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U.S. Department of State Country Report on Human Rights Practices 2006 - Kuwait

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Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family, with a population of approximately three million, of whom approximately one million are citizens. On January 29, Sheikh Sabah Al-Ahmad Al-Sabah became the emir following the January 15 death of Sheikh Jabir Al-Ahmad Al-Sabah. The 1962 constitution grants the emir executive authority and authorizes the emir to appoint a Crown Prince as well as 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 not technically illegal, the government effectively barred political parties in practice. Although there were reports of vote-buying by the government and certain candidates, the June 29 parliamentary elections were considered generally free and fair by local observers and the press. Unlike in previous years, civilian authorities generally maintained effective control of the security forces.

During the year the main human rights abuses included: no right to change the government or to form political parties; unlawful deprivation of life; maltreatment in prisons, including abuse of detainees; incomplete independence of the judiciary; restricted freedoms of speech, press, assembly, association, and religion; limits on freedom of movement for certain groups of people; corruption; and trafficking in persons. Serious human rights problems also included the difficult conditions faced by expatriate workers in the domestic and unskilled service sectors, the unresolved status of stateless Arab residents (bidoon), and the unequal rights of women.

During the year, women voted and ran for office for the first time in the country's history. The government also passed a new press and publications law that may enhance freedom of speech.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

As in 2005, there were reports that the government or its agents committed arbitrary or unlawful killings. In November a Pakistani who was taken into custody reportedly called

his family to say that he was being beaten. He died in police custody shortly thereafter. In October an Asian man arrested on drug charges died in police custody. The Ministry of Interior (MOI) ordered an investigation into the incident.

There were no updates on the February 2005 case of Amer Khlaif al-Enezi, who died in custody after his 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 have been 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 such practices; 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, than on citizens. 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 either the findings of its investigations or punishments it imposed public.

Unlike in previous years, there were no reports of alleged torture during interrogation during the year.

In February 2005 a citizen journalist claimed security officers beat him with sticks after he was arrested in January 2005 on charges of spreading news that harmed the national interest (see section 2.a.). In May 2005 six Islamic militants, whose leader died in custody (see section 1.a.), suspected of engaging in deadly gun battles with security forces, alleged they had been tortured and abused, including beatings to their backs and on their feet, while in police custody. In September 2005, a court-appointed, independent medical commission confirmed that the suspects had scars from beatings; however, it did not indicate the presumed cause or estimated date of the injuries. There were no public developments in the case by year's end.

In March news sources reported that a police sergeant raped a Filipina woman, and that the policeman was remanded into custody pending results of an investigation.

In 2004 three policemen were arrested for allegedly raping a female domestic employee of Asian origin at a police station and at another location. Police launched an investigation; however, there were no public developments at year's end.

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 April 2005 report, the National Assembly's Human Rights Defense Committee (HRDC) 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 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 Ministry of Awqaf and Islamic Affairs (MAIA) offered job skills and societal values training to inmates, and the Social Reform Society, an Islamist nongovernmental organization (NGO), provided drug rehabilitation programs for incarcerated Muslim addicts. Other NGOs, such as the Social Work Society, and religious leaders were allowed to run programs and visit prisoners.

The government permitted visits by independent human rights observers. In previous years, the International Committee of the Red Cross (ICRC) had standard access to inmates in some categories, such as: Iraqi prisoners of war, bidoon (Arabic for "without" meaning "without citizenship") (see section 5), citizens of states without diplomatic relations with the country, and a returned citizen detainee from Guantanamo (see section 4). During the year the government did not prevent the ICRC, which maintains an office in the country, access to inmates. However, due to internal problems, the ICRC did not carry out prisoner monitoring during the year.

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 (see section 1.f.), although in misdemeanor cases or if the police are in hot pursuit the arresting officer may issue them. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusation by a third party.

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 MOI. The military is responsible for external security.

