

2013 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. The July 27 parliamentary elections were generally free and fair, although some opposition groups boycotted. Authorities maintained effective control over the security forces. Security forces occasionally committed human rights abuses.

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

Other human rights problems included reports of security force members abusing prisoners and protestors; arbitrary arrest and extrajudicial deportation of foreign workers; limitations on freedoms of press, association, and religion; and restrictions on freedom of movement for certain groups, including foreign workers and Bidoon. Women, Bidoon, and noncitizens faced social and legal discrimination. Domestic violence against women remained persistent.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and the 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. Security forces reportedly detained, harassed, and sexually abused transgender persons (see section 6).

On June 17, the Court of Cassation, the country's highest court, sentenced two police officers to death for their roles in beating and torturing to death Mohammed al-Maimouni al-Mutairi in 2011; the ruling increased the lower court's sentence of life imprisonment. The Cassation Court affirmed the prior convictions of four other officers sentenced to 15-16 years in prison; the convictions of three other officers on lesser charges, who received shorter jail sentences and fines; and the acquittals of 11 other officers.

The government stated it investigated all such 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.

Prison and Detention Center Conditions

Prison and detention conditions generally met international standards, but the facilities were often overcrowded. Some detention facilities lacked adequate sanitation and sufficient medical staff. There were reports security forces abused prisoners.

Physical Conditions: The Central Prison Complex houses the country's three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. There were approximately 400 inmates in the women's prison and 2,500 inmates in the men's prisons, both citizens and nonnationals. Inmates reportedly lived in moderately overcrowded conditions. Prisoners had access to potable water. There were two reported deaths of prisoners: a woman who hanged herself and a man who died from a drug overdose. There were some reports that security forces abused prisoners.

The Talha deportation center has a capacity of 1,000. The overall detainee population was unknown, although observers reported overcrowding at times and poor sanitation. In mid-July police temporarily stopped arresting residency violators because there was no space in which to house them prior to trial or deportation.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing, namely fines, in the case of some nonviolent offenses. Prisoners generally had access to personal visitors and were permitted religious observance. Ombudsmen were not available to respond to complaints on behalf of prisoners. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. Prisoners reported some unresponsiveness to routine requests.

Independent Monitoring: The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International

Committee of the Red Cross (ICRC). The ICRC visited the men's prisons and the detention center in October. The government allowed representatives of the leading human rights nongovernmental organization (NGO), the Kuwait Human Rights Society (KHRS), to visit prisons and prisoners during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. There were numerous reports, however, that police arbitrarily arrested individuals, principally as part of sustained action against unlawful residents, via traffic stops and police raids, and subsequent deportations.

Role of the Police and Security Apparatus

Police have sole responsibility for the enforcement of laws not related to national security, and Kuwait State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities.

Police were generally effective in carrying out core responsibilities. There were reports some police stations did not take seriously charges by complainants, especially foreign nationals 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 April security personnel kicked and beat an unarmed human rights monitor, Sulaiman Binjassim, at an unlicensed political rally. A public prosecutor filed a complaint on Binjassim's behalf over the abuse, which resulted in severe injuries as documented in medical reports. Security personnel also abused Binjassim while in detention. The government did not discipline or prosecute the officers involved, but charged Binjassim on five criminal counts, including resisting arrest and assaulting a police officer. Human Rights Watch (HRW) sent a letter condemning the abuse to the government, but the government did not respond.

According to the government, during the first nine months of the year, individuals filed 29 complaints against police officers. Authorities referred four cases to the courts for adjudication, declined to pursue six for lack of jurisdiction, and dropped one case upon further review; 18 cases remained under investigation. The court cases were pending as of late November.

Several media reports throughout the year detailed sexual assaults by police officers, usually against nonnational women.

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

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 penal code, 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 lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality, 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. 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. On that basis the government held noncitizens arrested for traffic and other low-level offenses in pre-deportation detention without judicial review, and frequently did not permit them to contact their embassies, families, or an attorney. Administrative deportation orders can be signed by a police officer or ministerial official at any level.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention, and the government observed these prohibitions for citizens. Noncitizens generally benefitted from such protections, but during a prolonged effort to detain and deport unlawful residents, there were widespread reports that police arbitrarily arrested nonnationals, including some who possessed valid residency permits and visas.

