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U.S. Department of State

Kuwait Country Report on Human Rights Practices for 1998

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KUWAIT

Amirs, or princes, from the Al-Sabah family have ruled Kuwait in consultation with prominent community figures for over 200 years. The Constitution, adopted in 1962 shortly after independence, provides for an elected National Assembly. It also permits the Amir to suspend its articles during periods of martial law. The Amir twice suspended constitutional provisions, from 1976 to 1981 and from 1986 to 1992, and ruled extraconstitutionally during these periods. Kuwait was occupied by Iraq from August 1990 to February 1991, when Iraqi forces were expelled by an international coalition. The National Assembly resumed functioning after the 1992 elections. National Assembly elections were held again in 1996. The Constitution and law provide for a degree of judicial independence, but the Amir appoints all judges, and renewal of many judicial appointments is subject to government approval.

The Ministry of Interior supervises the security apparatus, including the Criminal Investigation Department (CID) and Kuwait State Security (KSS), two agencies that, in addition to the regular police, investigate internal security-related offenses. Members of the security forces committed a number of human rights abuses.

Richly endowed with oil, in 1998 the country's estimated per capita gross domestic product (GDP) was approximately \$14,846. The decline in per capita GDP from previous years reflects a significant increase in resident foreign workers and lower oil revenues. Due to high oil revenues in 1997, Kuwait recorded a \$1.3 billion budget surplus for fiscal year 1996-97, but returned to deficit in 1997-98 due to lower world oil prices. Budget sources projected a \$5-6 billion deficit for the current fiscal year. Despite its emphasis on an open market, the Government continues to dominate the local economy through

direct expenditures and government-owned companies and equities. The Government has initiated a program of disposing of its holdings of stock in private companies. According to government statistics, 92 percent of the indigenous work force is employed by the Government. Foreigners constitute 98 percent of the private sector work force.

The Government's human rights record improved somewhat, although problems remain in certain areas. Citizens cannot change their head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (i.e., the future Amir), this authority is limited; if the National Assembly rejects the Amir's nominee, the Amir then submits three names from which the assembly must choose the new Crown Prince. The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. Some police and members of the security forces abuse detainees during interrogation. Although prisoners remain overcrowded, cooperation between executive and legislative leaders led to improvements in prison conditions with the closure in June of the Talha deportation center and the resolution of numerous deportation cases by allowing deportees to legalize their status. The Amir commuted the sentences of 286 prisoners on February 25, Kuwait's national day, including those of six Jordanians, three Iraqis and one Kuwaiti who were held as state security prisoners. On April 27, the Amir pardoned and returned to Jordan an additional 13 Jordanian state security prisoners. The Government infringes on citizens' privacy rights in some areas. Security forces occasionally monitor the activities of individuals and their communications. Males must obtain government approval to marry foreign-born women. The Government restricts freedom of assembly and association. Journalists practice self-censorship, and the Government uses informal censorship. The Government places some limits on freedom of religion and movement. The Government prevents the return to Kuwait of stateless persons who have strong ties to the country. Deportation orders may be issued by administrative order, and between 110 and 120 persons are estimated to be held in detention facilities, some for up to 1 to 2 years. Discrimination and violence against women are problems. The Government restricts some worker rights. Domestic servants are not protected by the Labor Law, and unskilled foreign workers suffer from the lack of a minimum wage in the private sector and from failure to enforce the Labor Law.

Although the Government has not found a solution to the human rights problems of the approximately 114,000 stateless persons residing in Kuwait known as the "bidoon," it continued to naturalize small batches of the bidoon population via piecemeal legislation that addressed the marginal aspects of the bidoon problem, but left the core complexities untouched.

Executive and legislative leaders continued to strengthen political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

There were no developments in the investigations into the extra-judicial killings that occurred during the chaotic period after Kuwait's liberation in February 1991.

b. Disappearance

There were no reports of politically motivated disappearances.

There have been no developments since 1994 in the cases of disappearance that occurred following Kuwait's liberation in 1991.