Overall, the police are effective in carrying out their core responsibilities. For instance, in October and November, they carried out a series of highly publicized raids to crack down on prostitution rings. However, there were 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 (see section 1.c.). In April the HRDC demanded an answer from the interior minister as to what action had been taken against Criminal Investigation Department employees who allegedly tortured another MOI employee to pressure him to drop a case against a police officer. Unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainees 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 time 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.

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 issued an amnesty to 850 prisoners in February, some of whom were freed outright while others had their sentences reduced. The prisoners consisted of men and women, both citizens and noncitizens.

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 of the judges were noncitizens who held one- to three-year renewable contracts. The Ministry of Justice (MOJ) may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases, all of which originate with the court of first instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the high court of appeals, with a three-judge panel, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. 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 in 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. Virtually all indigent criminal defendants asked for and received free counsel, totaling approximately 15 referrals per day. Very few indigent civil and commercial plaintiffs requested this service. The law affords these protections to all citizens. Once the case went to trial, defendants and their attorneys had access to government-held evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, enforcement of rulings has been a significant problem. Individuals can bring suits against other individuals for a wide array of offenses. Administrative punishments in civil matters are available, such as bans on sponsoring foreign workers if the government has evidence that a sponsor has violated the law. However, there were widespread, reliable reports that it was extremely difficult for those who have been awarded monetary compensation in courts to collect their 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 warrant if alcohol or narcotics are suspected on the premises or if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the state prosecutor or, in the case of searches of private property, from a judge (see section 1.d.). 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 (see section 2.c.).

When a bidoon resident applied for citizenship, the government generally considered any security or criminal violations committed by his or her family members as a barrier to that resident getting citizenship.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and the press "in accordance with the conditions and in the circumstances defined by law"; however, the government restricted these rights in practice, and journalists and publishers practiced self-censorship.

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

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

were privately owned. The government owned nine local radio and four television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister company, *Al-Rai Al-Aam* newspaper. International media outlets operated bureaus in the country. In May 2005 the government permitted Qatar-based Al-Jazeera to reopen its office after having closed the operation in 2002 for the channel's "hostile" stance toward the country and for security reasons.

A large contingent of international media representatives generally covered the June 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.

Unlike in 2005 there were no reports of security forces arresting journalists during the year. Journalists practiced self-censorship, although the government ended legal prepublication censorship in 1992.

On March 6, parliament passed a new press and publications law, which most observers predicted would ease the process of licensing new newspapers and which moved some of the regulatory control of print media from the Ministry of Information to the courts. At the same time, the law kept many of the old law's prohibitions.

The law prohibits the publication of material that criticizes Islam, the emir, the constitution, or the neutrality of the courts or public prosecution. It also forbids incitement to acts that will offend public morality. Revealing information about 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 people or groups is also against the press and publications 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 also, including confiscation, closure, and withdrawal of licenses. Previously the minister of information imposed these punishments. 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 requires jail terms for journalists who defame religion (see section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes to have defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

Two journalists were jailed because of articles they wrote in daily newspapers. On May 15, Hamid Buyabis was imprisoned for having quoted direct criticism of the emir. On November 20, Khalid Obaysan al-Mutairi was imprisoned for writing an article that seemed to support Saddam Hussein as the legitimate leader of Iraq. Both journalists were released after only a day in jail. On November 18, a journalist was found guilty under the new press and publications law of questioning the independence of the jury. She was given a three-month suspended sentence and three years' probation. Numerous law suits were filed by citizens and government officials against local newspapers. 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 censored media for political content and did not grant licenses to political magazines. The MOI controlled the publication and distribution of all informational materials.

According to the new 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.

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

Internet Freedom

Ministry of Communications officials reported in October that there were some 200,000 Internet subscribers and that the total number of users was approximately 700,000. Since 2005 the Ministry of Communications (MOC) has blocked Web sites that the government considered to "incite terrorism and instability." The government required Internet service providers to block some political sites and Web pages 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.

During the year the government blocked several Web sites. For example, it closed down a citizen's website that had criticized the emir.

