



Kuwait

Country Reports on Human Rights Practices - [2003](#)

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Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family, who governs in consultation with prominent families and community leaders. The Constitution provides for an elected National Assembly; however, it permits the Amir to suspend any or all of its provisions by decree. Approximately 14 percent of citizens have the right to vote (only males age 21 and over who have been citizens for at least 20 years and are not in the military or police forces). The July general election was generally considered to be free and fair; however, there were some credible reports of Government and opposition vote-buying. The Constitution provides that the National Assembly has a limited role in approving the Amir's choice of Crown Prince. Following the July elections, the Amir appointed a new Prime Minister whose authority the Crown Prince previously held. The Crown Prince appoints government members; however, the elected National Assembly has at times influenced or overturned government decisions. The Constitution provides for some judicial independence; however, the Amir appoints all judges, and the Government must approve the renewal of most judicial appointments.

The national police, the Criminal Investigation Department (CID) and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities of the Ministry of Interior (MOI). Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country has a small, relatively open, market-based economy dominated by the oil industry and the government sector. Out of a total population of approximately 2.4 million, roughly 1.5 million were foreigners. Production from the country's proven crude oil reserves of about 98 billion barrels accounted for nearly half of Gross Domestic Product (GDP). The government sector accounted for 91 percent of citizen employment while foreigners constituted 94 percent of the private sector workforce. According to government statistics, real GDP grew 4 percent in 2002 to \$35.5 billion and an estimated 2.3 percent during the year. High citizen population growth coupled with a large influx of foreign workers has caused GDP per capita to decline in recent years. Domestic servants and unskilled workers often lived and worked in poor conditions.

Although the Government's respect for human rights improved over the last decade, serious problems remain. Citizens do not have the right to change their government. Some police and members of the security forces reportedly abused detainees during interrogation. Overcrowding in the prisons continued to be a serious problem. There were some reports of mistreatment of noncitizen prisoners. The judiciary was subject to government influence. The Government infringed on citizens' privacy rights in some areas. Security forces occasionally monitored the activities of persons and their communications. The Government placed some limits on freedom of speech and the press. The Government restricted freedom of assembly and association. Journalists practiced self-censorship. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially noncitizens, persisted. Judicial authorities discriminated against non-citizens, especially foreign laborers. The legal status of tens of thousands of "bidoon" Arabs with residence ties but no documentation of their nationality remained unresolved. The Government restricted worker rights to organize and bargain collectively, and form unions. Domestic servants remained marginalized and lacked a system to protect their rights, monitor working conditions, and resolve labor disputes. Unskilled foreign workers continued to suffer from the lack of a minimum wage in the private sector, government failure to enforce some Labor Law provisions effectively, and, at times, physical or sexual abuse at the hands of their employers. Some worked under conditions that constituted indentured servitude. Young boys, usually from South Asia, were used as jockeys in camel races.

Many human rights violations committed by the Iraqi army during the 1990-91 occupation remained unresolved, particularly the fate of the majority of 605 citizens and other residents who were still unaccounted for during this reporting period. DNA analysis identified the remains of some of these missing from mass graves discovered in Iraq after the fall of the Saddam Hussein regime.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no developments in the investigations into the extrajudicial killings that occurred during the period after the country's liberation in February 1991 (see Section 1.b.).

b. Disappearance

There were no reports of politically motivated disappearances.

The fate of 572 Kuwaitis (including 29 bidoon) and 33 other residents taken prisoner during Iraq's occupation of the country in 1990-91 remained a highly emotional issue. The remains of several of these missing were identified by DNA tests from mass graves found in Iraq after the fall of the Saddam Hussein regime. The Tripartite Commission on Gulf War Prisoners of War (POWs) and Missing Persons (TPC) resumed functioning with Iraqi participation shortly after the end of major hostilities in Iraq.

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

The Constitution prohibits such practices; however, there continued to be credible reports that some police and members of the security forces abused detainees during interrogation. Reported mistreatment included blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens. The Government does not interpret Shari'a as providing for exceptionally harsh punishment.

The Government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases, the Government did not make public either the findings of its investigations or punishments it imposed.

In August, the Ministry of Interior relieved 5 KSS officials of their duties as a result of accusations filed with the Public Prosecutor by 12 Islamist citizens accusing several KSS officers of allegedly torturing and verbally insulting them during interrogation (see Section 1.d). In November, three police reportedly raped a Philippine female domestic servant while she was in police custody at a district police station. The Philippine Embassy filed a criminal case against the officers in December on behalf of the domestic. During the year, two Ministry of Interior officers were reassigned after being accused of physically abusing citizens who had been to Afghanistan.

In February 2002, the Criminal Court sentenced a police officer to death for a 2001 killing of a news editor. The police officer believed that the editor had insulted the officer's tribe in articles written and published by the editor.

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 did not reveal their identities during interrogation, complicating confirmation of abuse.

There were several cases in 2002 of police officials and security personnel abusing detainees while in police custody; however, there were no new developments in these cases during the year.

Prison conditions, including conditions for those held for security offenses, generally met international standards, and the Government permitted visits by independent human rights observers. The International Committee of the Red Cross (ICRC), which maintains an office in the country, visited some detainees during the year. Members of the National Assembly's Human Rights Defense Committee (HRDC) also visited prisons and inmates during the year. Credible reports from former inmates and the HRDC cited severe overcrowding (13-15 inmates per cell), lack of beds, poor sanitation, lack of clean toilet and washing facilities, poor ventilation, and inadequate containment of infectious diseases as common problems. The HRDC closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all prisons and detention facilities (see section 4). During the year, the Government completed construction of a new prison facility for rehabilitating drug offenders and neared completion of two new prison buildings to house inmates and alleviate overcrowding. One physician, a dentist, and a team of nurses staffed the prison clinic. Medical specialists attended the prisons weekly or once every two weeks. Urgent cases were transferred to local hospitals. However, the prison clinic remained severely understaffed and lacked modern medical equipment and technology. Approximately 3,150 men and 550 women were serving sentences or awaiting trial in prison; detainees were counted separately.

There were some reports of mistreatment of noncitizen prisoners at the Central Prison. There were no specific reports of mistreatment of prisoners at the Talha Prison or Shuwaikh deportation facility. The Government incarcerated an estimated 500 deportees at the deportation facility in Shuwaikh, some for 6 months or longer pending deportation. Deportees reportedly often waited months for their former employers to cancel their residency and work permits or to provide their travel documents (see Section 1.d.).

The Government held men and women in separate detention facilities. There were credible reports that prison conditions for noncitizens, including women, were less favorable than conditions for citizens. The Government held pretrial detainees separately from convicted prisoners. Juveniles were incarcerated separately from adults in a juveniles prison. The Government estimated that citizens constituted between 40 to 60 percent of the total inmate population.

The Ministry of Health requires routine tuberculosis (TB) tests for all prisoners. Inmates undergo a routine medical exam and a series of medical tests before they are incarcerated with other prisoners; however, a report by the HRDC during the year cited TB infection among inmates and staff as a major problem. In July 2002, it was reported that hundreds of prisoners at the Central Prison were infected with TB. A family of 15 tested positive for tuberculosis after visiting the Central Prison. Seven inmates reportedly were infected with HIV/AIDS during the year (see Section 5). Prison authorities reportedly transferred two of them to the Infectious Diseases Hospital during the year for advanced-stage treatment.