In late May as part of the residency violator action (police sweeps to detain and deport unlawful residents), the government deported several Indian nationals to the wrong city in their home country, without notifying their families or their embassy.

Pretrial Detention: Arbitrary lengthy detention before trial was a problem, and 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.

Amnesty: While there were no known amnesties during the year, in May the emir pardoned 218 convicted criminals, including 181 noncitizens. On July 30, the emir also pardoned 10 individuals convicted of defaming him.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary and the right to a fair trial and state that "judges shall not be subject to any authority." Nevertheless, the emir appoints all judges, and the renewal of judicial appointments is subject to executive approval. Judges who are citizens have lifetime appointments; many judges were noncitizens and held one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause but rarely did so. 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, no women worked in those positions during the year. Authorities generally respected judicial decisions.

Under the law questions of status, immigration, and citizenship are not subject to judicial review, so foreigners arrested for unlawful residency, or those whose lawful residency is cancelled due to an arrest, have no access to the courts. They are instead subjected to administrative deportation, unless they faced felony charges for separate offenses.

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 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" necessitates 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 relevant to their cases, but the general public does not have access to most court documents.

Defendants have the right to confront their accusers, confront witnesses against them, and present their own witnesses. They have the right not to be compelled to testify or confess guilt. Defendants have the right to appeal verdicts to a higher court.

Some low-income foreign citizen laborers and domestic workers who were plaintiffs in criminal cases, however, were unable to afford legal counsel. In some instances the public prosecutor tried the case with little or no involvement by the plaintiff or the plaintiff's family. When plaintiffs received third-party assistance to bring a case, usually against a foreign worker's sponsor or family members of the sponsor, the cases were often resolved when the defendant paid a monetary settlement to avoid a trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters regarding human rights violations, but rulings occasionally were not enforced for varied reasons, including the influence of involved parties or concern for possible political repercussion. Authorities also used administrative punishments, such as travel bans and deportations, in civil matters.

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

The constitution and the law prohibit such actions, and the government generally respected these rights. The constitution seeks to preserve the integrity of the family. The law forbids marriage

between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry nonnationals. Nevertheless, the government offered only nonbinding advice on such matters and did not prevent any such marriages.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In December the Constitutional Court upheld the constitutionality of the law that criminalizes slander of the emir.

After a political opposition leader's April conviction for defaming the emir, the government interrogated at least 35 citizens, including journalists and former members of parliament (MPs), for repeating the politician's 2012 speech criticizing the emir. Several of those individuals faced defamation charges themselves. On November 10 and 12, the criminal court began hearing the cases in two groupings. The accused admitted repeating the speech, but denied defaming the emir. In both instances the court adjourned the case until December, and lifted the travel bans imposed on the defendants from the first group.

On March 15, the Court of Appeals affirmed law professor Obeid al-Wasmi's acquittal of charges of infringing in 2010 upon the emir's authority.

Press Freedoms: All print media were privately owned, although their independence was limited. They exhibited diversity of opinion but self-censored to avoid criminal charges or fines, or to keep their licenses. Restrictions on freedom of speech also applied to the press. Discussions of specific social topics, such as the role of women in society and sexual problems, 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 January the government closed Scope TV for two months and charged four of the station's staff for a program considered insulting to the Mutairi tribe. The court levied fines of 1,000 dinar (\$3,510) on each of the four defendants.

Before the annual international book fair held from November 21-30, the Ministry of Information added additional books to the thousands of titles already banned.

Violence and Harassment: The government sometimes harassed and prosecuted journalists for their reporting.

In March the Ministry of Information warned media outlets not to publish or broadcast news or information about the emir without prior written approval from the emir's office. On May 19, the editors in chief of the *Al-Jarida* and *Al-Seyassah* newspapers were fined 5,000 (\$17,550) and 10,000 dinar (\$35,100) respectively for publishing details of a meeting between the emir and some former parliamentarians, without prior approval.

Censorship or Content Restrictions: The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported materials deemed illegal per the guidelines enumerated for speech and press. Authorities censored most English-language educational materials that dealt with the Holocaust or referred to Israel to remove such references, although these topics were not censored in the news media. Widely available satellite dishes allowed unfiltered media access.

