious extremists. The study's goal was to enable policymakers to take measures that would prevent religious extremism in the country.

For a more detailed discussion, see the [*2007 International Religious Freedom Report*](#).

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

The constitution forbids the constraint of any resident's freedom of movement or choosing their place of residence except "in accordance with the provisions of law." However, the government placed some limits on freedom of movement in practice.

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

While not sanctioned by law, MOI regulations restrict women from obtaining passports; enforcement is lax. Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel. Immigration authorities, at the husband's request, may prevent her departure from the country by a 24-hour travel ban, after which a court order is required to prevent the wife from leaving the country. During the year there were reports of travel bans lasting longer than 24 hours without a court order.

All children under 21 years of age require their father's permission to travel outside the country.

The law permits the government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice this resulted in citizens and foreigners being prevented from departing the country without investigation or a legal case going before a court of law. Persons who believe a travel ban has been issued against them can bring a civil suit against the person who initiated the travel ban request.

Although illegal, many employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. On July 18, MOSAL issued a ministerial decree prohibiting the withholding of travel documents of workers in the government and private sectors however the decree was not enforced. The courts can require an employer to return an employee's passport, but in practice many foreign workers did not use the court system due to financial reasons and a language barrier. Embassies of labor source countries reported that retention of passports by employers was a major problem.

Members of licensed NGOs must obtain government approval to attend international conferences as NGO representatives. The government severely restricted the ability of its Bidoon population to travel abroad. However, the government permitted some Bidoon to travel to Saudi Arabia during the year for the annual hajj.

The law prohibits the deportation or forced exile of citizens, and there were no reports of such practices during the year. The penal code stipulates that noncitizens convicted of felonies be deported after finishing their jail terms. Under this provision, citizens can lose their citizenship if sentenced for a felony during the first 10 years of obtaining citizenship, discharged from a public job for "acts against integrity" during the first 10 years after obtaining citizenship, or determined to have established residence in a foreign country and have joined an authority designed to undermine the country.

Unlike previous years, the MOI issued a limited number of passports to Bidoon and allowed them to keep them. The passports are valid for five years, and unlike travel documents issued in the past (referred to as "article 17" passports), the passports are not confiscated until the traveler returns to the country. In addition, during the year the government issued more than 15,000 article 17 passports. In previous years Bidoon residents who were able to obtain travel documents surrendered these documents on their return to the country from abroad. In order to travel again outside the country, they had to obtain permission from the ministry to collect their passports.

The state can revoke citizenship, and the law states that issues of citizenship cannot be appealed to a court of law. In practice revocation did not occur during the year.

Protection of Refugees

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, which the country has not signed. The government has not established a system for providing protection to refugees. The government did not grant refugee status or asylum. In practice the government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. The constitution prohibits the extradition of political refugees. The government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The government permitted approximately 10,000 Palestinian refugees to live and work in the country and adopted some provisions to make it easier for them to stay in the country than for other noncitizens.

The government did not permit the ICRC to verify whether deportees objected to returning to their countries of origin and detained those with objections until they either changed their minds or made alternative travel arrangements.

Stateless Persons

Citizenship is derived entirely from the father. The legal status of tens of thousands of Bidoon residents, persons with residency ties to the country who lack or conceal documentation of any nationality or citizenship, remained unresolved. The exact number of Bidoon residents was unknown. The Executive Committee on Illegal Residents, an administrative body that is part of the MOI, is charged with dealing with Bidoon affairs. The committee held files on approximately 90,000 Bidoon, but the numbers total more than 100,000, according to most estimates. A report released in June from the Ministry of Planning put the number of Bidoon at 104,424 at the end of 2006. Since the mid-1980s, the government actively discriminated against the Bidoon in areas such as education, employment, medical care, and freedom of movement. The children of male Bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Bidoon children are barred from public schools. In 2004 a member of the royal family initiated a charitable fund to pay for Bidoon children to attend private schools; however, according to Bidoon contacts and activists, the fund was insufficient to cover the needs of many Bidoon children.