Drug-related offenders comprised approximately 55 percent of the inmate population. The Government provided educational and rehabilitation programs for inmates, psychological counseling, and specialized courses for inmates suffering from drug and alcohol addiction. A new prison facility specifically for the treatment of convicted drug addicts with a capacity to accommodate 500 inmates opened during the year. An Islamic educational facility under the supervision of the Ministry of Awqaf and Islamic Affairs with a capacity to accommodate 600 inmates and three other specialized learning facilities provided religious, computer, carpentry, and other practical skills training to inmates.

d. Arbitrary Arrest, Detention, or Exile

The Constitution 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 the arresting officer may issue them. There were some credible reports of police arresting and detaining foreigners without a warrant, based on mere accusation by a third party. Security forces occasionally detained persons at checkpoints in Kuwait City (see Section 2.d.). There were no reported deaths in detention from beatings or severe mistreatment.

According to the Penal Code, those suspected of serious crimes may be held for up to 4 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.

The police constitute a single national force under the purview of civilian authorities of the Ministry of Interior. There are 54 police stations, roughly 1 in each district, although larger districts may have more than 1 station. District police are responsible for maintaining internal security and investigating violations of the law in their respective districts. Citizens and noncitizens may file complaints or report violations of the law to police officials in any district but typically in the district in which the violation or incident occurred. In practice, however, many noncitizens complained of police indifference, discrimination, harassment, and favoritism of citizens. During the year, there were credible reports of police corruption and abuse of detainees during interrogation. (see Section 1.c.). The Government relieved several security officials of their duties during the year as a result of credible allegations of abuse of detainees during interrogation. There were no reported Government efforts during the year to reform the police or security forces. Of the approximately 3,700 persons serving sentences or being detained pending trial, approximately half were being held on security grounds, including some held for collaborating with Iraq during the occupation.

On October 18, the Criminal Court began trial of 12 citizens charged with involvement in the October 2002 attack that led to the death of a foreign marine on Failaka Island. The Government released 2 of the 12 suspects on bail. In June, the Criminal Court sentenced a citizen to death for the shooting of two foreign civilians, one fatally, in January near Camp Doha. The citizen appealed the verdict and, on October 28, the Court of Appeals commuted the death sentence to life in prison. The Public Prosecutor filed an appeal in November to the Court of Cassation requesting it to cancel the Court of Appeals ruling and uphold the death sentence. The case was still pending at year's end. The Criminal Court sentenced three other accomplices to varying terms in prison.

The Government may expel noncitizens, including bidoon, if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There were approximately 500 foreigners including 28 bidoon, held in detention facilities. Some detainees were held for up to 6 months pending deportation. The Government issued many deportation orders administratively, without the benefit of a trial. However, the Government did not return deportees to their countries of origin forcibly, allowing those who objected to remain in detention (see Section 2.d.). This practice led to prolonged detention of deportees, particularly Iraqis. The practice also was a factor in the complex problem faced by stateless bidoon deportees, who essentially remained in detention because their stateless condition made the execution of the deportation order impossible (see Sections 2.d. and 5).

The Constitution 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 must be deported after finishing their jail terms, and in certain circumstances, citizens may have their citizenship revoked. This includes citizens sentenced for felonies during the first 10 years of attaining citizenship, citizens discharged from a public job for "acts against integrity" during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

e. Denial of Fair Public Trial

The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges were noncitizens. Noncitizen judges hold 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 claimed that the courts showed a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation ("Supreme Court") is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to their own independent courts for family law cases. Secular courts barred no groups from testifying and considered male and female testimonies equally; however, in the family courts, the testimony of one man was equal to the testimony of two women. By law, criminal trials are public unless a court or the Government decides that "maintenance of public order" or "preservation of public morals" necessitates a closed trial. There is no trial by jury.

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. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants asked for and received pro bono counsel, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeals, 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 Appeals 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.

The Government continued to incarcerate 36 citizens, bidoon, Palestinians, and Syrians convicted of collaboration with Iraq during the 1990-91 occupation. There were no new developments during the year. Under the law, such collaboration is considered a felony. Most of those convicted in the Martial Law Court in 1991 and the Special State Security Court, which the Government abolished in 1995, did not receive fair trials. Amnesty International (AI) faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts.

There were no reports of political prisoners during the year.

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

The Constitution 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 to obtain government approval to marry foreign nationals. Muslim men marrying Muslim women require no such approval. Although the Government may advise men against marriage to a foreign national, there were no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, several laws empower the Government to impose restrictions on freedom of speech and of the press, and journalists practice self-censorship. With some exceptions, citizens are free to criticize the Government at public meetings and in the media. 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, create hatred, or spread dissension among the public."

In May, the Government presented a new draft press law that would severely restrict press freedom by giving the Government power to close printing presses, veto advertisements, suspend publication of newspapers, and subject articles to pre-publication censorship (a practice the Government banned in 1992). Local newspapers sharply criticized the proposed law. At year's end, the National Assembly had not voted on it.

In June, the Government filed charges against the publisher and editor in chief of a prominent newspaper for "challenging the authority of the Amir" after the editor in chief stated publicly that unnamed members of the ruling family were interfering in the parliamentary election campaign (see Section 3). The case has not yet gone to court. The Government, through the Ministry of Information, threatened to impose penalties against individual publishers and editors believed to have criticized government policies or discussed subjects deemed offensive to Islam, tradition, or the State. In December, police arrested, detained, and

interrogated a citizen for producing and distributing an audiotape allegedly defaming the Prophet Mohammed's companions. The Public Prosecutor ordered the suspect to remain in police custody pending further investigation. A local newspaper reported that the suspect allegedly fell ill during interrogation and was admitted to a local hospital. At year's end, the Court of Misdemeanor sentenced the citizen to 1 year in jail and imposed a \$3,500 (1,000KD) fine for "insulting the companions of the Prophet Mohammed."

The country has five Arabic and two English language daily newspapers. All newspapers are independent, privately owned, and free to report on social, economic, and political issues. Many frequently criticized government policies and officials, including the Prime Minister and Cabinet members. In June, an editorial in the largest-circulation Arabic daily openly debated the issue of separating the post of Prime Minister from that of the Crown Prince (see Section 3). In 2002, the National Assembly questioned the then Finance-Minister publicly on allegations of corruption in his ministry after a popular local newspaper published articles criticizing the minister and his conduct. Press accounts during the year that criticized the Government led to National Assembly members calling for formal question sessions of several Cabinet members.

The Government ended pre-publication censorship in 1992, but journalists still censored themselves. Direct press criticism of the Cabinet's foreign, domestic, and security policies continued.

In November 2002, the Government closed down the offices of and expelled independent Qatar-based Arab satellite network Al Jazeera on allegations of misrepresentation of information about Kuwait.

Publishers must obtain an operating license from the Ministry of Information to begin newspaper publications. Publishers may lose their license if their publications do not appear for 6 months, which prevents publishers from publishing sporadically. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

In December, security officials arrested a police officer for reportedly verbally and physically assaulting a journalist. There were no other specific reports of security forces subjecting journalists to violence or harassment during the year; however, in 2002, police confiscated film belonging to a press photographer covering a public disturbance. Police officials did not provide any explanations regarding the action taken towards the press photographer. In 2002, a police officer was sentenced to death for the 2001 killing of a news editor.