Academic Freedom and Cultural Events

The law provides for freedom of opinion and of research; however, academic freedom was limited by self-censorship, and academics were legally prohibited from criticizing the emir or Islam. On April 24, an opposition journalist was prevented by the government from delivering a talk on a university campus with no explanation.

The Ministry of Information reserved the right to approve or reject public events. It rejected events if it deems the political or moral character of the event 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 displayed increased hesitation to host musical functions because of what they perceived as a rise in the power of cultural conservatives. The Ministry of Education (MOE) canceled all graduation parties and high school dances because it deemed a singer's performance at one such party inappropriate.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly. A 1979 law on public gatherings restricted 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. On May 1, 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. Gathering organizers still must 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 events. The diwaniya system provided an important forum for public debate on 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.

There were orderly public demonstrations during the year, and the police either did not intervene or acted appropriately to contain the demonstrations. In July and August, several demonstrations protested Israel's actions in Lebanon. The police maintained order and responded appropriately, including during one incident when protesters crossed police barriers. Throughout the year numerous peaceful demonstrations took

place in front of the National Assembly and in other prominent places to support reducing the number of electoral districts. There were no serious violent incidents or cases of inappropriate intervention by the police during these events.

Freedom of Association

The law provides for freedom of association; however, the government restricted this right in practice. The law prohibits associations from engaging in political activities. The government refused to recognize political parties; however, several unofficial parliamentary blocs existed and were active in the National Assembly (see section 3).

The government used its power to license associations as a means of political control. There were 72 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed seven NGOs during the year compared with 19 the year before and only one in 2004. There were 149 NGOs pending licensing by the MOSAL; many had 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. Newly licensed NGOs, however, 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 (see sections 2.d. and 4).

There were hundreds of 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 much more difficulty operating than Muslim ones. Shi'a faced some disadvantages in comparison with Sunnis.

The MAIA has official responsibility for overseeing religious affairs. Many religious groups gathered 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.

Most Christian groups have found it impossible to build new churches to serve the ever-growing community of expatriate Christians in the country – who number over 300,000. The Greek Catholic (Melkite) Church went through a protracted struggle with the Municipal Council to secure a piece of land on which to build a new church. After it received an initial offer in December 2005, the Municipal Council eventually denied its request on July 8. 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.

Shi'a complained of the difficulty of obtaining licenses for mosques. Whereas Shi'as 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 said that it will license and pay for Shi'a mosques, but also wants to control the religious donations paid by Shi'as. Shi'as have 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. Shi'a Muslims have not been able to set up an institution for training clergy.

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 it was assured that no Muslim students were taking part in the education. The government did not try to 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.

One church petitioned the government to license its school. After going through a two-year process in which the school passed all the technical requirements for licensing, the Municipal Council blocked its request on April 5. Credible reports of the Committee's discussion of the school made clear that the decision not to accredit the school was religiously based.

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 operated within the Christian compounds.

In April the government banned 18 books from being displayed 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.

Bidoon Arabs faced difficulty in obtaining travel documents, which made it difficult for

them to participate in the *hajj* (pilgrimage). The government declared that it would facilitate the obtaining of travel documents by bidoon, but whether these declarations had a tangible effect remained unclear. The government announced it would allow 1,250 bidoon to make the *hajj*, but in November it declared that Saudi Arabia had reduced the number it would allow to 500.

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

By law a non-Muslim man must convert to Islam when he marries a Muslim woman. The law forbids marriage between Muslim women and non-Muslim men (see section 1.f.). 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 to 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 MOE reviewed a Shi'a proposal to establish a private college to train Shi'a clerics in the country rather than in Iran, Iraq, or Syria; however, no action had been taken by year's end. In January 2005 a Shi'a leader called on the MOE to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam. A parliamentary committee was formed to look into the issue but no action was taken by year's end.