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not yet accounted for 598 Kuwaitis and residents of Kuwait, including 8 women, who were taken prisoner during Iraq's occupation of Kuwait. The Government of Iraq has refused to comply with U.N. Security Council Resolution 687, which stipulates the release of the detainees. Iraq denies that it holds Kuwaiti detainees.

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

The Constitution prohibits torture; however, there continue to be credible reports that some police and members of the security forces abuse detainees during interrogation. Reported abuses include blindfolding, verbal threats, stepping on toes, and slaps and blows. Police and security forces were more likely to inflict such abuse on non-Kuwaitis, particularly citizens of other non-Gulf Arab nations and Asians, than on citizens.

The Government states that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government does not make public either the findings of its investigations or what, if any, punishments are imposed. This omission creates a climate of impunity, which diminishes deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismiss abuse complaints because defendants are unable to substantiate their complaints with physical evidence. Members of the security forces routinely do not reveal their identity during interrogation, a practice that further complicates confirmation of abuse.

Prison conditions, including conditions for those held for security offenses, meet minimum international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Continuing problems include overcrowding and the lack of availability of specialized medical care. Approximately 1,800 persons are serving sentences or awaiting trial in the central prison. An additional 250 prisoners are being held at the state security facility in Shuwaikh.

The central prison faced charges of corruption after seven prisoners escaped and the former director was implicated in drug and alcohol smuggling as well as running a prostitution ring in the prison. In response to these allegations, the Ministry of Interior made sweeping changes aimed at tightening access to the prison and increasing oversight of prison officials and employees. The most visible sign of these changes was the assignment of special Interior Ministry soldiers with an independent chain of command to control access to the central prison and search all correctional officers entering the facility.

The Government closed the Talha deportation center, a long-time target of criticism by human rights groups, and deportees are now housed at the state security facility in Shuwaikh. This closure improved prison conditions and led to the review and resolution of numerous deportation cases (see Section 2.d.).

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all detention facilities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for freedom from arbitrary arrest and detention. There were no reports of arbitrary arrest during the year, although there were incidents of prolonged detention.

Police officers must obtain an arrest warrant from State Prosecutors before making an arrest, although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detain persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, a suspect may not be held for more than 4 days without charge. Security officers sometimes prevent families from visiting detainees during this confinement. After 4 days, prosecutors must either release the suspect or file charges. 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.

Of the 2,050 persons serving sentences or pending trial at the security prison or the state security facility in Shuwaikh, approximately 170 are being held on security grounds. The Government may expel noncitizens (including "bidoon", i.e., stateless residents of Kuwait, some of whom are native born or long-term residents), if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. Between 110 and 120 persons are estimated to be held in detention facilities, some of them pending deportation. Some of these detainees have been held for up to 1 to 2 years. Many deportation orders are issued administratively, without the benefit of a trial. However, the Government does not forcibly return deportees to their countries of origin, allowing those who object to remain in detention. This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. It also plays a role in the complex problem faced by bidoon deportees, who essentially remain in detention because their stateless condition makes the execution of the deportation order impossible.

With the closure of the Talha deportation center, and the decision to allow a significant number of stateless persons and potential deportees to legalize their status, the deportee problem was alleviated temporarily. Remaining deportees are now housed in an existing state security facility (see Section 2. c.). However, human rights groups and government officials agree that, without further action, new cases are likely to arise.

The law protects citizens from exile, and there were no reports of this practice.

e. Denial of Fair Public Trial

The Constitution states that "judges shall not be subject to any authority;" however, the Amir appoints all judges and renewal of many judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments, but the Government also employs many noncitizens as judges. These non-Kuwaiti judges work under 1- to 3-year renewable contracts, which undermines their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal disputes with citizens frequently complain that the courts show a pro-Kuwaiti bias.

One court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective denominations for family law cases; however, there is no Shi'a appellate court. Shi'a cases are referred to the Sunni court on appeal.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the Constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly, as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In the regular court system there are no groups, including women, who are barred from testifying or whose testimony is given lesser weight. However, the Islamic courts, which have jurisdiction over family law, apply Shari'a (Islamic law), which states that the testimony of two women equals that of one man.