Fawwaz Muhammad Al-Awadi Bessisso and Ibtisam Berto Sulaiman Al-Dakhil, two journalists, were sentenced to life in prison in 1991 because of their work with a newspaper that published under Iraqi occupation. The Government deported one of the journalists to France during the year. The other reportedly departed the country in October.

The Government facilitated visas, established a press center, organized trips to closed military areas, and granted interviews to foreign journalists.

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 if the citizen believes that the author has defamed Islam, the ruling family, or public morals. Often, citizens filed such charges for political reasons.

The Government owns and controls local radio and television companies. Satellite dishes are widely available and operate without restriction. However, the Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry of Information censored media for political content and did not grant licenses to political magazines. The General Organization of Printing and Publishing controlled the publication and distribution of all informational materials.

The Internet is available but access is limited. According to the latest U.N. statistics, there were approximately 120 personal computers per 1,000 people but only about 23 websites per 10,000 people and an estimated 50,000 Internet users. The Government imposed controls on Internet content in 2002 and threatened to shut down many private Internet cafes for noncompliance with new restrictive regulations. The Ministry of Communications issued new directives in 2002 to Internet service providers to block some political sites and some deemed immoral. Internet providers installed filtering technology. Following the 2002 raid of 19 Internet cafes, the Ministry of Communications requires cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry upon request. The law provides for a \$162,500 (50,000 dinars) bond.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing, or otherwise. Academic freedom is limited by self-censorship, and academics were legally prohibited from criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Public gatherings

require government approval. The Constitution protects informal weekly social and political gatherings of men (diwanias). Most adult male citizens, including the Amir, members of the Government, and members of the National Assembly hosted or attended diwanias to discuss current events. The diwaniya system provided an important forum for public debate on political, social, and economic issues. Women were not precluded from holding diwanias of their own; however, such diwanias were uncommon. Traditionally, women do not attend male diwanias although a few diwanias are open to both sexes. Most election campaign gatherings were well attended and women attended some. The Ministry of Information granted permission for a concert of popular music despite vocal opposition from some Islamist politicians.

There were a few public demonstrations during the year. Demonstrators were orderly and the police did not interfere in most cases. In December, approximately 1,000 foreign workers protested peacefully at the Ministry of Health over reported delays by the Ministry in processing their health insurance transactions. Security officials dispersed the crowd. There were no reports of police harassment or abuse of demonstrators (see Section 6.e.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The Government banned political parties; however, several unofficial blocs existed and were active in the National Assembly. Candidates were allowed to run for elections only as individuals, not with a party (see Section 3); however, in many cases, a candidate's party affiliation was well known and may have influenced electoral performance.

The Government uses its power to license as a means of political control. There are 52 licensed, official nongovernmental organizations (NGOs) in the country, including professional groups, a bar association, and scientific bodies; however, since 1985, the Ministry of Social Affairs and Labor approved only 6 new NGO licenses. The Ministry licensed only one NGO during the year, the Kuwait Society for the Care of Children in Hospital. There were 92 NGOs pending licensing by the Ministry; many have been waiting years for approval. Licensed NGOs receive government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has rejected license requests on the grounds that established NGOs already provide services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the Ministry in order to attend international conferences (see Sections 2.d. and 4).

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations do not receive government subsidies and have no legal status. The Kuwait Human Rights Society, an unofficial NGO with approximately 500 members, has been waiting for a license since 1992. Despite its unofficial status, it produces an annual report on human rights and a quarterly magazine. However, it cannot operate its own official premises or speak officially with the Government on human rights issues without a license (see Section 4). At year's end, the Ministry of Social Affairs and Labor initiated a review of its NGO licensing regulations and procedures with a view towards streamlining the licensing of pending NGO applicants.

In August 2002, the Acting Minister of Social Affairs and Labor approved the creation of a charitable organizations department within the Ministry. The department regulates domestic charities by reviewing their applications for registration, monitors their operations, and utilizes an accounting system to comply with regulations governing charitable operations (see Section 2.c.). In 2001, the Government intensified its supervision of all charity groups as part of its effort to prevent any diversion of funds to terrorists. The Government reportedly did not shut down any unlicensed NGOs or unregistered branches of Islamic charities during the year, but removed a large number of unlicensed street-side charity boxes.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government placed some limits on this right in practice. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The Constitution states that Islam is the state religion and that Shari'a (Islamic Law) is "a main source of legislation." The Government observes Islamic holidays.

The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly was no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches (Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, Greek Catholic) have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in staff. In October, the Government reportedly closed the National Evangelical Church's file due to its alleged failure to comply with the National Manpower Support Law by employing the requisite number of Kuwaiti nationals. At year's end, the Government reinstated its open file status.

By tradition, three churches benefit from full government recognition and are allowed to operate compounds officially designated as churches. These are the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Church. However, there are quotas on the number of clergy and staff that each church can bring into the country. Existing church facilities are inadequate to serve the needs of their respective communities. The Catholic Church faces severe overcrowding at its two official church facilities. Its cathedral in Kuwait City regularly attracts as many as 100,000 worshippers to its more than 30 weekly services in several languages. The National Evangelical Church, which serves a weekly average of 20,000 worshippers in 55 congregations, is also overcrowded. The church is seeking approximately 15-20 acres of new land to alleviate overcrowding and petitioned the Government for additional land during the

year. No action had been taken on the issue at year's end.

The other four recognized churches reportedly were allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities without interference from the Government; however, according to government records, their compounds were registered only as private homes. There were reports in previous years of at least two groups that applied for permission to build their own churches; however, the Government has yet to respond to their requests.

The Government continued to discriminate against the Shi'a minority. There are approximately 270,000-315,000 Shi'a citizens (one third of Kuwaiti citizens) and approximately 100,000 Shi'a noncitizen residents. Shi'a remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in upper levels of government. There are approximately 30 Shi'a mosques and approximately 1,200 Sunni mosques. There is no independent Shi'a seminary. Shi'a must travel to Iran or Iraq for clerical training. Five Shi'a were elected to the 50-seat National Assembly in July, compared to 6 Shi'a in the previous National Assembly. The Government allows Shi'a to follow their own jurisprudence in matters of personal status and family law at the first-instance and appellate levels. In October, the Government approved a long-standing Shi'a request to establish a Shi'a Court of Cassation to handle Shi'a personal status and family law cases.

Shi'a were free to worship without government interference, and the overall situation for Shi'a improved somewhat during the period covered by this report. Since 2000, the Government has granted licenses for and has approved the construction of a total of 4 new Shi'a mosques. All four mosques are still reportedly under construction. In November, the Government publicly announced its approval of another long-standing Shi'a request for the establishment of an independent Shi'a Ja'fari Waqf (endowment) Department within the Ministry of Awqaf and Islamic Affairs to govern the use of funds for Shi'a charitable and religious purposes. In 2001, the Government established an independent Shi'a charity authority.

Shi'a leaders have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. The Ministry of Education reviewed a Shi'a proposal to establish a private college to train Shi'a clerics within the country; however, at year's end, no action had been taken on the proposal.