Unlike in previous years, in November the government began accepting applications from Bidoon to join the police. Beginning in the mid-1980s, and especially after the country's liberation in 1991, the government did not allow Bidoon to work in most government jobs. The Bidoon freely worked in all government ministries before that period with especially high concentrations in the Ministries of Interior and Defense. Some served in the nonofficer ranks of the armed forces, although Bidoon are now barred from enlisting. The government made it difficult for Bidoon to obtain official documents necessary for employment, such as birth certificates, civil identification cards, driving licenses, and marriage certificates. In March 2006 the government allowed Bidoon to renew their identity documents. Many Bidoon had not been able to renew these cards in five or more years. Some Bidoon complained that the card in itself did not allow the Bidoon to work or obtain other documents and that the issuing of the cards

was a way for the government to track them.

On January 6, the government began accepting applications for driving licenses from the Bidoon; however, many were concerned because the licenses listed the Bidoon bearer's nationality as "illegal resident." Bidoon worried that this would later be used as evidence that they were not citizens. The controversy caused the government to stop issuing the licenses. On June 30, the government began to issue special passports to certain categories of Bidoon, such as those needing medical treatment abroad and those in certain professions.

On December 31, the government granted citizenship to 573 Bidoons. In 2006 the government granted citizenship to approximately 400 Bidoon and 1,800 in 2005. Only Bidoon registered by 2000 could begin the process to gain citizenship. According to the law, Bidoon who were able to prove sufficient ties to the country (their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. In recent years a total of 10,600 Bidoon received citizenship. There were 89,779 Bidoon citizenship requests pending at year's end.

Many Bidoon were unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they were truly stateless. However, the government maintained that the vast majority of the Bidoon--the government claimed approximately 26,000 over the past several years--concealed their true identities, and that most were citizens of Iraq, Saudi Arabia, Syria, and Iran who wanted to enjoy the country's social benefits.

Once documented, Bidoon were able to obtain residency permits and other official papers. However, Bidoon who declare another nationality lose the opportunity for citizenship, as do their family members. During the year many Bidoon were caught with forged passports from countries such as the Dominican Republic and Nigeria. They claimed they were from countries they had no connection to in order to facilitate obtaining documentation and work. There were no reports during the year of the government deciding the nationality of any Bidoon without a hearing. There continued to be reports of Bidoon obtaining false documents in order to apply for citizenship.

The issue of extending citizenship to Bidoon was highly divisive in society due to the political, economic, and long-term budgetary implications associated with extending citizenship, and the generous welfare benefits that come with it. Some observers noted that tribal rivalries also explained why some citizens opposed naturalization of the Bidoon.

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

The constitution states that "the system of government in Kuwait shall be democratic, under which sovereignty resides in the people, the source of all powers." Citizens had the right to change their representatives in the legislative branch of government but not the executive branch. The constitution stipulates that the country is a hereditary emirate, and that the emir will be a descendant of Mubarak Al-Sabah, the country's ruler from 1896 to 1915. The elected National Assembly must approve the emir's choice of crown prince (the future emir). If the assembly rejects the emir's nominee, the emir then submits three names from which the assembly must choose. The assembly may remove the emir from power if it declares him unfit. In January 2006 the National Assembly exercised this power for the first time in the country's history.

Under the law the emir holds executive power and shares legislative authority with the elected National Assembly. The emir appoints the prime minister. The prime minister chooses a cabinet (Council of Ministers) of up to 16 ministers, which is subject to approval by the emir. At least one of the cabinet members must be an elected member of parliament.

The law empowers the emir to suspend the National Assembly's provisions and rule by decree in a state of emergency when martial law is declared, although the National Assembly must approve the emir's decision to declare martial law. The constitution provides that cabinet members sit in the National Assembly and vote on legislation. There are 50 elected National Assembly members, each of whom serves a four-year term. The

appointed cabinet members also serve as ex officio members. The National Assembly must approve all legislation. If the emir promulgates a law while the assembly is not in session, it must be approved when the assembly returns to work.