During the year the government did not provide permits for Shi'a to reenact the martyrdom of Husayn, the Prophet Muhammad's grandson, on the occasion of Ashura. However, the government did not interfere with reenactments and provided police protection for Shi'a celebrations and marches. This was a change from the previous year when the government provided police protection for Ashura celebrations but did not permit martyrdom reenactments. In 2004, the government allowed Shi'a to reenact the martyrdom of Husayn and provided police protection.

While discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. Sunni-Shi'a relations are good overall and while tensions from regional conflicts led to increased attention to the issue, few if any tangible problems resulted. However, 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.

A few Muslim converts to Christianity reported 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.

The law prohibits organized religious education for religious groups other than Islam, although this law was not enforced rigidly. Informal religious instruction occurred inside private homes and on church compounds without government interference; however, there were reports that government inspectors from the Ministry of Awqaf and Islamic Affairs periodically visited public and private schools outside of church compounds to ensure that religious teaching other than Islam did not take place.

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 did occur. 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 expatriates. There had been past examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict.

The MAIA promoted its "moderation" project, which aims to discourage extremism among Muslims and improve the image of Muslims among non-Muslims. The moderation project's activities during the year included conferences in the country and abroad, as well as training throughout the year for imams. Special moderation activities were also carried out by the government in some secondary schools.

For a more detailed discussion, see the *2006 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the government placed some limits on freedom of movement in practice. Citizens have the right to travel freely within the country and to change their residence and workplace as desired.

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. In practice, however, many travel bans were issued without court order, effectively preventing citizens and foreigners from departing.

All minor 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 citizen employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. No government effort prevented employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as NGO representatives (see sections 2.b. and 4). The government severely restricted the ability of its bidoon population to travel abroad (see section 5). However, the government permitted some bidoon to travel to Saudi Arabia during the year for the annual hajj. In accordance with the law, the MOI issued limited numbers of bidoon a single-use passport for hajj travel.

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.

Bidoon residents who were able to obtain travel documents surrendered these documents on their return to the country from abroad. Once they wished to travel again outside the country, they had to obtain permission from the MOI to collect their passports.

The law says that the state "grants" citizenship, rather than citizens inherently having a right to it. Therefore, the state can revoke citizenship as well. Furthermore, the law states that issues of citizenship cannot be appealed to a court of law. In practice revocation did not occur during the year and in the past occurred very infrequently, and only in political cases.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum. The law 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 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.

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." However, citizens did not have the right to change their government. 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. On January 24, 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 who presides over a 16-member cabinet (Council of Ministers), whom the prime minister chooses in consultation with 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. 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 inquiries, known as "grillings," when MPs are dissatisfied with a ministry's performance. In the past pressure exerted by the National Assembly, including through

votes of no confidence, led to the resignation or removal of ministers. On December 18, the parliament was scheduled to grill the Minister of Information, who resigned at the last minute rather than enduring the ordeal.

Elections and Political Participation

On May 21, 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 29 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 elections during the year. There were no political parties, and 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. Citizens from most branches of the military and police were also barred from voting, a primary reason for the large discrepancy between the number of male and female voters. The electorate consisted of 340,248 citizens, 57 percent of whom were women. A total 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. Women were registered to vote automatically, therefore all eligible women voters were registered.

Thirty-two female candidates entered the race. A number withdrew for various reasons (as did many male candidates), but 27 remained on the ballot. None won a seat in parliament. Elections had been previously scheduled for the fall of 2007. The change in dates meant candidates had one month to organize their campaigns. Many cited this as a factor that disadvantaged 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 more attention than they might otherwise have received. 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 4 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 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 pre-election 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, though 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 June elections, there were 25 electoral districts and the top two finishers in each constituency were elected in single-round balloting. On July 17, 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 voter will choose up to four candidates and the top 10 vote getters from each district will win seats in parliament.