Members of religions not sanctioned in the Qur'an, such as Sikhs, Hindus, Baha'is and Buddhists, are not permitted to build official places of worship as these religions lack legal status. However, they are allowed to worship privately in their homes without government interference. In January 2002, due to mounting pressure from citizens in the district of Salwa, the Government closed and later reopened an unofficial Sikh temple, located in a room in a private home. Sikhs who worshipped there were reportedly still able to worship elsewhere.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly Asian nationals, that they would receive better treatment from employers as well as society as a whole if they converted to Islam.

The seven officially recognized Christian churches were able to hold worship services freely without government interference. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, were allowed to operate in private homes or in the facilities of recognized churches without government interference, provided that they did not violate laws regarding assembly or proselytizing.

The Government prohibited proselytizing to Muslims; however, the Government permitted Christian churches to serve non-Muslim congregations. The law prohibited organized religious education other than Islam; however, the Government did not enforce this law rigidly, and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were credible reports that government inspectors periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam took place. There were also credible reports that government inspectors periodically observed church worship services to monitor the content of information for possible anti-Government or proselytizing rhetoric.

The Islamic Presentation Committee (IPC), under the authority of the Ministry of Awqaf and Islamic Affairs, actively encouraged proselytizing to non-Muslims. The IPC maintained an office at the Central Prison to provide religious education and information on Islam to inmates. IPC also established an NGO, AWARE, late in the year to promote awareness of Islam, Arab and Islamic culture, and provide training courses to foreigners.

The Government did not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches published religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provided informal instruction to persons interested in joining the clergy.

The Book House Company Ltd., a private company, imported a significant number of bibles and other Christian religious material including videotapes and compact discs for use solely by the congregations of the country's recognized churches. The firm was the only bookstore that had an import license to bring in such materials, which also required approval by government censors.

There were some reports of customs officials confiscating non-Islamic religious materials from private citizens upon their arrival at the airport. In May, police arrested five foreign workers for allegedly proselytizing with bibles in Andalus district. State security officials later released the individuals on condition that they sign commitments pledging to refrain from proselytizing.

The law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 (and children born to families of such citizens since that date) were allowed to transmit their citizenship to their children.

By law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). By law, a non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. In practice, 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 children, even those who most likely would have been left in the mother's custody if she were Muslim. Failure to convert may also mean that a non-Muslim woman would not be eligible to inherit her husband's property.

A few Muslim converts to Christianity reported harassment and discrimination by police and employers, including termination of employment, repeated summonses to police stations for questioning, verbal abuse, police monitoring of their activities, and imposition of fines without due process (see Section 1.e.).

The law requires jail terms for journalists who defame religion (see Section 2.a.).

The Ministry of Education announced its intention to combat religious intolerance by clarifying the concept of "jihad" in school curricula; this initiative encountered strong condemnation from some Islamist members of the National Assembly. At year's end, no reported changes had been made to school curricula regarding this concept.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Travel, Emigration, and Repatriation

The Constitution does not provide for the rights of freedom of movement within the country, freedom of foreign travel, or freedom to emigrate. 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 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, but he may prevent her departure from the country by placing a 24-hour travel ban on her through 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. 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. This also applies to dual national children born to citizen fathers and noncitizen mothers. The Government does not recognize dual nationality. A citizen father can place a travel ban on his (under 21) children through the Ministry of Interior or through a local court if he does not wish for them to travel without his permission. There were many reports of citizen fathers/husbands confiscating their children's/wives' travel documents to prevent them from departing.

Citizens were largely free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints to detain individuals for immigration purposes and to apprehend undocumented aliens (see Section 1.d.). In July 2002, the Ministry of Interior allowed expatriates a 45-day grace period to legalize their residency status or to depart the country without facing legal action. During the year, there were some reports of police harassment of foreign workers at security checkpoints.

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 has resulted in many citizens and foreigners being prevented from departing the country without investigation or a legal case being brought before a local court. This practice has become less prevalent in recent years but still persists. The travel ban is a tool used by some citizens to prevent domestic servants from departing the country. Although illegal, many citizen employers routinely confiscate the passports of foreign employees, which forces them to remain in the country against their will. There does not appear to be any concerted Government effort to prevent employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as official NGO representatives (see Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (see Sections 2.d. and 5). However, the Government permitted some bidoon to travel to Saudi Arabia during the year for the annual Hajj pilgrimage.

Since 2001, there have been no special restrictions against or permits required for Palestinian workers wishing to return to the country. According to the latest estimates, there were approximately 30,000 to 40,000 Palestinians, 30,000 to 40,000

Jordanians, and 5,000 Yemenis resident in the country.

The Government permitted the ICRC to verify if deportees objected to returning to their countries of origin; it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country (see Section 1.d.).

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, in practice the Government provided protection against refoulement but did not grant refugee or asylum status. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR maintained an office in the country and had access to refugees in detention.

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

Citizens do not have the right to change their government. The Constitution provides that the elected National Assembly has a limited role in approving the Amir's choice of Crown Prince (the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage. The only citizens who have the right to vote and seek election to the National Assembly are males age 21 and over who have been citizens for at least 20 years and are not members of the armed forces, police, or other uniformed personnel of the Ministry of Interior.

Under the Constitution, the Amir holds executive power and shares legislative power with an elected National Assembly. The Amir appoints the Prime Minister, who presides over a 16-member Cabinet (Council of Ministers), who he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince; however, in an unprecedented development in July, the Amir named one of his younger brothers, not the Crown Prince, as Prime Minister; the new Prime Minister promptly formed a new Cabinet.

The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Constitution provides that cabinet members sit in the National Assembly and vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There are 50 elected National Assembly members. Members serve 4-year terms, and the most recent National Assembly elections were held in July. The Government banned political parties; however, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the National Assembly. The Government acknowledged and, at times, worked with these blocs, which were organized on the basis of common ideological goals. Because of the ban on political parties, National Assembly candidates must nominate themselves as individuals and may run for election in any of the country's 25 constituencies. The top two finishers in each constituency are elected in single-round balloting.

The Constitution provides that the National Assembly can overturn the Amir's decrees, but only those made when the National Assembly is not in session. The National Assembly exercised this authority in previous years in some cases; however, the National Assembly did not amend any of the Amir's proposals during the year.

Members regularly require ministers to appear before the full National Assembly for formal question sessions when they are dissatisfied with their or the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers.

A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes; however, such primaries or by-elections, which are limited to tribal members and do not include all eligible voters in a given electoral constituency, continued in practice.

The July National Assembly elections were generally free and fair, although there were some credible reports of government and opposition vote buying, illegal and unevenly held tribal primaries (by-elections), ballot box tampering in some constituencies, and lax enforcement of some election laws. Recounts were ordered and undertaken in 2 of the 25 electoral districts due to allegations of vote fraud. During the year, candidates from several constituencies filed court petitions challenging the July National Assembly election results on allegations of ballot box tampering. In December, the Constitutional Court dismissed these petitions.

Women continued to be denied the right to vote and run for office and had little opportunity to influence government. There were no women in the 50-seat National Assembly and no women in the Cabinet. Women held some relatively senior nonpolitical positions within some ministries.

The new Prime Minister appointed 1 minority Shi'a member to the 16-member Cabinet as the Minister of Information. Of 50 National Assembly members, 5 were Shi'a (after the July elections).