Members regularly require ministers to appear before the full National Assembly for formal interpellations, known as "grillings," when members of parliament (MPs) are dissatisfied with a minister's performance. During the year, pressure exerted by the National Assembly, including through threats of votes of no confidence, led to the resignation or removal of ministers. On February 19, parliament grilled the minister of health, which caused the resignation of the entire cabinet. The new cabinet included a new health minister, who subsequently resigned in August under threats of grilling. On June 25, parliament grilled Ali Al-Jarrah, the oil minister, which led to his resignation on June 30. In December 2006 parliament was scheduled to grill the minister of information, who resigned at the last minute.

Elections and Political Participation

In May 2006 the emir exercised his constitutional right to dissolve the National Assembly. The move came after the assembly reached an impasse over reducing the number of electoral districts from 25 to five. According to the constitution, the emir must call elections within two months of the dissolution, and he set elections for June 29.

In order to vote in National Assembly elections, citizens must be at least 21 years of age, have been citizens for at least 20 years, and not be members of the armed forces, police, or other MOI uniformed personnel, with the exception of the National Guard. Candidates must be citizens who read and write Arabic and who are at least 30 years old.

The June 2006 parliamentary elections were the first national elections in which women had the right to vote and run for office. The 2005 law granting women full political rights requires women to conduct themselves according to the stipulations of Shari'a when participating in political activities. This formulation was not used to limit women's rights to vote or run in the 2006 elections. There were no political parties. There were reports of vote-buying by the government and the opposition. Nonetheless, local observers and the press considered the elections generally free and fair since there was genuine competition for seats and no significant reports of irregularities in voting procedures or counting. The political blocs opposing the government increased their representation from 29 to 34 seats.

Approximately 30,000 citizens were not allowed to vote because they lived outside of the official boundaries of the electoral districts. The electorate consisted of 340,248 citizens, 57 percent of whom were women. A primary reason for the large discrepancy between the number of male and female voters was that citizens from most branches of the military and police were barred from voting. Another reason is that women were registered automatically whereas men were not. A total of 249 candidates, including 27 women, competed for the 50 seats. Media sources reported that 66 percent of registered voters voted, including 58 percent of eligible female voters.

Thirty-two female candidates entered the race. A number of candidates withdrew for various reasons, but 27 women remained on the ballot through election day. None won a seat in parliament. The elections were originally scheduled to take place in 2007; however, because the emir dissolved parliament in May 2006, new elections had to be held within 60 days according to the constitution. Candidates therefore had only one month to organize their campaigns. Many cited this as a factor that weakened women's chances since they had less experience campaigning than men. Several women faced harassment. One candidate's campaign posters were defaced. Another candidate withdrew as a result of death threats, reportedly from members of her own tribe. Some female candidates complained that election officials treated them dismissively. Overall, however, women were able to compete freely.

Female voters also influenced the campaign process. Male candidates, even those who had voted against female suffrage, held special rallies for female voters. Issues perceived as important to women, such as education and the Bidoon, received particular attention. Women volunteered as campaign workers at all levels for both male and

female candidates. Some men reportedly instructed their female relatives to vote for particular candidates, although voting was by secret ballot.

In a special April 2006 election for a seat on the Municipal Council, women voted and ran for the first time in the country's electoral history. The council, with a four-year term, is composed of 16 members, 10 popularly elected and six appointed by the government. It wields extensive power in the country because, among other things, it controls land allocation for public and private uses. Two female candidates ran, with one placing second. Media reports put female turnout at 29 percent, compared with the overall turnout of 38 percent. Women faced some difficulty in breaking social taboos, but there were no direct barriers to their participation in the election. The winning candidate was criticized for holding a preelection primary, which is illegal; however, according to local observers and the press, the election was considered free and fair.

There is an informal ban on political parties, although there is no law permitting or prohibiting their formation. Nevertheless, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the national assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts.