In October 2012 the Ministry of Information reportedly seized transmission devices owned by Mubasher Television and closed the station's headquarters. The station reportedly operated without the proper authorization; it remained closed during the year.

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

The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. Although the government continued to enforce a 2010 ban on publishing details of an investigation into an alleged Iranian spy network, media outlets continued to report on the final court judgments issued during the year for some defendants.

On March 20, the Court of Appeals extended the sentence of Badr al-Rasheedi from two years in prison to the maximum term of five years. A lower court had convicted al-Rasheedi in November 2012 of using his Twitter account to call for the overthrow of the regime; spreading false news abroad; undermining the emir's status and powers; defaming the emir; and other charges. The prosecution appealed the lower court's verdict, which it deemed too lenient. On July 30, the emir pardoned al-Rasheedi and nine others; authorities released him from prison on August 6.

Internet Freedom

The government monitored internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block websites considered to "incite terrorism and instability" and required internet service providers to block websites that "violate [the country's] customs and traditions," in addition to political sites that the

government found offensive. The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by e-mail and social media, based on existing laws related to libel 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 internet cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communications upon request.

Open Net Initiative, an internet freedom watchdog organization, ranked the country among the world's most internet-controlling countries, citing pervasive repression of internet freedoms by the government. Although the organization noted that local media are among the most outspoken regionally, it criticized the government's filtering of the internet to block pornography primarily, as well as gay and lesbian material, some secular sites, sites critical of Islam, and others carrying content on religious faiths other than Islam.

The government arrested at least a dozen persons for Twitter posts it deemed to be defaming to the emir. In adjudicating cases during the year, as well as similar pending cases from 2012, the courts imposed prison sentences ranging from a few months to 11 years; over 50 cases were pending as of December. Other defendants and convicts included opposition figures and former MPs.

On July 30, the emir pardoned 10 individuals convicted of defaming him, including Saqer al-Hashash, Sara al-Darees, and Rashid al-Enezi. Of those pardoned authorities released all but three (who had other court cases pending against them) on August 6.

Academic Freedom and Cultural Events

The law provides for freedom 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 annual public events, and it rejected those it considered politically or morally inappropriate.

On June 5, officials from the Ministry of Information forced the closure of a book store for selling John Milton's *Paradise Lost*, a banned book. The government imposed a travel ban on the owner pending trial.

Throughout the year the Ministry of Information banned more than a dozen books and at least 46 films.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted this right. Noncitizens are prohibited by law from demonstrating or protesting.

Political oppositionists organized several protests and rallies throughout the year. Security officials allowed many peaceful protests to proceed without permits, but intervened to disperse some

demonstrations that were unauthorized. Citing public safety and traffic concerns, officials sometimes also restricted the location of planned protests to designated public spaces. Courts tried and sentenced dozens of participants in unlicensed demonstrations to as much as one year in prison for their involvement. The government also deported several noncitizens who participated in demonstrations. In August the government deported nine Egyptians for participating in rallies in front of the Egyptian Embassy.

On January 7, police used nonlethal means, including tear gas, percussion grenades, rubber bullets, and smoke bombs to end a peaceful but unlicensed political opposition march to protest the previous December's parliamentary elections. Police arrested as many as 60 protesters, including several former MPs. Video footage showed police beating one protester, Salem al-Rujaib. The government did not charge or discipline the officers involved.

In some cases security forces claimed they required force because protesters were violent and set fire to cars while rioting. Human rights groups widely criticized security forces for using excessive force to disperse protesters.

On March 25, authorities released Abdulhakeem al-Fadhli, a prominent Bidoon organizer who was convicted in absentia in 2012 for allegedly assaulting a police officer and sentenced to two years in prison. Al-Fadhli, who was held for 103 days, carried out a lengthy hunger strike to protest his treatment while incarcerated.

Freedom of Association

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

The government uses its power to license associations as a means of political control. There were approximately 100 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. 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. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

In May the government attempted to prevent an unlicensed Bidoon rights organization, Group 29, from holding a conference on statelessness. A licensed organization, the Kuwait Graduates Society, assumed responsibility for the conference; the Ministry of Interior later formally admonished the society for its actions.

c. Freedom of Religion

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

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

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

Foreign Travel: Women and Bidoon (stateless persons and foreign workers) faced problems with or restrictions on foreign travel. A husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which he may obtain a court-ordered travel ban. 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 and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

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

Citizenship: 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 the year the government revoked the citizenship of some dual nationals and their children and attempted to compel others to give up their second nationality. A 1982 amendment to the Nationality Law prohibits the granting of citizenship to non-Muslims, but allows Christian male citizens to transmit citizenship to their descendents.