There were no reports of political prisoners. The Government continues to incarcerate persons convicted of collaboration with Iraq during the occupation. By law such collaboration is a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. However, the Amir commuted the sentences of 19 Jordanians, 3 Iraqis, and 1 Kuwaiti who were convicted previously by the Martial Law and State Security Courts. At year's end, 57 persons (29 Iraqis, 7 Jordanians, 17 bidoon, and 4 Palestinians) convicted by these now-abolished courts remained in prison.

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

The Constitution provides for individual privacy and sanctity of the home; however, the Government infringes on these rights in some areas. The police must obtain a warrant to search both public and private property unless they are in hot pursuit of a suspect fleeing the scene of a crime, or if alcohol or narcotics are suspected on the premises. The warrant may be obtained from the State Prosecutor or, in the case of private property, from a judge. The security forces occasionally monitor the activities of individuals and their communications.

By law males must obtain government approval to marry foreign-born women. Although the Government may advise against marriage to a foreign national, there are no known cases of the Government refusing permission to marry. The Government advises women against marrying foreign nationals and forbids marriage between Muslim women and non-Muslim men.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that "freedom of the press, printing, and publishing shall be guaranteed in accordance with the conditions and manner specified by law," and with a few exceptions citizens are free to criticize the Government at public meetings and in the media; however, journalists practice self-censorship. Several laws empower the Government to impose restrictions on freedom of speech and the press. During the year, there was an increase in the actual application of these laws. The Government, through the Ministry of Information, practices informal censorship by placing pressure on individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing issues deemed offensive to Islam, tradition, or the interests of the State.

Newspapers are privately owned and free to publish on many social, economic, and political issues, and frequently criticize government policies and officials, including the Crown Prince.

The Government ended prepublication censorship in 1992, but journalists still censor themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, creates hatred, or spreads dissension among the populace."

In June the Court of First Instance issued an unusually strong sentence against two daily newspapers accused of publishing items that were deemed to be blasphemous and obscene. The Court sentenced the Arabic language daily Al-Seyassah to a 1-week closure and a nominal fine, while sentencing another Arabic language daily, Al-Qabas, to a 1-week closure, a nominal fine, and a 6-month jail term for the paper's editor-in-chief. A higher court later lessened the sentence against Al-Seyassah, but the appeal of the Al-Qabas case was delayed while the Court considered the paper's countercase challenging the constitutionality of the Press Law. Following the Constitutional Court's rejection of the Al-Qabas countercase, the Court of Appeals set a new date of January 3, 1999 to hear the Al-Qabas appeal. In the interim, neither paper was closed and the Al-Qabas" editor has not yet been incarcerated.

On December 27, the Court of First Instance sentenced a newspaper columnist to a 3-month prison term for having criticized the public prosecutor's role in an embezzlement case. The public prosecutor pressed charges after the journalist wrote an article in June 1997 that implied that there were irregularities in the embezzlement investigation. In addition to sentencing the journalist to 3 months' incarceration, the Court of First Instance also fined the editor in chief of his newspaper, Al-Atwan, \$330 (100 dinars) for publishing the article.

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically--it is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. The Government does not censor foreign journalists and permits them open access to the country.

The Government owns and controls the radio and television companies. The Government does not inhibit the purchase of satellite dishes, which are widely available. Citizens with such devices are free to watch a variety of programs, including those that broadcast from Israel and Iraq.

The Ministry of Information censors all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. In January the Ministry announced plans to censor the Internet, but indicated that the methods of enforcement and technical issues still must be worked out. The Ministry has censored political topics as well and does not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controls the printing, publishing, and distribution of informational materials. In March the Parliament formally questioned the Minister of Information concerning his Ministry's role in the inclusion of previously banned books in an exhibition held in November 1997. Ultimately, the questioning led to a serious threat of a successful no-confidence vote against the Minister, a senior member of the ruling family, and precipitated a cabinet reshuffle.