In January 2005, Salafi Islamist leaders, an opposition faction, held a press conference announcing the establishment of a political party, Hizb al-Ummah (The Nation's Party). In February 2005 in response to the group's pronouncement, the public prosecutor charged all the party's leaders with plotting to overthrow the government and violating association and press laws, crimes carrying a maximum sentence of 15 years in prison. On May 1, the Court of Cassation nullified the public gatherings law, and the party's leaders were acquitted of the charges stemming from that law.

The two women on the Municipal Council were appointed in June 2005. On July 10, the prime minister appointed Maasouma al-Mubarak as minister of communications. She became the first female minister in June 2005 when she was appointed minister of planning and minister of state for administrative development. Women also held some relatively senior nonpolitical positions within certain ministries.

Minister of Communications al-Mubarak is one of two Shi'as represented in the 16-member cabinet appointed in July, which is 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

During the year corruption at the national level by citizens and noncitizens was a problem. There was widespread perception of corruption in the executive, legislative, and, to a lesser extent, judicial branches. Combating corruption was the main theme of the June parliamentary elections.

MOSAL, which issues permits necessary for many business projects such as importing foreign workers, forbade candidates from getting permits, fearing that they would be used as favors to be distributed in exchange for votes. On July 17, the National Assembly reduced the number of electoral districts because the large number of small districts led to widespread complaints that MPs were able to buy enough votes to stay in parliament and that their positions in parliament allowed them access to lucrative financial opportunities. 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 who were illegally importing workers.

In March the government granted a license to the Kuwait Transparency Society, an NGO focused on combating corruption. In February, a coalition of 11 local NGOs formed the Transparency and Reform Alliance, which promised to fight corruption.

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

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

The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in overtly political activity, and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the 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 in the past, sporadically published a magazine, and met with senior government officials. The KSFHR came into existence in 2005. It aims 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, 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.

The government has cooperated fully in 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, but none visited during the year except the International Labor Organization's (ILO) Regional Director for Arab States. The ILO operated a local office in the country. In July the Arab Labor Organization visited the country and criticized the government for insufficient protection of child workers, noting concerns about working hours, safety, and remuneration.

The National Assembly's Human Rights Defense Committee is an advisory body. Its work was disrupted by other political events during the year. However, on July 15, it established for the first time an expatriate workers' affairs subcommittee.

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

Violence against women continued to be a serious and overlooked problem. 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. 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.

The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from public employment. However, rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted numerous rape and sexual assault incidents during the year, mostly against female expatriates.

The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. Victims reported that some police stations and hospitals handled their cases in a professional way, but that many did not. No new developments in the 2005 cases of alleged rape of two female medical personnel and a foreign maid were made public.

Honor crimes are prohibited; however, article 153 of the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is three years in prison. During the year there were at least three reported cases of honor crimes. The perpetrators of two of the three crimes were convicted and given prison sentences. The criminal court pursued a case during the year against three brothers who were charged several years previously with killing their sister because of their suspicions about her behavior. The case was still pending at year's end. The courts sentenced two men to seven and 10 years, respectively, for killing their daughters.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. Prostitutes generally were deported 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 (see section 5, Trafficking).

The country is a destination for trafficked women, and instances of trafficking were reported during the year (see section 5, Trafficking).

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.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage (see sections 1.e., 1.f., 2.d., and 2.c.). Inheritance is governed by Shari'a, which differs according to the branch of Islam. 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 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. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 40 percent of female citizens of

working age were employed. A few women have been appointed to senior positions in the government and the state-owned Kuwait Petroleum Corporation, including one female minister and two municipal council members.

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 \$684 (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.

Polygamy is legal but more common among tribal elements of the population.

Children

The government is generally committed to the rights and welfare of citizen children for whom education is free through the university level. Primary and secondary education are compulsory and universal. The MOE estimated primary enrollment at 89 percent for the 2004-05 academic year. Both boys and girls had equal access to the same quality of 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 but would not dispense them to noncitizens. 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.

Citizen girls younger than 15, the legal age, 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.

Underage Asian girls worked as domestic servants (see section 6.d.).