During the 2006 elections, there were 25 electoral districts, and the top two finishers in each constituency were elected in single-round balloting. In July 2006 the National Assembly passed a law to reduce the number of electoral districts from 25 to five in order to reduce the opportunity for vote-buying. Under the new law, each vote chooses four candidates, and the top 10 vote getters from each district win seats in parliament.

In 2005 the prime minister appointed two women to the Municipal Council, a body comprised of elected and appointed members. On March 25, the prime minister appointed Maasouma al-Mubarak as minister of health. She became the first female minister in June 2005, when she was appointed minister of planning and administrative development. In July 2006 she also became minister of communications. On August 24, she resigned as minister of health. On March 25, Nuriyah Al-Subih became the second female minister as education minister. Women also held some relatively senior nonpolitical positions within certain ministries.

Minister of Communications al-Mubarak had been one of two Shi'as represented in the 16-member Cabinet appointed in March, which was the same number as in the previous cabinet. Of 50 elected National Assembly members, four were Shi'a, as opposed to five in the previous assembly.

Government Corruption and Transparency

The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The Worldwide Governance Indicators of the World Bank reflect that corruption was a problem.

MOSAL and the MOI discovered numerous cases during the year of ministry employees forging documents enabling the importation of foreign workers. Police arrested numerous individuals, launched investigations, and announced they would strengthen measures to prohibit further occurrences of document fraud. MOSAL also closed down companies that were illegally importing workers.

On November 11, a MOSAL undersecretary stated that MOSAL sent 139 employers to court for violating the labor law by forging documents, as stated above, and two companies were permanently closed while several others were fined.

There were no developments in the 2006 case of a Criminal Investigation Division officer who agreed to arrest a Jordanian national and transfer \$5.5 million (1.5 million dinars) into the bank account of a Kuwaiti businessman, at the businessman's request. A member of parliament publicly criticized the judiciary's weak response to the incident, and authorities subsequently detained the MP in a police station until the speaker of parliament intervened to release him from custody without bail.

In March 2006 the government granted a license to the Kuwait Transparency Society, an NGO focused on combating corruption. The Transparency Society announced plans to publish corruption indices for government institutions but had not done so by year's end.

Several MPs disclosed their financial assets, although there is no law requiring them to do so.

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

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

The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in overtly political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society (KHRS) and the Kuwaiti Society for Fundamental Human Rights (KSFHR). The KHRS, which operated since the early 1990s and received its official license in 2004, produced an annual report on human rights in the country during the past, sporadically published a magazine, and met with senior government officials. The KSFHR came into existence in 2005. It aimed to approach human rights from an Islamic perspective. Its leaders have spoken out on human rights issues such as the treatment of foreign workers and the Bidoon, but it had not published anything other than a booklet describing the organization and had not conducted any activities. Other local licensed NGOs devoted to specific groups of people, such as women, children, foreign workers, prisoners, and persons with disabilities, are permitted to work without government interference. Also, an unknown number of local unlicensed human rights groups operated without government restriction during the year.

The government permits international human rights organizations to visit the country and establish offices, although none operated in the country. At least one such organization, Refugees International, performed a human rights study, and published the study without government interference. Their October report, based on research carried out in July, addressed difficulties faced by many Bidoon in daily life.

The government has cooperated fully with the work of the UN special rapporteurs for Iran and Iraq and the high-level representative of the secretary general on the issue of its citizens missing in Iraq since the end of the Gulf War. The government permitted visits by international governmental organizations.

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Women in Kuwait now have political rights; however, they continue to face discrimination in the workplace and under Kuwaiti personal status law. However, women have obtained prominent positions in government and business.

Violence against women continued to be a serious and overlooked problem. Rape is criminalized with a maximum penalty of death, which the country imposes for the crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. The police occasionally arrested rapists, and several

were tried and convicted during the year; however, laws against rape were not always enforced effectively. According to third-country diplomatic sources, victims reported that some police stations and hospitals handled their cases in a professional way, but many did not.

The law does not specifically prohibit domestic violence, although cases are tried as assault. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases were not reported, especially outside of the capital. Abusive husbands, if convicted, rarely faced severe penalties, and there was no criminalization of spousal rape.