There is no government censorship of university teaching, research, or publication. However, academics are subject to the same restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association

Although the Constitution affirms the right to assembly, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Political activity finds its outlet in informal, family-based, almost exclusively male social gatherings known as diwanias. Practically every male adult, including the Amir, hosts and attends diwanias, at which every possible topic is discussed. The diwaniya contributes to the development of political consensus and official decisionmaking.

Although the Constitution affirms the right of association, the Government restricts this right in practice. The Government bans political parties. Several informal blocs, acting much like parties, exist and were active during the 1996 National Assembly elections. The Government has made no effort to constrain these groupings, which are organized on the basis of common ideological goals. Many may be categorized as "opposition" groups.

All nongovernmental organizations (NGO's) must obtain a license from the Ministry of Social Affairs and Labor. The Government uses its power to license as a means of political control. The Ministry has registered 55 NGO's, including professional groups, a bar association, and scientific bodies. These groups receive government subsidies for their operating expenses. Their members must obtain permission from the Ministry before attending international conferences. However, since 1985 the Ministry has issued only three licenses. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Section 4). In June the Government licensed the Prisoners of War Families Organization, an NGO originally established in 1997.

The Government generally overlooks the activities of many unlicensed NGO's, despite a 1993 decree ordering unregistered NGO's to cease activities. No organization has challenged the 1993 decree in court.

c. Freedom of Religion

Islam is the state religion, and the Government places some limits on freedom of religion. The Constitution states that Shari'a, or Islamic law, is "a main source of legislation." The ruling family and many other prominent families belong to the Sunni denomination of Islam. However, 30 to 40 percent of the population belong to the Shi'a denomination. Shi'a are free to conduct their traditional forms of worship without government interference. However, Shi'a figures claim that the Government has not approved the construction of new Shi'a mosques in recent years.

The Constitution states that "all people are equal in...public rights and duties before the law, without distinction as to... religion," and that "freedom of belief is absolute. The State protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals." There are several legally recognized foreign congregations and churches, including a Catholic diocese and several Protestant churches. Foreigners who are members of religions not sanctioned in the Koran, e.g., Hindus, Sikhs, and Buddhists, may not build places of worship but may worship privately in their homes. The Government prohibits missionaries from proselytizing among Muslims; however, they may serve foreign congregations. The law prohibits religious education for religions other than Islam, although this law is not enforced rigidly. The Government does not permit establishment of non-Islamic publishing companies or training institutions for clergy.

Although there is a small community of Christian citizens, the law prohibits the naturalization of non-Muslims. A non-Muslim male must convert to Islam when he marries a Muslim woman if the wedding is to be legal in Kuwait. A non-Muslim female does not have to convert to Islam to marry a Muslim

male, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children.

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

Citizens have the right to travel freely within the country and to change their work place as desired. Unmarried women 21 years old and over are free to obtain a passport and travel abroad at any time. However, married women who apply for passports must obtain their husbands' signature on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by placing a 24-hour travel ban on her. He can do this by contacting the immigration authorities. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens are free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints where they may detain individuals. The checkpoints are mainly for immigration purposes and are used to apprehend undocumented aliens.

The Government has the right to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The Government restricts the ability of members of NGO's to attend conferences abroad (see Section 2.b.).

A serious problem exists in the case of the bidoon, stateless persons of mainly Iraqi or Iranian descent, who resided in Kuwait prior to the Iraqi invasion. Some bidoon (the term means "without") have had residency ties to Kuwait for generations. Others entered Kuwait during the oil boom years. There are an estimated 114,000 bidoon, down from a pre-war level of 220,000. The bidoon issue remains the subject of nearly continuous press commentary and political discussion. While many citizens count bidoon among their family members, a significant number believe that bidoon should not be eligible for citizenship and the benefits that it conveys. The Government maintains that many bidoon are concealing their true citizenship in order to remain in Kuwait, become citizens, and enjoy the generous benefits provided to citizens. The Government has made only slight progress towards solving the longstanding issue of the bidoon. In May parliamentarians passed a bill that resulted in the naturalization of only 732 bidoon. The Government does not wish the return of the bidoon who departed the country during the Gulf War and frequently delays or denies issuing them entry visas. This policy imposes serious hardships, including family separations.