In October 2005, the government banned the use of underage camel jockeys. Unlike in the previous year, there were no credible reports of underage camel jockeys during the year.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to the country. Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. In March the parliament ratified the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons. On October 1, 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 and the Domestic Workers Agency (DWA) can also apply administrative punishments – such as a ban on employment of domestic workers – on those who violate the contract.

Trafficking is a serious problem. Victims were trafficked primarily from South and East

Asia – especially India, Pakistan, Sri Lanka, Bangladesh, the Philippines, and Indonesia – although smaller numbers from other countries such as Ethiopia and Eritrea also reportedly were trafficked.

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 cases involved female domestic laborers, but uneducated workers in unskilled service jobs were also victims of trafficking. There were reports of foreign workers under age 18 being 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 physical or sexual abuse of foreign women working as domestic servants was a 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.

The principal traffickers were labor recruitment agencies and sponsors (employers) of foreign workers. Both citizens and noncitizens were involved in trafficking. Officials reported that foreign embassies were involved in hiring out the workers who came to embassy shelters because they were being harassed or were not receiving their salaries.

The primary method used to obtain and transport victims was employers offering valid contracts to workers and then not honoring those contracts. There were reports that workers were given new contracts at lower salaries than the ones 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 a smaller amount. The workers found it difficult to leave these situations for several reasons: employers frequently withheld the passports of their workers, making it difficult for them to travel; employees often paid exorbitant sums to come to the country and were in so much debt that they could not afford to return home; 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 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 for rape. During the year the courts made a number of convictions for crimes clearly related to trafficking: 258 people were convicted of importing workers without providing them with work, and there were 276 convictions 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 government put more emphasis on trying to resolve conflicts through mediation rather than prosecution. The 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. As of October 1, with the implementation of the new standardized domestic labor contract, the DWA can blacklist employers to prevent them from importing more workers. 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 have frequently ruled in favor of domestic workers who brought cases.

The government announced in August that it would forbid the transferring of a domestic worker from one sponsor to another, a policy designed to prevent the "selling" of domestic workers. The policy was cancelled almost immediately for further study in response to an outcry from employers and the huge increases in the fees paid for employment agencies to procure a domestic worker.

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.

During the year the government was not asked to cooperate with international investigations nor to extradite citizens for trafficking-related crimes.

During the year, there were no specific reports of government or police involvement in 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 (see sections 6.c. and 6.e.). Of an estimated 450 – 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. One source country embassy reported that during the first 10 months of the year, 2,600 domestic workers had stayed for one or more nights in the embassy shelter.

The government and NGOs took steps to assist trafficking victims. In December 2005 police arrested a bidoon on charges of enslaving a domestic worker. The man reportedly confessed to the crime, although the case had not been resolved at year's end. The government occasionally paid for airline tickets or chartered planes to repatriate runaway or abused domestic servants when their employers refused to repatriate them. In 2004 some NGOs, such as KHRS and the Kuwait Friendship Society, also paid for return

airline tickets or legal fees on behalf of runaway or abused domestics. An NGO and a legal firm offered free legal aid to domestic workers in embassy shelters.

Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases the domestics often were deported without the compensation. The MOI blacklisted some delinquent employers from sponsoring new domestics, but some used personal connections to circumvent the prohibition.

The MAIA initiated a public awareness project to inform domestic workers and their employers of the rights and responsibilities of both parties. The project's first public activity was a community meeting on May 15 to hear employers' and employees' ideas about problems relating to domestic workers. At year's end the program was in the information-gathering stage, having nearly completed several studies on problems in the domestic labor sector.

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 constitute 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.

National/Racial/Ethnic Minorities

The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon are people who have residency ties to the country, some persisting for generations and others for briefer periods, but who either lack or conceal documentation of their true nationality. 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. It has files on 90,000 bidoon, but the total numbers are over 100,000, according to most estimates. A 2004 government census, for instance, estimated 107,000 persons to be bidoon. Since the mid-1980s, the government actively discriminated against the bidoon in areas such as education, employment, medical care, and mobility.