Several tribes conducted illegal primaries (by-elections) to select candidates for participation in the National Assembly elections held in July. Such primaries are limited to tribe members and thus do not include all eligible voters in a given electoral constituency. Some Shi'a claimed that if they had held such primaries as other groups did (in violation of election laws), they would have gained more seats in the National Assembly. In December, the National Assembly's Legislative and Legal Affairs Committee approved requests from the Public Prosecutor to lift the parliamentary immunity of four parliamentarians suspected of participation in illegal tribal primaries held before the July elections.

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

The Government permitted the existence of NGOs; however, it continued to deny NGOs, including new local human rights groups, licenses. All NGOs must obtain a license from the Ministry of Social Affairs and Labor in order to operate officially (see Section 2.b.). The only local human rights NGO is the Kuwait Human Rights Society, whose license application has been pending since 1992. Without a license, the NGO cannot have its own official facility, obtain government funding, operate any official accounts, or dialogue directly and officially with the Government on human rights issues. Despite its unofficial status, however, the NGO produces an annual report on human rights in the country, publishes a quarterly magazine, and meets some senior Government officials occasionally. The NGO reportedly paid for the legal fees and the return travel of an abused Indian maid in 2002 who had been severely beaten by her employer in a high-profile domestic abuse case.

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported good communication with and reasonable cooperation from the Government. For example, AI and Human Rights Watch (HRW) regularly exchanged information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. 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 has not yet submitted the remaining two of eight conventions from the International Labor Organization's (ILO) Declaration of Basic Rights at Work to the National Assembly for ratification (see Section 6).

The National Assembly has an active Human Rights Defense Committee, which took testimony from individuals regarding abuses, investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the HRDC has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems. During the year, the HRDC focused particular attention on the issue of access to public education for bidoon children. HRDC members questioned the Minister of Education before the National Assembly on the issue. The Government established a special educational fund to help pay for school fees for bidoon children of primary school age whose parents cannot afford them. The Committee also issued a report critical of Central Prison conditions during the year. The Committee issued its first annual human rights report in May 2002. It did not issue a human rights report during the year.

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

The Constitution prohibits discrimination based on race, national origin, language, and religion; however, in practice, the Government did not uniformly or consistently enforce laws against discrimination. Many laws and regulations discriminated against women and noncitizens. There were no specific reports of any official or societal discrimination against persons with HIV/AIDS. However, the Government tightly controlled HIV testing, and foreign workers who have HIV/AIDS were often deported.

Women

Violence against women continued to be a serious and overlooked problem. Certain provisions of the Penal Code reduce or eliminate penalties for violent crimes committed by men against women. Each of the country's 54 police stations reportedly received on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involved spousal abuse of noncitizen women. The police and the courts generally sought to resolve family disputes informally. The police referred a few serious cases to the Ministry of Health.

The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases are not brought to court and abusive husbands, if charged, rarely face severe penalties. Typically, husbands accused of domestic abuse must pay a nominal fine and sign a pledge of good conduct. Police officials typically regard domestic violence as a private family affair and are reluctant to bring such cases to the attention of higher investigative authorities. Only the most egregious cases of abuse have resulted in conviction of the abuser or removal of the victim from the abusive environment. There are no shelters or hotlines for victims of domestic violence. Many noncitizen women married to citizen men 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 hospital reports, eyewitness accounts, and social worker testimony), police officials rarely take into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law provides no clear legal standard as to what constitutes injury and a woman must provide at least two male witnesses (or a male witness and two female witnesses)

to attest to the injury committed. There were some reports of individuals bribing police officials to ignore charges of domestic abuse. The law prohibits rape and provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs.

Rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted dozens of rape and sexual assault incidents during the year, mostly involving female expatriates. In April, a male citizen, reportedly part of a criminal gang, allegedly broke into local homes and attempted to rape at least two foreign housemaids. In October, three unidentified men allegedly kidnapped and raped a female Philippine national in a remote desert area. The case was under investigation at year's end. In December, a citizen teacher reportedly raped an 11-year-old male pupil in a school bathroom. The Public Prosecutor referred the case to the Criminal Court at year's end. The police occasionally arrested rapists and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. In January, the Court of Appeals upheld a Criminal Court verdict sentencing a Bangladeshi man to death for kidnapping, raping, detaining, and forcing two foreign women into prostitution in Mangaf district. Also in January, the court upheld a 15-year prison sentence handed down to a police officer who kidnapped and raped a woman. In April, Farwaniya district police arrested a male citizen, part of a criminal gang, for attempted rape of a housemaid. In November, the Public Prosecutor interrogated several police officers accused of raping a Philippine housemaid in a police station. The suspects were detained at year's end pending investigation. In previous years, the Government imposed severe penalties, including the death sentence, for particularly egregious rape cases.

The physical or sexual abuse of foreign women working as domestic servants was a pervasive problem. Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers and male coworkers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. The courts fined or jailed some employers for abuse of domestics during the year. Some rapes resulted in unwanted pregnancies, and there were several reports of illegal abortions. There were also reports of domestic servants killing children that were fathered by employers. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There also were dozens of reports of domestic workers allegedly committing or attempting to commit suicide because of desperation over poor working conditions or abuse.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. Local news sources reported a few criminal cases filed against abusive employers by domestics but informal out-of-court conciliation was attempted in most cases, usually with the assistance of the domestic's source country embassy. The Government deported most runaway domestics. A specialized police facility and a government domestic labor office investigated and resolved some complaints. The Government took some steps during the year to protect the rights of domestic servants, particularly victims of trafficking (see Sections 6.c., 6.e. and 6.f.). In April, the Government licensed a new union, the Kuwait Union of Domestic Labor Offices, charged with monitoring the activities of labor recruitment agencies and raising awareness among employers on the treatment of domestics. During the year, the union distributed educational brochures to both employers and newly arrived domestics on their rights and obligations. The union, in cooperation with various government ministries, proposed a new draft law to regulate the importation, training, and hiring of domestic servants. The Government had not yet taken action on the proposed law at year's end.

The Ministry of Interior sometimes pays for return airline tickets for runaway or abused domestic servants if their employers refuse to provide tickets. Some NGOs, such as the Kuwait Human Rights Society and the Kuwait Friendship Society, have paid for return airline tickets or legal fees on behalf of runaway or abused domestics in some cases. Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases, the domestics often were deported without owed compensation. The Ministry of Interior blacklists some delinquent employers to prevent them from sponsoring additional domestics. The Ministry reportedly blacklisted over 4,000 employers for failure to fulfill their duties as sponsors. In practice some blacklisted employers were able to hire new domestics due to their connections ("wasta") with police officials or other authorities.

The Government prosecuted some employers accused of abusing their foreign-born domestic servants. In March, the High Court of Appeals overturned the acquittal by the Criminal Court of a female citizen charged with beating and burning her maid with an iron bar by fining her approximately \$3,300 (1,000 KD) and ordering her to sign a pledge of good conduct. In practice, however, enforcement of such pledges appears to be weak. In February, police detained a male citizen for allegedly raping his housemaid repeatedly over a period of 1 year. The maid took shelter in her source country embassy during the year. In November 2002, the Criminal Court sentenced a man to life in prison for stabbing and attempting to rape his maid while under the influence of alcohol.