The Government continued its postwar policy of reducing the presence of nationals from those countries that supported Iraq during its invasion of Kuwait. The number of such residents is now only about 10 percent of its prewar total. The Government instituted a policy in 1996 to route the residence permit renewals of these nationals through the State Security Service. As a result, there has been a sharp increase in the number of renewal denials for these nationals, many of whom, such as Palestinians and Iraqis, have no country to which they may return, or have fears of persecution upon return.

While the Government permits the ICRC to verify if deportees object to returning to their countries of origin, it detains those with objections in the state security detention facility in Shuwaikh until they either change their mind or succeed in making alternative arrangements for travel to a third country (see Section 1.d.).

There is no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government states that it does not deport anyone who claims a fear of persecution at home, but it often keeps such persons in detention rather than grant them permission to live and work in

Kuwait. The United Nations High Commission on Refugees (UNHCR) maintains an office in the country and has access to refugees in detention.

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

Citizens cannot change their head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (i.e., the future Amir), this authority is limited. If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. Women and citizens naturalized less than 20 years earlier may not vote or seek election to the National Assembly. In addition, members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister presides over a 16-member Cabinet. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir dissolved the National Assembly from 1976 to 1981, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Members serve 4-year terms, and National Assembly elections were held on schedule in 1996. The elections were conducted freely and fairly among the minority of citizens who are permitted to vote. Since the Government prohibits political parties, Assembly candidates must nominate themselves. Nonetheless, informal political groupings are active in the Assembly. The Constitution empowers the National Assembly to overturn any Amiri decrees made during the dissolution, and the Assembly has done so in some cases.

In March the formal questioning (interpellation) of the Information Minister concerning his Ministry's decision to include previously-banned books for display and sale at an Arab book fair led to a crisis between executive and legislative authorities. Despite fears that the crisis would lead to the dissolution of the Parliament and the return to extraconstitutional rule, both the executive and the legislative branches of the Government managed to resolve it within the framework of the Constitution. This move generally was interpreted as indicating a growing commitment to resolve disputed within the framework of the country's political institutions, while simultaneously increasing the pressure for censorship.

Women are disenfranchised and have little opportunity to influence government. In the past, a majority of the members of the National Assembly have expressed opinions favoring women's rights to vote, but in March members of the Assembly's Legal and Legislative Affairs Committee voted down a bill (originally submitted in September 1997) which was aimed at giving women the right to vote and run for office. Women's rights activists used the occasion of International Women's Day (March 8) to attempt to register as voters in two districts; they were unsuccessful. In a positive development, the Ministry of Planning appointed the country's second female undersecretary.

Members of the Shi'a minority generally are underrepresented in high government positions. There is only one Shi'a member of the Cabinet, the Minister of Planning. Five of 50 National Assembly members are Shi'a, as is the armed forces chief of staff.

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

The Government continued its practice of preventing the establishment of local human rights groups by not approving their requests for licenses (see Section 2.b.). The Government permits international

human rights organizations to visit the country and to establish offices. Several organizations conduct field work and report excellent communication with and reasonable cooperation from the Government.

The National Assembly has an active Human Rights Committee, which takes testimony from about abuses, investigates prison conditions, and makes nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address egregious human rights problems, as evidenced by its role in helping to bring about the closure of the Talha deportation center (see Section 1.d.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, laws and regulations discriminate in some cases against women and noncitizens, who face widespread social, economic, and legal discrimination.

Women

According to some local experts, domestic abuse of women occurs in an estimated 15 percent of all marriages. Each of the country's 50 police stations receives approximately 1 to 2 complaints of spousal abuse each week, though this may be understated. Of the complaints received, approximately 60 percent involve spousal abuse of noncitizen women. The police and the courts generally seek to resolve family disputes informally and may ask the offending spouse to sign a statement affirming that he agrees to end the abuse. The police refer serious cases to the Psychiatric Department at the Ministry of Health. The courts have found husbands guilty of spousal abuse.