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 the UNHCR, during the year there were more than 2,100 registered asylum seekers and recognized refugees were in the country. Most of these were from Syria, Iraq, Somalia, and Iran.

Refoulement: Immigration regulations prohibit local integration for asylum seekers. Nevertheless, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees, and the government did not extradite any political refugees during the year.

Stateless Persons

According to the law, children derive citizenship solely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship. The law further fails to provide nonnationals, including Bidoon, a clear or defined opportunity to gain nationality. Female citizens may sponsor their nonnational children (regardless of age) and husbands for residency permits and

may petition for naturalization for their children if the mother becomes divorced or widowed from a noncitizen husband.

On March 11, security forces used nonlethal means, including rubber bullets and tear gas, to disperse an unlicensed but peaceful gathering of Bidoon demonstrators protesting the government's decision not to extend them greater rights. HRW criticized the government for denying the stateless population the rights of peaceful expression and assembly.

According to the minister of interior, approximately 3,200 Kuwaiti women were married to Bidoon men. A report by the Women's Refugee Commission estimated that 30,000 Bidoon were spouses or children of female Kuwaiti nationals.

The judicial system does not have the authority to rule on matters of citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship. Although the exact number of Bidoon residents was unknown, in November the minister of interior reported to the National Assembly that there were more than 111,000 Bidoon in the country. The UNHCR estimated that the total Bidoon population was between 93,000 and 120,000, while NGOs such as Refugees International estimated the total to be as high as 140,000.

The government continued to discriminate 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 and death certificates, to Bidoon. They claimed many Bidoon families were still 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. Many adult Bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in many Bidoon children working as street vendors to help support their families. 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. Of those Bidoon children who attended school, many were enrolled in substandard private schools because only citizens may attend public school. Many Bidoon families depended on charity to assist with medical and educational expenses.

The government allowed Bidoon to work in some government positions, and some Bidoon worked in the armed forces or police. Although no legal strictures prevent their service in the enlisted ranks, authorities have effectively barred the Bidoon from enlisting in either force since 1985. In November, however, pursuant to an emiri instruction, the Defense Ministry began accepting applications to join the army from children of Bidoon veterans who were killed in combat.

Although the government began the process of granting citizenship to approximately 500 Bidoon during the year, unspecified administrative complications delayed that process. The executive Bidoon authority had more than 100,000 Bidoon citizenship requests under review at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. The government maintained, however, that the vast majority of Bidoon concealed their true nationalities and were not actually stateless.

The government instituted other policies that discriminate against the Bidoon, including requesting that the Central Bank of Kuwait freeze bank accounts of Bidoon with expired identification cards. Since the government treats them as foreigners, Bidoon do not have property rights. Bidoon identification cards included color codes that indicated when the carrier has a security restriction. The Women's Refugee Commission reported that statelessness and discrimination against women in the nationality law threatened family unity.

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

Citizens had only a limited, indirect effect on control of the executive branch because the constitution stipulates the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must be a male descendant of Sheikh Mubarak al-Sabah and meet three additional requirements – be 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 with a two-thirds majority vote if it finds that any of these three conditions is or was not met. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

Elections and Political Participation

Recent Elections: The parliamentary election on July 27 was generally considered free and fair, and international observers found no serious procedural problems. The election followed the Constitutional Court's June 16 order to dissolve the parliament, which the court determined was elected unconstitutionally (the second such order in one year). Some opposition politicians and their supporters chose to boycott the election to protest the emir's 2012 decree reducing the number of votes per person from four to one. Official turnout for the July elections was approximately 52 percent.

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

Participation of Women and Minorities: Although they gained the right to vote in 2005, women faced cultural and social barriers to political participation. For example, tribal leaders excluded women from tribal primaries. Nevertheless, two women were elected to the National Assembly during the July 27 elections, and there were two women in the Cabinet. Women typically voted at a higher rate than men did.