There are no shelters or hot lines for victims of domestic violence, although on September 24, the government opened a shelter for domestic workers.

Some noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year. By law a victim of domestic violence may file a complaint with the police and request that formal charges be brought against the abuser. In practice, however, even with documented evidence of the abuse such as eyewitness accounts, hospital reports, and social worker testimony, police officials rarely took into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law does not provide clear legal standard as to what constitutes injury. In addition a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury suffered. Individuals reportedly bribed police officials to ignore charges of domestic abuse.

Honor crimes are prohibited; however, the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is three years in prison. In contrast to 2006, there were no reported cases of honor crimes during the year.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. The government generally deported prostituted persons to their countries of origin; some, however, were released after signing a pledge of good conduct. Pimps received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped into prostitution.

There is no specific law that addresses sexual harassment. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem. While no official statistics on the problem were available, on June 30, *Al-Qabas*, a local newspaper, conducted a survey of 100 women from various professions, of whom 40 percent stated that they had experienced sexual harassment.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is governed by Shari'a, which differs according to the school of Islamic jurisprudence followed by the different populations in the country. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Citizen families (a "family" must always include a male) are entitled to receive either a house or a plot of land and a \$240,400 (70,000 dinars) interest-free government loan ("housing allowance") to purchase a house. The government registers the house in the names of both the husband and the wife. However, in case of divorce, a female citizen loses her right to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children resulting from the marriage, but she must move once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a noncitizen cannot, by law, qualify for the government housing allowance.

The parliament has a women's affairs committee. During the year it held a conference on women's issues and proposed a law to increase benefits to women wanting to stay home from work to care for family members.

The law provides for female "remuneration equal to that of a man provided she does the same work." The law prohibits women from working in "dangerous industries" and trades "harmful" to health. In June parliament

amended the private sector labor law (No. 38 of 1964) prohibiting women in most fields from working after 8 p.m. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 40 percent of female citizens of working age were employed.

The law discriminates against female citizens married to noncitizen men. These women, unlike male citizens, are not entitled to government housing subsidies and are required by law to pay annual residence fees of \$734 (200 dinars) for their husbands and children. The law does not recognize marriage as the basis for granting residency to noncitizen husbands. Instead the law grants residency only if the husband is employed. By contrast, male citizens married to noncitizen women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage. Noncitizen women can obtain citizenship from their husbands, but citizen women cannot pass citizenship to their noncitizen husbands or their children.

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

Children

The government is generally committed to the rights and welfare of citizen children.

The government did not issue birth certificates to Bidoon children, which resulted in the denial of public services to those children.

Education is free through the university level. Primary and secondary education is compulsory and universal. For the 2004-2005 academic year, the most recent for which the government had statistics, estimated primary enrollment was 89 percent. Both boys and girls had equal access to education.

The government provides free healthcare and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care. Government hospitals made certain medicines available to citizens at no cost but charged noncitizens fees. Both boys and girls had access to the same quality of medical treatment.

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

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

In 2005 the government banned the use of underage camel jockeys, and there were no credible reports of underage camel jockeys during the year.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although it does prohibit transnational slavery. Trafficking in persons is a serious problem in the country.

Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. In October 2006 the MOI put into effect a standardized domestic labor contract. The contract, which specifies a minimum wage and forbids passing fees on to workers, must be signed by the worker, the Kuwaiti recruitment agency, and the employer. Violators can be prosecuted in a court of law; none have been prosecuted since the standardized contract was created.

Victims were trafficked primarily from South and East Asia, especially Bangladesh, India, Indonesia, Pakistan, the

Philippines, and Sri Lanka, although individuals from other countries, such as Ethiopia and Eritrea, also reportedly were trafficked. Hundreds of thousands of Egyptians worked in the country, and some of them were subjected to trafficking, primarily in the form of debt bondage.