There were a number of cases still pending resolution in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. There were no developments in the 2002 case of an Indian maid who was beaten severely and tortured.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy pending repatriation or a change in employer (see Sections 6.c. and 6.e.). Out of an estimated 500,000 domestic servants in the country, approximately 1,000 women were reported to be in informal shelters run by source-country embassies at any given time during the year. Many runaway domestics remained in embassy shelters for months pending new employment or departure from the country. The Government does not prevent runaway domestics from seeking shelter in their host country embassies.

Some unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. In January, a Bangladeshi man allegedly detained three Asian women inside an apartment in a remote district and forced them into prostitution. In May, a Bangladeshi man and two accomplices allegedly kidnapped two Asian women, detained them inside an apartment, and forced them into prostitution. Police arrested the man in May. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were several reports during the year of procurers kidnapping maids off the street and forcing them into prostitution (see Section 6.f.).

"Honor crimes" are prohibited; however, some provisions of the Penal Code reduced penalties for these crimes.

In November 2002, the High Court of Appeals upheld the original 2002 Criminal Court verdict sentencing a woman to life imprisonment and her three male accomplices to death for a 2002 "honor" killing of a 6-year-old girl. The citizens filed an appeal during the year and the Court of Cassation began considering their appeal in December.

There were some reports of women, mainly from Asia, who were trafficked into the country into situations of coerced labor, where they often suffered from physical abuse or other extreme working conditions. Some female domestic servants who ran away from their employers due to abuse or poor working conditions were recruited or kidnapped into prostitution (see Section 6.f.).

Women continued to experience legal, economic, and social discrimination. Women do not have the right to vote (see Section 3) or run for election to the National Assembly. Their testimony is worth half that of a man's in proceedings before the family courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law, only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, 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. Numerous women filed court cases and participated in marches in 2002 to press for voting rights. The courts postponed decisions on these cases and no action was taken during the year. Citizen families (a "family" must always include a male) are entitled to receive a plot of land and an approximately \$233,000 (70,000 KD) interest-free government loan ("housing allowance") through the Credit and Savings Bank to purchase a house. The Government registers the house in the names of both the husband and the wife. In case of divorce, however, a female citizen loses her rights 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 out once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a foreign national cannot, by law, qualify for the government housing allowance.

The Government makes family entitlement payments approximately \$165 (KD50) per child up to the seventh child to the employed parent, almost always the father. In divorce cases, the Government continues to provide these payments to the divorced father, who is expected by law and custom to provide for his children even though custody of minor children is almost always awarded to the mother.

The law provides for female "remuneration equal to that of a man provided she does the same work." This provision often was not generally respected in practice. 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 33 percent of females citizen of working age were employed. Many women were employed as professors, attorneys, physicians, bankers, engineers, and businesswomen. A few women have been appointed to senior positions in the Ministry of Education, Ministry of Planning, and the state-owned Kuwait Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors. During the year, the Government decided to appoint and assign female diplomats overseas to expand the public position of women.

There is no specific law that addresses sexual harassment; however, it was reportedly only a problem for domestic servants.

The law discriminates against female citizens married to foreign men. Unlike male citizens, such women are not entitled to government housing subsidies. 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, male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Most classes at Kuwait University are fully segregated by gender. Construction is underway on a separate campus for female students, who comprise approximately 70 percent of the total student body at Kuwait University.

Polygyny is legal; however, it is more common among tribal elements of the population.

Several organizations followed women's issues, among the most active of which were the Women's Cultural and Social Society, the Women's Affairs Committee, Kuwait Economic Society, Kuwait Human Rights Society, and the Social Reform Society Women's Committee.

Children

The Government is generally committed to the rights and welfare of citizen children. Citizen boys and girls receive a free education through the university level, often including advanced degrees and the opportunity to study abroad. Primary education is universal and compulsory. UNICEF estimates net primary enrollment at 66 percent. The Government provides free health care and a variety of other services to citizen children; non-citizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care.

Citizen parents also receive a monthly government allowance of approximately \$165 (50 KD) for each child up to the seventh child. The Government makes these payments to the employed parent, usually the father, and continues to provide these payments to the father even if the parents are divorced and the father does not have custody of the children. There is no legal requirement governing its use and anecdotal evidence suggests that many non-custodial fathers were not using it to contribute to the care and welfare of their children. There did not appear to be any monitoring of how the funds are spent.

There was no societal pattern of abuse; however, there were some cases of children, some as young as 6 years old, raped by men or gangs of youths. In February, a police officer allegedly raped a 9-year-old male citizen. The case was under investigation at year's end. In June, the Criminal Court sentenced a male citizen to death for kidnapping, raping, and murdering a Pakistani child. The citizen appealed the verdict and the High Court of Appeals began hearing testimony in December. In December, the Public Prosecutor referred to the Criminal Court the case of a citizen teacher accused of raping an 11-year-old boy. The teacher was reportedly in detention at year's end. There were incidents of arrests in some child abuse cases, but no reported convictions.

Some tribal groups continued to marry girls under age 17. There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants (see Sections 6.c. and 6.d.).

Young boys, reportedly from South Asia and Africa, were trafficked into the country to be used as camel jockeys (see Sections 6.c., 6.d., and 6.f.). Many of the jockeys came to the country from racing during the season in other Gulf nations. Some boys as young as five or six years old were reportedly used as camel jockeys. In response to growing criticism, the Government mandated during the year that all camel jockeys must be at least 18 years of age. The Ministry of Social Affairs and Labor, in cooperation with the Public Authority for Youth and Sport, issued a new regulation in September prohibiting the use of children under 18 years as camel jockeys, even as a sport. However, there were weight limits for camel jockeys. Camel jockeys reportedly had to weigh between 25-45 kilos, which directly contradicted the minimum age requirement. The Ministry mandated regular inspections of camel racing clubs during the year. There were no reported cases of sexual exploitation of youths used as camel jockeys.

Children of bidoon residents are not entitled to the free public education and health care provided to citizen children. The Government established an Educational Charity Fund for bidoon children during the year to help cover school fees for bidoon children of primary school age whose families cannot afford them.

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. There was no reported discrimination against persons with disabilities in employment, education, or in the provision of other state services. In 1996, the National Assembly passed legislation on the rights of persons with disabilities. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The Government paid stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for noncitizens.

National/Racial/Ethnic Minorities

The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon (a term meaning "without" as in "without citizenship") are Arabs who have residency ties to the country, some going back for generations and some for briefer periods, but who either lack or have failed to produce documentation of their nationality. The exact number of bidoon residents is unknown. Since the mid-1980s, the Government has actively discriminated against the bidoon in areas such as education, medical care, employment and mobility. The Government eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and deported many. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers' licenses, which made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon pay more for medical care than citizens do, although less than foreign residents. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive 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 at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be

naturalized each year, the Government only granted citizenship to approximately 1,600 during the year. However, an additional 5,500 bidoon in 3 categories, wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens, have been permitted to apply for citizenship beyond the 2,000 per year limit.

Many bidoon are unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they are truly stateless. Others (the Government claims 26,000 over the past 4 years) have disclosed their true nationalities and have 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.