Some employers physically abuse foreign women working as domestic servants, and there are continuing reports of rape of these women by male employers. The local press gives the problem considerable attention, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. In June a 26-year-old Sri Lankan maid died after suffering physical and mental abuse at the hands of her Egyptian employers. While her employers initially claimed that her death was the result of a 1-day hunger strike, investigators linked her death to a series of severe beatings and filed a case against the employers with the office of the Public Prosecutor. In another case, the court sentenced a Kuwaiti national to death for having raped and strangled his Filipino maid. Foreign-born domestic employees have the right to sue their employers for abuse, but few do so due to both fear of deportation and fear that the judicial system is biased against them. The Government has designated a police station to investigate complaints and provide some shelter for runaway maids.

Runaway servants often seek shelter at their country's embassy for either repatriation or a change in employers. On several occasions, the Philippine and Sri Lankan embassies have each sheltered nearly 300 women. Although most of these women sought shelter due to contractual or financial problems with their employers, many also alleged physical and sexual abuse. The Sri Lankan, Indian, and Philippine embassies all continue to report the steady occurrence of physical abuse and mistreatment involving domestic servants.

Women experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is not given equal weight to that of males in the Islamic courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law only males are able to confer citizenship; therefore, children born to Kuwaiti mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). Inheritance is governed by Islamic law, which differs according to sect. 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.

Women traditionally are restrained from choosing certain roles in society, and the law restricts women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens work for the State in office jobs and women are allowed into most areas of the bureaucracy, including even oil well firefighting units. Educated women maintain that conservative religious trends limit career opportunities. Nonetheless, an estimated 28 percent of women of working age are employed. The law promises "remuneration equal to that of a man provided she does the same work." This promise is respected in practice. Women work as doctors, engineers, lawyers, bankers, and professors. A few have been appointed to senior positions in the Ministry of Education, the Ministry of Planning and the state-owned Kuwaiti Petroleum Corporation. However, there are no female judges or prosecutors.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually is given to the mother. The law discriminates against women married to foreign men. These women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead, the law grants residency only if the husband is employed. By contrast, Kuwaiti men married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Polygyny is legal, and is more common among tribal elements of the population. A husband is obliged to inform his first wife that he is taking a second wife. The husband is obligated to provide the first wife a separate household if that is her preference. It is the second wife's choice to get married. A first wife who objects to a second marriage can request a divorce, but the court's determination of divorce and child custody would be made on grounds other than the fact of the second marriage itself.

There are several women's organizations that follow women's issues, among the most active of which are the Women's Socio-Cultural Society (WSCS) and the Women's Affairs Committee (WAC).

Children

The Government is committed to the welfare of children. Both boys and girls receive a free education up to the university level. The Government provides free health care and a variety of other services to all children.

Marriage of girls under the age of 17 is uncommon among the urban population, but remains a practice of the Bedouins in outlying areas.

There is no societal pattern of abuse of children.

People With Disabilities

There is no institutionalized discrimination against disabled persons in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandates accessibility for the disabled to all facilities frequented by the public, and provides an affirmative action employment program for the disabled. However, this law has not been implemented fully. The Government pays extensive benefits for disabled citizens, which cover transportation, housing, job training, and social welfare.

National/Racial/Ethnic Minorities

The Government's failure to improve the plight of the 114,000 bidoon remains a significant problem. The bidoon have been the objects of hostile government policy since the mid-1980's. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many bidoon. In 1993 the Government decreed that bidoon males no longer would be allowed to enlist in the military service. Those presently in the armed forces gradually are being replaced, although 736 bidoon sons of citizen mothers were allowed to enlist during the year. The Government does not issue routinely travel documents to bidoon, and if bidoon travel abroad, they risk being barred from returning to the country unless they receive advance permission from the immigration authorities. Marriages pose special hardships because the offspring of male bidoon inherit the father's undetermined legal status.