The primary purpose of trafficking was to provide cheap labor. Some foreign workers were abused by their employers or coerced into situations of debt bondage or involuntary servitude. Instances of laborers associated with visa trading schemes were reported during the year. Some women were trafficked into prostitution. The most prevalent trafficking cases involved female domestic laborers, but uneducated workers in unskilled service jobs were also victims of trafficking. There were reports that foreign workers under age 18 were employed in homes in the country, but most victims were adults. Those at highest risk for trafficking tended to be less educated, to come from countries with a relatively undeveloped set of controls for monitoring the flow of workers from the country, and to work in domestic or menial labor.

Many domestic workers reported that they were compelled to work more than their agreement provided for, or that they were not allowed to leave their houses. One of the most common complaints was lack of payment.

The principal traffickers were labor recruitment agencies and sponsors (employers) of foreign workers. Both citizens and noncitizens were involved in trafficking. Government officials reported that foreign embassies provided refuge for potential trafficking victims but later arranged employment for the workers outside of the embassies, thus profiting from their status and bypassing the law. Workers came to the embassy shelters because they were being harassed by or had not received their salaries from their employers.

The primary method used to obtain and transport victims was for employers to offer valid contracts to workers and then not honor those contracts. There were reports that workers were given new contracts at lower salaries than those they signed in their countries, or that multiple fees were deducted from their salaries. Nondomestic laborers had their salaries automatically deposited in their bank accounts. Some companies reportedly kept workers' cash cards and withdrew part of the money so that the salary deposit looked sufficient but the worker actually received smaller amount. The workers found it difficult to leave these situations for several reasons: employers frequently withheld the passports of their workers; employees often paid exorbitant sums to come to the country and were in so much debt that they could not afford to return home; or employers could file or threaten to file criminal charges against workers for absconding if the worker tried to leave a bad work situation. Workers had only limited ability to transfer from the sponsorship of one employer to another.

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

Penalties for trafficking-related crimes range from fines and incarceration for assault and battery to life sentences, and death for rape. However, in most cases, law enforcement efforts focused on administrative measures, such as shutting down companies in violation of labor laws or issuing orders to return withheld passports or to pay back-wages owed rather than criminal punishments for abusive employers. Victims of trafficking were sometimes detained, prosecuted, or deported for acts committed as a result of being trafficked, such as running away from their sponsors in violation of immigration laws and prostitution.

During 2006, the most recent year for which statistics were available, the courts made a number of convictions for crimes clearly related to trafficking: the courts convicted 258 persons of importing workers without providing them with work, and the courts convicted 276 persons for illegal selling of residence permits to foreigners. The government also took legal action in cases where trafficking may have been a factor; it reported 19,908 convictions

during the year for violations of workers' rights, and MOSAL closed down 1,818 companies for violating the terms of their business licenses.

Companies who trade in visas or otherwise abuse their privileges to import workers can be temporarily or permanently closed. Companies are required to keep a deposit with MOSAL so that if they are found to have not paid salaries, MOSAL can use the deposit to remunerate the worker.

The physical or sexual abuse of foreign women working as domestic servants was a serious problem. Some employers physically abused foreign women working as domestic servants, and despite economic and social difficulties for a domestic servant to lodge a complaint, these women continued to report such abuse. The local press devoted considerable attention to the problem, and both the police and courts took action against employers when presented with evidence of serious abuse. Occasionally domestic workers were charged with assaulting or otherwise harming their employers; in such cases the workers claimed that they acted in response to physical abuse or poor working conditions. There were dozens of reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse.

Numerous prostitution rings were uncovered by police, in which women were being held captive. In some cases women were working illegally because the working conditions with their legal sponsors were unacceptable. They were then vulnerable to resorting to or being coerced into prostitution. In February numerous *Arab Times* reports discussed Farwaniya police raids on several brothels in Jleeb Al-Shuyoukh and arrests of 15 Asian women and five Asian pimps. During interrogation four women confessed that pimps forced them into prostitution. Police filed a case and referred all of them to the relevant authorities. The government put more emphasis on trying to resolve conflicts through mediation rather than prosecution. The Domestic Workers Administration (DWA), which has perhaps the most direct role in rectifying cases of trafficking of domestic workers, has little enforcement power and therefore tries to convince the employer and employee to come to an informal agreement. The DWA is often able to broker solutions. Employees often feel pressured to accept less than what they are owed because they know that it can take a year or more to pursue their cases in court, and they generally will not be permitted to stay and work in the country during that time. Although domestic workers avoid courts due to the length of time cases take and due to their lack of knowledge of local legal structures, the courts frequently ruled in favor of domestic workers who brought cases.