No laws or cultural practices prevented minorities from participating in political life. In the July parliamentary elections, candidates from the Shia community, which comprised roughly 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 heavy

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 mandates criminal penalties for corruption by officials, but the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity.

The Audit Bureau is the government agency responsible for combating government corruption. Parliament also frequently announced inquiries into suspected misuses of public funds, but none resulted in prosecution during the year.

On January 8, the National Assembly ratified an anticorruption law to establish the Public Anticorruption Authority and financial disclosure provisions. In compliance with it, the government established an anticorruption authority within the executive branch, and principal officers took their oath of office on June 19. The Public Anticorruption Authority is charged with receiving and analyzing complaints, and then forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or the police for further investigation or action. The authority is funded by the government and has its own budget. By early December the authority was not yet fully functioning.

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

Corruption: Media and some government officials reported cases of visa-related corruption at the Ministry of Social Affairs and Labor, namely selling visas or visa fraud. Several officials at the ministry faced prosecution after their August arrest on charges of falsifying labor import documents to profit from the sale of visas. Their trials were ongoing at the end of the year.

In 2012 a special Court of Ministers judicial panel dismissed a case in which former prime minister Sheikh Nasser al-Mohammed al-Sabah was charged with abusing public funds. The case alleged the former prime minister sent more than 100 million dinars (\$351 million) in public funds, via wire transfer, to unknown individuals; the transfers allegedly included bribes to former MPs. The former prime minister refused to cooperate with separate parliamentary investigations into these claims.

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 police favored citizens over noncitizens.

Whistleblower Protection: The January anticorruption law includes protection for whistleblowers from retaliation for making internal or lawful public disclosures about alleged illegal activity. As of early December the whistleblower provisions had not been implemented.

Financial Disclosure Laws: The January 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. Disclosure is required at three junctures: before taking office, every year while in office, and again upon leaving the public sector. Assets that must be disclosed include bank accounts, properties, investments, and any business assets. Children's assets must also be disclosed, but not those of spouses. Financial disclosure reports are not public documents and are considered confidential; leaking of such information is a crime. The Public Anticorruption Authority, created pursuant to the January law, is mandated to monitor disclosures and has the right to oblige reportees to provide additional information. By early December the authority was not yet fully functioning.

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

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

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs, but the government continued to deny licenses to some NGOs. NGOs may not engage in political activity or encourage sectarianism. The groups must demonstrate their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights. Locally licensed NGOs devoted to the rights or welfare of specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, operated without government interference, as did a few dozen local, unlicensed human rights groups. The government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

UN and Other International Bodies: The government permitted international human rights organizations to visit the country. HRW officials visited to review governmental action taken in response to its 2012 report on the mistreatment of transgender women. In May Refugees International attended the First Conference on the Stateless of Kuwait, and a representative from the UNHCR delivered the keynote address. In August Medecins Sans Frontieres visited to investigate mental health problems experienced by marginalized populations, including the Bidoon and foreign domestic workers. The ICRC visited prisons and detention centers during the year.

The government never responded to the September 2012 joint letter to the emir from Refugees International, Amnesty International, and HRW requesting permission for the Bidoon community to demonstrate peacefully and receive other rights of citizens.

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operates independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. The committee visited the Central Prison in January and the central deportation center in February to review overcrowding, prison and detainee treatment, and the condition of both facilities. The committee established a rehabilitation program for prisoners convicted of state security crimes, but the program was not yet operational late in the year. 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 law does not prohibit discrimination based on social status, gender, or sexual orientation. The government did not consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic 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 country occasionally imposed for the crime; spousal rape is not a crime. The media reported hundreds of rape cases, but government statistics indicated that only 34 cases were reported to the police. Social stigma associated with publicly acknowledging rape likely resulted in underreporting. Many victims were noncitizen domestic workers. Police occasionally arrested alleged rapists. The courts tried and convicted three rapists during the year, but authorities did not effectively enforce laws against rape, especially in cases of noncitizen women raped by their employers.