In May the National Assembly passed a government-sponsored bill that resulted in the naturalization of 732 bidoon (a tiny fraction of the country's approximately 114,000 bidoon population). The newly passed legislation, part of government proposals made in 1997, granted citizenship to those individuals who were adults (i.e., over the age of 21) when their fathers were naturalized. The bill also confers citizenship on the minor grandchildren of naturalized citizens provided that the child's father is deceased. Further piecemeal legislation has been proposed that, if passed, would lead to the naturalization of an additional 10,000 bidoon, but there has been no significant progress in regard to this issue.

The Government claims that it issues a residency visa, and legal status, to any bidoon who presents a passport, regardless of the country of issuance. This has led some bidoon to acquire passports from countries with which they have no tie, but which have liberal "economic citizenship" programs, although this practice has declined sharply since 1997. Unlike in previous years, there were no reports that the Government denied residency visas to bidoon who obtained passports or that it had unilaterally decided the nationality of any stateless residents without a hearing.

Since the end of the Gulf War, government policy has been targeted against workers from those nationalities whose leaders supported Iraq, especially Palestinians, Jordanians, and Yemenis. The Government argues that during the Iraqi occupation, many of these workers' governments sided with the Iraqi forces. The Government has delayed or denied the issuance of work and residency permits to persons in these groups, and in many cases has hindered those workers who are permitted to reside in the country from sponsoring their families to join them. Many of these nationals also have resorted to the purchase of third country passports in order to gain entry to, or legalize their status in, the country. A government policy to route the residency visas of these nationals through the State Security Service has led to a sharp increase in renewal denials (see Section 2.d.).

Section 6 Worker Rights

a. The Right of Association

Workers have the right, but are not required, to join unions. Nonetheless, the Government restricts the right of association by prohibiting all workers from freely establishing trade unions. The law stipulates that workers may establish only one union in any occupational trade, and that the unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 50,000 persons (less than 5 percent) of a total work force estimated at 1,100,000 are organized in 14 unions, 12 of which are affiliated with the Kuwait Trade Union Federation (KTUF), the

sole, legal trade union federation. In June the KTUF elected a new board of directors. The board stressed the urgency of getting the Labor Law for the private sector passed and setting the minimum wage to improve the lives of domestic laborers and low-income laborers. The KTUF also emphasized its support for the privatization of industry. In November the KTUF filed a complaint with the ILO to protest what it characterized as government stalling in passing the new Labor Law. The Bank Worker's Union and the Kuwait Airways Workers Union, which consist of approximately 4,500 workers, are independent of the KTUF. The Government has shown no sign that it would accept the establishment of more than one legal trade union federation. The law stipulates that any new union must include at least 100 workers, of whom at least 15 are citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic sector.

The Government's pervasive oversight powers further erode union independence. The Government subsidizes as much as 90 percent of most union budgets, may inspect the financial records of any union, and prohibits any union from engaging in vaguely-defined political or religious activities. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals." Such a court decision may be appealed. The Amir also may dissolve a union by decree. By law, the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

Approximately 1,271,000 foreign workers are employed in the country. They constitute most of the work force but only 10 percent of the unionized work force. The labor law discriminates against foreign workers by permitting them to join unions only after 5 years of residence, although the KTUF states that this requirement is not enforced and that foreigners may join unions regardless of their length of stay. In addition, the law stipulates that foreigners may participate only as nonvoting members. Unlike union members who are citizens, foreign workers do not have the right to elect their leadership. The law requires that union officials must be citizens. The ILO has criticized the 5-year residency requirement and the denial of voting rights for foreign workers. The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services are not utilized widely. Any foreign worker may submit a grievance to the labor office regardless of union status.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management cannot reach a solution (see Section 6.b.). The law does not have any provision ensuring strikers freedom from any legal or administrative action taken against them by the state. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who face obvious wrongdoing by their employers.

In April approximately 500 Bangladeshi cleaners went on strike because they had not been paid in 6 months. The workers, after unsuccessfully appealing to their employer, finally appealed to the Bangladeshi Embassy and the Ministry of Labor and Social Affairs. The Ministry acted decisively and quickly resolved the issue by seizing a bond that the employer had posted as a condition to import foreign labor.