The government has an interministerial committee to deal with expatriate worker issues. The committee met several times during the year but did not take any actions that would have an effect on trafficking.

Runaway servants, including those alleging physical or sexual abuse, often sought shelter at their country's embassy pending repatriation or a change in employer. Of an estimated 540,000 domestic servants in the country an estimated 800 women were reported to be in informal shelters run by source country embassies on any given day during the year.

The government and NGOs did take some measures to assist trafficking victims. On September 24, the government opened a shelter for domestic workers. The new shelter is temporary and for women only. It serves women from India, Indonesia, the Philippines, Sri Lanka, and other countries in South and Southeast Asia. Its capacity is between 50 and 60 individuals. The permanent shelter has a planned capacity of 700, including men and women. The government occasionally paid for airline tickets to repatriate runaway or abused domestic servants when their employers refused to repatriate them. However, employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases the domestics often were deported without compensation.

During the year the MAIA's 2006 public awareness project completed several studies on the domestic work sector and broadcast several television programs to encourage sponsors to treat their workers respectfully. The MAIA did not initiate new projects during the year.

Persons with Disabilities

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

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constituted the government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides financial aid to the disabled, and facilitates the integration of the handicapped into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs that catered to people with special needs.

Other Societal Abuses and Discrimination

Homosexuality is illegal, and there was discrimination against homosexuals in societal attitudes and legal issues.

On December 10, the National Assembly approved a law to impose a fine of \$3,450 (1,000 dinars) and/or one year's imprisonment for those imitating the appearance of the opposite sex in public. According to HRW, in December police arrested several individuals they believed were imitating the appearance of the opposite sex. For example, on December 18, police arrested three individuals at a police checkpoint in Salimeya and days later arrested three more individuals in Kuwait City. On December 21, police arrested three individuals in Hawalli district and two others at a police checkpoint. According to HRW, the men were subjected to physical and psychological abuse while in detention in Tahla prison. HRW reported that the detainees did not have access to counsel. At year's end the men remained in detention.

There were no developments in the 2006 case in which police raided a party where homosexuals were allegedly celebrating a wedding. In 2005 police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant.

Unmarried men faced housing discrimination based solely on marital status. Emiri decree 125 of 1992 prohibits single men from obtaining accommodation in many urban residential areas as determined by the Municipal Council. At year's end the government had not completed the 2005 plan by the Council of Ministers to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas.

Section 6 Worker Rights

a. The Right of Association

With the notable exceptions of the country's approximately 540,000 domestic servants and an unknown number of maritime employees, the labor law provides that workers have the right to join unions without previous authorization. Foreign laborers employed as domestics constitute one-third of the noncitizen workforce and are specifically excluded from the right to associate and organize. An estimated 80,000 persons, or 5 percent, of a total workforce of 1.6 million were organized into unions.

For those workers who may join unions, the government restricts the right of freedom of association to only one union per occupational trade and permits unions to establish only one federation, the Kuwait Trade Union Federation (KTUF), which is composed of 15 unions. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the ILO and the International Trade Union Confederation have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.

The government essentially treated workers' unions as parastatal organizations. After vetting and approval, MOSA provides as much as 90 percent of their budgets and may inspect the financial records of any union. The expanded unions mainly benefited citizen laborers employed in the public sector, while expatriate workers continued to face restrictions.

The government licensed no new unions during the year. At year's end there were 47 officially sanctioned unions. December 2006 statistics cited 1,622 million noncitizen laborers in the country, comprising 83 percent of the total workforce of 1,963 million. However, foreign workers constituted approximately 20 percent of KTUF members. The Labor Law discriminates against foreign workers by denying union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this requirement was not widely enforced in practice.