The law does not specifically prohibit domestic violence, but 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. Each of the country's 83 police stations reportedly received complaints of domestic abuse. Victims, however, did not report most domestic abuse cases, especially outside the capital. 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 police officials to ignore assault charges in cases of domestic abuse. Although courts found husbands guilty of spousal abuse in previous years, those convicted rarely faced severe penalties. Noncitizen women married to citizens reported domestic abuse, and inaction or discrimination by police during the year.

A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard 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 shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year. The government completed construction of a high-capacity shelter for domestic workers in 2012, but the shelter was not fully operational by year's end.

Harmful Traditional Practices: The penal code penalizes 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 will face a maximum punishment of three years' imprisonment and a fine of 225 dinar (\$790), slightly less than a month's earnings at the public-sector minimum wage. Sentencing guidelines for honor crimes do not apply

to Bidoon. In February the court convicted and sentenced five foreign residents to life in prison for the June 2012 "honor killing" of a 19-year old female family member.

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. Perpetrators faced fines and jail time. 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. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during 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.

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, property 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 discriminates against women in judicial proceedings, freedom of movement (see section 1.d.), marriage, and inheritance. Secular courts allow any person to testify and consider male and female testimony equally, but in the sharia courts, the testimony of a 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 fathers 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 followed by different populations in the country. In the absence of a direct male heir, a Shia woman may inherit all property while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In June the National Assembly passed an amendment that gave divorced and widowed women additional house ownership and rent allowance rights and allocations, but authorities had not implemented the law by year's end. In July the Ministry of Social Affairs and Labor granted a "housewife allowance" to nonworking women age 55 and older.

Female citizens remain 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 did not face such discrimination.

The law states 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. According to international assessments, the average working woman earned 6,600 dinar (\$23,385) annually, compared with 18,691 dinar (\$66,231) for the average working man. Only 14 percent of managers, legislators, and senior officials were women. Educated women maintained the conservative nature of society restricted career opportunities, although there were limited improvements. Women comprise 72 percent of annual college graduates, according to statistics from 2011, but account for just 53 percent of the 270,000 citizens working in the public sector and 44 percent of the 60,000 citizens working in the private sector.

The law requires segregation by gender of classes at all universities and secondary schools. Public universities enforced this law more rigorously than private universities.

Two members of the 50-seat parliament elected in July were women. By early December a parliamentary committee for women's and family affairs had not yet been established or staffed, although such a committee existed in previous parliaments. Some women attained prominent positions in business as heads of corporations. Two women served as ministers in the cabinet.

There were no female judges. For the first time, however, the Judicial Institute accepted 22 women during the year. Graduation from the institute is a prerequisite for employment as a prosecutor or judge.

Children

Birth Registration: Citizenship is derived 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. Noncitizen children are not entitled to state-provided benefits, including free education and health care. The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants. Parents were sometimes unable to obtain birth certificates for their Bidoon children because of additional administrative requirements, creating an inability to access other public services such as education and health care.

Education: 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.

Medical Care: Medical care is free for citizens. Failure to have requisite identification papers sometimes restricted Bidoon children's access to medical care.

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

Forced and Early 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.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli 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.

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, and mental disabilities, and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There were no specific reports of discrimination against persons with disabilities, but 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.

On November 13, the National Assembly formed a Committee for Disabled Affairs. In 2010 the government approved a disability law, but it had not been implemented at year's end. In December the president of the Kuwait Society for Citizens with Special Needs threatened to boycott a symbolic parliamentary session called to mark World Disability Day, protesting the government's failure to implement the 2010 law. Other participants in the event also voiced frustration at the government's lack of action in providing individuals with disabilities their enhanced rights provided by the law.

Failure to implement the new law precluded increased and expanded benefits for citizens and Bidoon with mental or physical disabilities. For example, the law requires that government employers with workforces of 50 persons or more recruit at least 4 percent of their workforce from vocationally trained persons with special needs, but lack of implementation of the law prevented this from occurring. Bidoon with disabilities were not normally entitled to receive housing grants. Separate from the law, the government reserved a small number of admissions in the year's Kuwait University class for citizens with disabilities.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the government's Higher Council for Handicapped Affairs, which makes policy

recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job training programs oriented to persons with special needs.

National/Racial/Ethnic Minorities

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

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 poor, noncitizen laborers who could not afford their own automobiles or taxi fares.