In July over 300 Chinese workers began striking in protest against delinquent payment of their salaries. An investigation by the Ministry of Labor and Social Affairs revealed that the company had acted in good faith, making timely payments to the Chinese company that held the subcontract. The investigation further revealed that the Chinese company had not forwarded payment to its employees. In the end, the Ministry left the workers to resolve the matter through the Chinese Embassy and a special labor team that was sent from China.

Unions may affiliate with international bodies. The KTUF belongs to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively, subject to certain restrictions (see Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most agreements are resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolve most issues at the working level and have regular access to other senior officials.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration," however, some foreign workers are treated like indentured servants. The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

Foreign workers may not change their employment without permission from their original sponsors unless they have been in the country for over 2 years. Domestic servants are particularly vulnerable to abuses from this practice because they are not protected by the Labor Law. In many cases employers exercise control over their servants by holding their passports, although the Government prohibits this practice and has acted to retrieve passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants. They frequently face poor working conditions and some physical abuse (see Section 6.e.).

Domestic servants who run away from their employers may be treated as criminals under the law. However, the authorities usually do not enforce this provision of the law. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to Kuwait. There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$1,800.

Middlemen, generally foreigners, use the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal Kuwaiti sponsor. Once in Kuwait, such workers are farmed out to the informal sector or find employment with parties that would otherwise be unable to sponsor them. However, foreign workers who are recruited with these traded visas not only face possible prosecution for being engaged in illegal employment (i.e., working for an employer other than their sponsor) but also leave themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Government efforts to crack down on such abuses have failed to realize significant progress.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Education is compulsory for children between the ages of 6 and 15. The Government does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). Some small businessmen employ their children on a part-time basis, and there have been confirmed reports that some South Asian and Southeast Asian domestic servants are under age 18, but falsified their ages in order to enter the country.

Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

e. Acceptable Conditions of Work

The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensures high wages for Kuwaiti employees, most of whom are in government white collar or business executive positions, while foreign workers, particularly unskilled laborers, receive substantially lower wages. There is no legal minimum wage in the private sector. In the public sector, the effective minimum wage is approximately \$774 (226 dinars) a month for citizens and approximately \$301 (90 dinars) a month for non-citizens. The public-sector minimum wage provides a decent standard of living for a worker and family. Wages of unskilled workers in the private sector do not always permit a decent standard of living. To be eligible to sponsor family members for residency, government workers must receive a minimum wage of \$1530 (450 dinars) a month, and private-sector workers must make at least \$2,210 (650 dinars) a month.

The Labor Law establishes general conditions of work for both the public and the private sectors, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector. The Labor Law limits the standard workweek to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. Domestic servants, who are excluded specifically from the private sector Labor Law, frequently work long hours, greatly in excess of 48 hours.

The ILO has urged the Government to ensure the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions are not applied uniformly to foreign workers. The labor law also provides for employer-provided medical care and compensation to workers disabled by injury or disease due to job-related causes. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. The Government has issued occupational health and safety standards; however, compliance

and enforcement appear poor, especially with respect to unskilled foreign laborers. Employers often exploit workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants, are unaware of their legal rights, and generally lack the means to pursue a legal remedy. They frequently face contractual disputes, poor working conditions, and some physical abuse. Most are in debt to their employers before they arrive in the country and have little choice but to accept the employer's conditions, even if they contradict the contractual terms. It is not uncommon for wages to be withheld for a period of months. Many foreign workers are forced to live in "housing camps," which generally are overcrowded and lack adequate cooking and bathroom facilities. The workers only are allowed off the camp compound on company transport or by permission of the employer.

Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment, and legal protection exist for workers who file complaints about such conditions. Figures available for roughly the first half of the year indicate that the Government registered about 800 cases involving occupational injuries. To cut accident rates, the Government periodically inspects installations to raise awareness among workers and employers, and to ensure that they abide by the safety rules, control the pollution resulting from certain dangerous industries, train workers who use new machines in specialized institutes, and report violations.

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