A member of the royal family initiated a charitable fund in 2004 to pay for bidoon children to attend private schools; however, according to bidoon informants and activists, the fund was insufficient to cover the needs of many bidoon children. The bidoon also began to receive free health care. A partially government-funded program concluded contracts with several insurance companies to pay the fees for bidoon health services.

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 had 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 enlistees are now barred from joining. The government made it very difficult for bidoon to obtain official documents such as birth certificates, civil identification, driving licenses and marriage certificates, which made it difficult for many unregistered bidoon, particularly younger bidoon, to find employment. In March 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 issuing of the cards was simply a way for the government to track them. Reports circulated early in the year that the prime minister ordered the easing of the difficult situation many bidoon face. By year's end it was not clear what effect these orders may have had. The government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country without advance permission from immigration authorities. The children of male bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000, could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The government maintained that the vast majority of the bidoon were concealing their true identities, and that most were citizens of Iraq, Saudi Arabia, and Iran who wanted to enjoy the generous social benefits offered to its citizens. The government granted citizenship to approximately 1,769 bidoon during 2005, but only about 400 gained citizenship during the year. In recent years a total of 10,600 bidoon received citizenship. There were 89,779 bidoon citizenship requests pending.

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. Others – the government claims 26 thousand over the past several years – disclosed their true nationalities and obtained passports from their countries of origin: Iraq, Iran, Syria, Jordan, and Saudi Arabia. Once documented, bidoon are able to obtain residency permits and other official papers. However, bidoon who declare another nationality lose their chance 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 getting documents and work.

The political, economic, and long-term budgetary implications associated with extending citizenship, and the generous welfare benefits that come with it, to the equivalent of roughly 10 percent of the citizen population rendered the issue highly divisive. Some observers also note that tribal rivalries may also explain why some citizens oppose naturalization of the bidoon.

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.

On July 12, the National Assembly formed a committee for bidoon affairs to address the bidoon issue. The committee did not take any specific actions although it issued recommendations in November to issue driving licenses, improve education and housing conditions, and increase employment rights for bidoon.

Other Societal Abuses and Discrimination

There was discrimination against homosexuals in societal attitudes and legal issues. In February 2005 police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant. On October 27, police raided a party where homosexuals were allegedly celebrating a wedding. On December 10, the legislative committee of the National Assembly unanimously approved a law to impose a fine of \$3,450 (1,000 dinars) and/or one year's imprisonment for those imitating the opposite sex.

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. In September 2005 the Council

of Ministers approved a plan to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas. At year's end the government had not completed the project. In April the Municipal Council sent teams to warn bachelors that they must move out of areas where families lived.

6. Worker Rights

a. The Right of Association

With the notable exceptions of the country's approximately 450 – 540,000 domestic servants and an unknown number of maritime employees, the labor law provides that most 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, MOSAL 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, compared with three during 2005 and 20 in 2004, including the Central Bank of Kuwait Laborers Union, Public Authority for Applied Education and Training Labor Union, and Public Environment Authority Laborers Union. At year's end there were 47 officially sanctioned workers' unions.

June 30 statistics cited 1,534 million noncitizen laborers in the country, comprising 82 percent of the total workforce of 1,870 million. However, foreign workers constituted approximately 20 percent of KTUF members. The labor law discriminates against foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this 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. Several unions' applications for official recognition were denied.

Unions may affiliate with international bodies. The KTUF applied for membership in the International Confederation of Free Trade Unions in 2005 (the International Trade Union Confederation), and was accepted on June 26. Unions maintained their established relationships with the ILO.

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. There were numerous strikes during the year, but they were organized by workers outside the framework of unions. Workers frequently held sit-ins as well. Security forces responded to these strikes; they tried to mediate the dispute and did not resort to violence. There are no export processing zones.

The law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were 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 5, 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 (see section 5).