Active debate over the bidoon issue increased markedly after the July National Assembly elections. 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 5 percent of the population have rendered the issue highly divisive. Some National Assembly members have threatened to question cabinet ministers, including the Minister of Education and Prime Minister, publicly over the issue. During the year, the Ministry of Defense approved granting citizenship to an estimated 400 bidoon who participated in the liberation of the country from Iraqi occupation. The Minister of Interior proposed that deceased bidoon among the "Kuwaiti missing persons" whose remains had been identified in Iraq be naturalized, thereby allowing their surviving bidoon family members to gain citizenship. This proposal had not yet been approved at year's end. Of the 572 "Kuwaitis" missing from the Iraqi occupation, 29 were bidoon.

In 2002, the Government mandated that those who did not register by the June 27, 2000 cut-off date and did not rectify their nationality status by either disclosing their true nationality or furnishing evidence of their citizenship would be subject to deportation as illegal residents. However, no such action was taken. There were no reports during the year of the Government deciding the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent citizenship applications, the Government brought forgery charges against several bidoon applicants since July 2001. The only reported forgery conviction was in 2001. There continued to be reports of bidoon obtaining false documents in order to apply for citizenship.

The Council of Ministers and the Amir approved a draft law requiring bidoon to submit a passport with a valid residency permit when applying for Kuwaiti citizenship and referred it to the National Assembly for ratification. A final vote on the law had not yet taken place at year's end.

Section 6 Worker Rights

a. The Right of Association

The law provides that workers have the right to join unions; however, the Government restricted the right of freedom of association to only one union per occupational trade, and permitted unions to establish only one federation.

Approximately 60,000 persons, less than 5 percent of a total work force of 1.36 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. 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 whom must be 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 much of the private sector. Only about six percent of employed citizens worked in the private sector during the year. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have stalled for more than 10 years.

The Government licensed a new union during the year, the Trade Union of Workers in the Public Authority for Agriculture and Fisheries.

During the year, the Government implemented the National Manpower Support Law, a new law aimed at increasing the number of citizens employed in the private sector. Article 15 of the law, not yet implemented, will require the establishment of a bank account for every foreign worker in order to ensure that workers are paid in a timely and transparent manner. The law imposes substantial fines on private companies that fail to employ the requisite number of citizens. Representatives of numerous companies and the Kuwait Industries Union met with government officials during the year to voice concern over the new law. The Ministry of Social Affairs and Labor initiated a review of the law at year's end to identify segments of the private sector that should be exempt from the law's provisions.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. 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 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 law subordinates the legal existence of the unions to the power of the State; however, no union has been dissolved.

The most recent government statistics cite approximately 1.1 million foreigners as employed in the country, comprising over 80 percent of the labor force. However, foreign workers constitute less than 5 percent of the unionized work force. The Labor Law

discriminated against foreign workers by denying them voting rights and permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not widely enforced in practice. Any foreign worker covered under the Labor Law, which excluded maritime workers and an estimated 500,000 domestic servants, could submit a grievance to the Labor Office regardless of union status; however, such services were not utilized widely.

ILO officials visited the country during the year to assist the Ministry of Social Affairs and Labor in reviving 2001 proposals for Labor Law reform.

The Labor Law prohibits anti-union discrimination. Any worker who alleges anti-union 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 such discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged 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

The Labor Law provides workers with the rights to organize and bargain collectively, subject to certain restrictions, and the Government generally respected them in practice (see Section 6.a.). However, the Labor Law does not apply to domestic servants, who constitute roughly a third of the foreign labor force but lack the rights and protections under the law enjoyed by other foreign workers. Domestic servants may not organize or bargain collectively and suffer from low wages and often abuse at the hands of their employers. The Labor Law does not provide for a minimum wage for either domestic servants or private sector workers. Foreign private sector workers are allowed to join unions but are barred from leadership positions.

The Labor 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 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 employers. Technically, the Government is responsible for establishing wages and employment conditions for civil service workers but generally determined benefits in consultation with civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right of workers to strike. It 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 Ministry of Social Affairs and Labor has been responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers. There were no reported sit-ins or worker protests during the year. However, there were two partial strikes during the year by employees of the Kuwait Municipality and the Finance Ministry; both were reportedly resolved amicably, with the employees attaining most of their demands.

The Government cooperated closely with the ILO, which maintained a representative office in the country. The ILO Regional Director for Arab States visited the country during the year and met with the Minister of Social Affairs and Labor to discuss labor reform issues. The ILO sent two senior officials in November 2001 to advise the Government on how to improve the country's labor situation. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work, but had not yet submitted them to the National Assembly for ratification. The Ministry of Social Affairs and Labor approved the provisions, which were being reviewed by the Legal Advice and Legislation Department at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration;" however, many unskilled foreign workers were treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and bonded labor by children; however, there were credible reports of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (see Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers are particularly vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases, employers exercised control over their servants by withholding their passports, although the Government prohibits this practice and in some instances acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants.

They frequently faced poor working conditions and at times encountered physical or sexual abuse (see Sections 5 and 6.e.). Domestic servants who run away from their employers as a result of abuse or poor working conditions are routinely treated as criminals under the law as they fall under the purview of the Ministry of Interior rather than the Ministry of Social Affairs and Labor. There were dozens of reports during the year of police arresting and charging domestic servants with crimes such as violating immigration procedures, for attempting to escape from abusive employers. The police typically regarded such problems as matters of law and order, and not as legitimate labor conflicts. Employers or local labor recruitment agencies routinely withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of widespread illegal visa trading, a system by which local sponsors agree to extend their sponsorship (in name only) to foreign workers in exchange for a fee in the range of \$1,500 to \$4,000 (450 to 1,200 KD). Middlemen, generally foreigners, attract workers from economically depressed countries, take a commission, and remit the balance to the nominal sponsor. Once in the country, such agents transfer workers to employers in the informal sector or to parties that would otherwise be unable to sponsor them. Foreign workers recruited with traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also were extremely vulnerable to extortion by employers, sponsors, and middlemen.

Visa and residence trading has resulted in a growing number of unemployed foreign workers in the country. Many are unable to earn enough money to pay the illegal fees often charged by their local sponsors or local labor recruitment agencies in exchange for residency and work permits. Many suffer from abuse or mistreatment at the hands of their unofficial employers. Abused foreign workers employed on the basis of illegally traded visas typically failed to report incidents of abuse or poor working conditions to authorities due to their illegal immigration status. Government efforts to crack down on visa trading, such as closing front companies for visa traders, have not made significant progress. There were laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the Government seldom enforced these laws.

The Labor Inspection Department of the Ministry of Social Affairs and Labor is responsible for carrying out routine inspections of all private firms to ensure that all registered foreign workers are actually employed by their legal sponsors. The Ministry suspended the files of employers caught violating labor regulations. During the year, The Ministry of Labor reportedly referred more than 2,200 labor violations to its Labor Inspection Department. Most of these "violations" involved occupational health, environmental, and safety problems, and poor working conditions. The Ministry has reportedly suspended around 1,500 employer files to date for possible labor violations.

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

The Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. Child labor was not a significant problem; however, there were credible reports of some South and Southeast Asian children under 18 years of age working as domestic servants (see Sections 5 and 6.c.). Such underage workers reportedly falsified their ages in order to enter the country. Some very young boys (reportedly from the Sudan, Bangladesh, Pakistan, Eritrea, and Yemen) also were used as camel jockeys (see Sections 5 and 6.c.). Some businessmen employed their children on a part-time basis.