In June the government began segregating public hospital hours and staff. It reserved mornings for treatment of citizens exclusively, except in case of noncitizen emergencies. It also segregated medical professionals with citizens treating patients predominately in the morning and noncitizen medical staff working in the afternoon.

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

Consensual same-sex sexual conduct between men, as well as 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 males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinar (\$3,717) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation and gender identity was common; to a lesser extent officials also practiced such discrimination.

There was no government response to a January 2012 HRW report highlighting police abuse of transgender women. The report also noted public discrimination against these women and numerous abuses associated with the 2007 law prohibiting "imitating the appearance of a member of the opposite sex."

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

Other Societal Violence or Discrimination

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. Foreign citizens found to be HIV-positive faced immediate deportation.

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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The government did not respect freedom of association and the right to collective bargaining.

The law protects the right of workers to form and join trade unions, conduct legal strikes, and bargain collectively, with significant restrictions. 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 there was only one government-authorized 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 Kuwaiti citizens.

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

Public sector workers do not have the right to strike, although several strikes occurred during the year. 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 was 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.

The law prohibits antiunion discrimination and employer interference with union functions, and 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 constitute approximately 85 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.

Although the law restricts freedom of association and collective bargaining rights, the government did not always enforce these limits. For example, according to KTUF, the government did not consistently enforce the requirement that foreign workers have at least five years working in the country in a specific sector prior to joining a union.

The government also 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.

Worker organizations were generally not independent of the government, and the government interfered in union activities. The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records; if a union ceased to exist, the government confiscated its assets.

While the National Trade Union Federation petitioned the government for official recognition in 2011, it had not received a license by year's end.

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.

The government did not report any arrests, prosecutions, convictions, or sentences of traffickers for forced labor. Although the withholding of workers' passports is legally prohibited, the practice remained common among sponsors and employers of foreign workers, and the government demonstrated no consistent efforts to enforce this prohibition. Law enforcement generally treated cases of forced labor as administrative labor infractions; it largely limited punishment to assessing fines, shutting employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. The penalties were not sufficient to deter violations.

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

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but 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. There were

numerous media reports throughout the year of domestic workers being abused by their sponsors or sustaining significant injuries while trying to escape from their sponsors; 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.

In May police rescued nine noncitizen female workers from imprisonment and forced labor by their employer. The women worked in their employer's coffee shop, and he routinely beat and raped them. The employer also imprisoned the women at night and kept them under armed surveillance at all other times to prevent escape. At year's end there was no further information regarding government legal action against the employer.

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 ages 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 nor between 7:00 p.m. and 6:00 a.m.

Although not extensive, there were credible reports that Bidoon children and children of South Asian origin worked as domestic servants. 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 law effectively. Approximately 500 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 enforce child labor laws in the informal sector, such as in street vending.

In June the government prosecuted a 17-year-old Bidoon boy for selling vegetables on the street without the requisite license. He received a one-month prison sentence.

d. Acceptable Conditions of Work

The law sets the national minimum wage in the private sector at 60 dinar (\$210) per month. The poverty line for a family of five is 1,000 dinar (\$3,510) per month.

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. 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.

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.

The Ministry of Social Affairs and Labor was responsible for enforcement of wage and hours, overtime, and occupational safety and health regulations. Enforcement by the ministry was poor, however, especially with respect to unskilled foreign laborers.

Approximately 500 labor inspectors monitored private firms. The government periodically inspected enterprises to raise awareness among workers and employers and to ensure 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 ensure 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 often not substantial enough 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 eight months of the year, the Labor Disputes Department received 35,000 complaints from workers, either about contract issues such as nonpayment of wages or about difficulties transferring work visas to new companies. Nearly half of the complaints were resolved amicably; the other half were either referred to the courts or remain under investigation.

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. In 2012 the Ministry of Interior's Department of Domestic Labor Office collected 8,340 dinar (\$29,273) owed to 71 domestic workers by their employers.

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

Domestic laborers had little recourse when employers violated their rights because labor standards do not apply to the domestic sector. There were no inspections of private residences, the workplace of the majority of the country's domestic workers, nor did the government make significant efforts to address working conditions for these workers. Reports commonly indicated employers forced domestic workers to work overtime without additional compensation. There were frequent reports

of domestic workers committing or attempting to commit suicide due to desperation over abuse or poor working conditions.