The law prohibits forced and compulsory labor by children younger than 18; however, there were credible reports of underage girls working as domestic servants (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

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

The legal minimum age is 18 years for 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 a one-hour rest period.

Some underage workers reportedly falsified their ages in order to enter the country. Unlike in previous years, there were no reports of underage boys used as camel jockeys during the year.

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. MOSAL claimed that it carried out an extensive campaign in January and February to ensure that children were not working in industrial jobs but did not provide evidence of having taken any action to solve the problem.

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 \$690 (200 dinars) per month, while the noncitizens' wage was \$310 (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 MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

Private sector wages ranged from \$17,250 (5,000 dinars) per month for top managers of large companies to an average of \$1,380 (400 dinars) to \$3,450 (1,000 dinars) for other skilled professionals and workers. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$138 (40 dinars) monthly, which was stipulated in the MOI's standard contract for domestic workers set the minimum wage. Some foreign countries would not let their workers travel to the country unless they had signed a contract for at least a minimum wage the country found reasonable. To be eligible to sponsor family members for residency, workers must receive a minimum wage of \$863 (250 dinars) per month, reduced from \$1,380 (400 dinars) in 2004 for both government and private sector employees. Many foreign workers who met the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. The government exempted public school teachers from the minimum salary threshold for sponsoring family members.

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.

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 has 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 above 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 the past recorded temperatures reached 122 degrees Fahrenheit, but work reportedly continued at many outdoor locations. Although there were fewer complaints than in past years, the MOSAL announced that it had conducted at least 208 inspections and found 61 companies were employing 580 laborers in the sun. Reinspections of 116 of these companies found that four companies, employing 30 workers, continued to violate the law.

The law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, typically paid in a lump sum. Workers, especially noncitizens, had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations for workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care was a serious problem for many foreign workers. The best medicines and certain kinds of specialized treatment officially were reserved for citizens. Noncitizens must pay an annual, government-mandated medical coverage premium to the Ministry of Health, required to obtain residency, and additional user fees for medical care, medication, required tests, or specialized procedures. Many employers deducted the medical fees from employees' salaries.

Employers often exploited workers' willingness to accept substandard conditions. Noncitizen workers, especially less-skilled South Asian laborers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They faced contractual disputes, poor working conditions, and at times physical and sexual abuse (see sections 5 and 6.c.). Most were in debt to their employers or to recruiters before they arrived in the country, and they had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was common for wages to be withheld for a period of months or to be decreased substantially in violation of their labor contracts. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Laborers were housed 10 or more to a room in squalid conditions, a number without access to adequate running water. These workers were allowed off the camp compound only on company transport or by permission of the employer. Many foreign workers went heavily into debt and could not afford to return home.

Any foreign worker covered under the law, which excluded maritime workers and an estimated 450,000 domestic servants, could submit a grievance to the Labor Office in the governorate where he worked regardless of union status; however, such services were not utilized widely. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely.

The courts ruled in favor of employees in an estimated 90 percent of the labor disputes they heard; however, no legal mechanism existed to enforce judgments. There was no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against workers for fabricated crimes, such as theft.

In 2005 the government implemented measures designed to protect the welfare of workers. The MOSAL implemented a 24-hour hot line for nondomestic laborers to file complaints if their companies were more than 15 days delinquent in salary payments. The law requires companies to make a bank deposit for each (nondomestic) expatriate worker hired, which the government could confiscate to reimburse employees for unpaid

wages. The government compensated Bangladeshi workers by this method in at least one dispute over unpaid back wages during the year. Recruitment agencies are responsible for resolving labor disputes between employers and domestic laborers that occur within six months of the worker's hiring date. If problems continue, the sponsor and worker must resolve them.

The MOI investigates and resolves labor disputes in cooperation with the laborers' representative embassies. The DWA assigned officers to liaise with the Indian, Indonesian, Philippine, and Sri Lankan embassies on domestic labor problems.