The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The emir also may dissolve a union by decree. By law the MOSAL is authorized to seize the assets of any dissolved union. The law subordinates the legal existence of the unions to the power of the state; however, no union was dissolved during the year. The government denied several unions' applications for official recognition during the year.

The labor law prohibits antiunion discrimination. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. Employers found guilty of such discrimination must reinstate workers fired for union activities. There were no reports of discrimination against employees based on their affiliation with a union.

b. The Right to Organize and Bargain Collectively

The Labor Law provides workers, with the important exception of domestic servants and maritime workers, with the right to organize and bargain collectively, subject to certain restrictions; the government generally respected in practice the rights of those workers covered by the law. The law limits the right of workers to strike.

The law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements are resolved in such negotiations; if not, either party may petition the MOSAL for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the office of the attorney general, and the MOSAL.

The civil service law makes no provision for collective bargaining between government workers and their employers. Technically, the government is responsible for establishing wages and employment conditions for civil service workers, but it generally determined benefits in consultation with civil service unions, such as the Government Workers Union. Union officials resolved most issues at the working level and had regular access to senior officials.

The law requires all labor disputes to be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers' freedom from legal or administrative action taken against them by the state. However, the MOSAL was responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers.

On November 19, a civil aviation strike of citizen airport workers demanding higher wages and hazard pay resulted in a shut down of the international airport for several hours. The strike was called off when the emir intervened and told workers salaries would be raised upon completion of a study of public sector jobs anticipated for February 2008.

In November 2006 civilian employees of the MOI staged a sit-in to protest work conditions. The Federation of Governmental Unions undertook an information campaign and a sit-in that resulted in the Civil Service Council acceding to its labor demands.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor "except in cases specified by law for national emergency and with just remuneration;" however, there were reports that such practices occurred.

The law prohibits forced and compulsory labor by children younger than 18; however, there were credible reports of underage girls working as domestic servants.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor law prohibits child labor, forced or compulsory labor, and exploitation of workers; there were credible reports of some underage domestic servants and isolated reports of underage workers.

The legal minimum age is 18 years to engage in all forms of work, both full- and part-time. Employers may obtain permits from the MOSAL to employ juveniles between the ages of 14 and 18 in nonhazardous trades. Juveniles may work a maximum of six hours a day on the condition that they work no more than four consecutive hours followed by one-hour rest periods.

Some underage workers reportedly falsified their ages in order to enter the country. During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries. The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor.

e. Acceptable Conditions of Work

An institutionalized, two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while noncitizen workers, even those in skilled positions, received substantially lower wages. A national minimum wage was in effect for public sector employees. Citizens were guaranteed at least \$700 (200 dinars) per month, while the noncitizen wage was \$320 (90 dinars). The public sector minimum wage provided a decent standard of living for a worker and family. There was no legal minimum wage in the private sector. The minimum wage for domestic workers who signed contracts after October 2006 was \$140 (40 dinars). The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

The law establishes general conditions of work for the private sector, with the oil industry regulated separately. The law limits the standard workweek to 48 hours with one full day of rest per week; one hour of rest after every five consecutive hours of work; provides for a minimum of 14 workdays of leave each year; and establishes a compensation schedule for industrial accidents. The government had amended the law to extend the weekly one-day rest period to temporary workers employed less than six months and to workers in enterprises employing fewer than five persons. Domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours, often with no day of rest and no annual leave. As of October 2006, they were entitled to a weekly day of rest, two daily one-hour rest periods, and a month of annual leave.

The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing working conditions were not applied uniformly to foreign workers. The civil service law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers.

The government issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, government attention to worker safety issues

remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop when the temperature rises about 50 degrees Celsius (122 Fahrenheit) however, media sources alleged that the government falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In previous years recorded temperatures reached 12 degrees Fahrenheit, but work reportedly continued at many outdoor locations.