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. 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.

The Government has ratified 18 ILO conventions, including 6 of the 8 core conventions. Among the ratified conventions are those prohibiting servitude and forced labor, and Convention 182 concerning the prohibition and elimination of the worst forms of child labor. The Labor Inspection Department of the Ministry of Social Affairs and Labor inspected private firms routinely during the year to monitor compliance with labor laws, including those against child labor. There were no reported Government programs to prevent exploitative child labor or remove children from such labor.

e. Acceptable Conditions of Work

The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An institutionalized two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. Bangladeshi domestic workers reportedly earned as little as \$70 per month (21 KD). There was no legal minimum wage in the private sector. In the public sector, the monthly legal minimum wage was approximately \$753 (227 KD) for citizens and approximately \$300 (90 KD) for non-citizens. However, non-citizens do not receive the same social benefits as citizens and must pay fees for education and health care, which are provided free for all citizens. The Government maintains a two-tier health care system that provides substantially lower quality care to non-citizens. The best, most effective medicines, even for serious illnesses, and certain kinds of specialized treatment are officially reserved for citizens only.

Private sector wages ranged from \$10,000 (3,000 KD) each month for top managers of large companies to between \$500 to \$2,500 (150 to 750 KD) for other skilled professionals and workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$115 (35 KD) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,300 (400 dinars) per month. Many foreign workers who met or exceeded the minimum income threshold often waited months for government approval to sponsor

their immediate family members to the country. During the year, the Government exempted public school teachers from the minimum salary threshold for sponsoring family members.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, 1 hour of rest after every 5 consecutive hours of work, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In May 2000, the Government implemented an unemployment allowance program for citizens unable to find jobs in the public sector or with private companies. The program provides regular allowance payments averaging \$330 (100KD) to unemployed citizens until they found jobs. There were no reported cases of abuse of this program during the year. Domestic servants, who specifically are excluded from the Labor Law, and other unskilled foreign workers in the private sector frequently worked greatly in excess of 48 hours, often with no day of rest and no annual leave.

In amendments to the Labor Law in the Private Sector implemented in 1997, the Government extended 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 working conditions were not applied uniformly to foreign 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 had 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 in the event that the temperature rises above 120 degrees Fahrenheit; however, there were allegations that the Government's Meteorological Division falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In the past, recorded temperatures reached 120 degrees Fahrenheit but work reportedly continued at many outdoor locations.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They frequently faced contractual disputes and poor working conditions, and sometimes physical and sexual abuse (see Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country and had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon 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. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment was limited, and, in some cases, employers' possession of foreign workers' passports allowed them to exercise control over such employees (see Section 6.c.). Many foreign workers went heavily into debt and could not afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). 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. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor 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, which is typically paid in one lump sum payment rather than in monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care is a serious problem for many foreign workers. Official health policies discriminate against foreigners in the provision of medicines and treatment. Foreigners must pay high yearly medical coverage fees to the Ministry of Health and additional fees each time they receive medical care, require tests, specialized procedures, or medication. Many employers deduct the medical fees from employees' salaries. Foreign workers and their family members must pay these yearly government-mandated medical coverage fees in order to obtain or renew residency or work permits. The best medicines, even for serious or life-threatening illnesses, are officially reserved for citizens. In September, more than 1,000 foreign workers protested at the Ministry of Health against reported delays in processing their medical claims (see Section 2.b.). The Ministry reportedly called in security officials to disperse the crowd. There were no reports of violence or arrests.

In September, the Government implemented the National Manpower Support Law. Article 15 of the law, not yet implemented, will require employers to deposit the salaries of all foreign private sector workers into local bank accounts on a monthly basis to help ensure that workers receive their full wages in a timely and transparent manner. At year's end, many local banks were

increasing staff or adding new shifts to accommodate the increased workload.

It was common for employers to confiscate and withhold the passports of their domestic servants illegally, preventing them from departing the country. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought refuge at their source country embassies for either repatriation or assistance in dealing with employers. The number of runaway servants in need of assistance remained high during the year as conditions for domestic employees remained poor. An estimated 1,000 domestic servants (out of approximately 500,000 foreign domestic servants in the country) were reported to be in source country embassy shelters at any given time during the year.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical or sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and inadequate food. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, with some success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling such cases and often side with the employer. Source country embassies reported widespread police harassment of and discrimination against domestic servants during the year (see Sections 5 and 6.c.).

Some countries warned their female citizens about the risks of exploitation or banned them altogether from working in the country as domestic servants. Some years ago, the Government of India temporarily banned its nationals from working in the country as domestic employees, but Indian nationals continued to buy visas and enter the country as domestic workers. The Government of India limits the granting of domestic work permits for the country to women over age 30 and only from specific states, which has helped reduce some employment problems. The Embassy of Bangladesh estimated that 90 percent of the approximately 160,000 Bangladeshi workers in the country were unskilled laborers and that 30 percent of these workers received no salaries at all from their private sector employers while 10 percent of Bangladeshi domestics were paid nothing beyond room and board. The Embassy reported that it received approximately 100 calls per month from Bangladeshi workers, including domestic servants, complaining of serious employment problems. Out of the approximately 130 runaway Philippine domestic servants in the Philippine Embassy shelter, on average, at any given time during the year, approximately 30 percent reported some form of mistreatment by their employers and 6 percent reported sexual abuse.

The courts rule in favor of employees in an estimated 90 percent of the labor disputes they hear; however, no legal mechanism exists to enforce judgments. There is no compulsion for employers to obey court rulings, and workers often do not receive court-ordered compensation. Employers also reportedly use 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 them for fabricated crimes, such as theft.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnapping, and other acts can be used collectively to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws. The country is a destination for internationally trafficked men, women, and children. The problem principally is one of foreign workers, mostly female, coming to work as domestic servants but being abused by their employers or coerced into situations of debt bondage or involuntary servitude.

In at least a dozen incidents reported by local newspapers during the year, procurers kidnapped domestic servants and other foreign-born female workers off the street and forced them into prostitution. Most victims do not report these crimes. There were several reported incidents during the year of police raiding prostitution rings and arresting both organizers and prostitutes. In February, the Criminal Court fined an expatriate woman around \$9,600 (3,000 KD) and sentenced her to 3 years in jail followed by deportation for running a brothel and forcing other expatriate women into prostitution. In March, police arrested six men and seven foreign prostitutes in a 2-hour crackdown in Farwaniya district. In April, police raided three prostitution "houses" and arrested 10 Asian female prostitutes in an outlying district, Jleeb Al-Shuyoukh, populated mainly by expatriate workers.

In January, the High Court of Appeals upheld the verdict of the Criminal Court and sentenced a Bangladeshi man to death for kidnapping, raping, and forcing two foreign women into prostitution. The man reportedly bought one of the women for \$800 (250 KD) from another unidentified man. In February, the Court of Appeals upheld the verdict of the Criminal Court and sentenced a woman to 3 years in prison and imposed a \$10,000 (3,000 KD) fine for running a prostitution ring and holding several foreign women captive. In April 2002, a foreign development agency report on female foreign workers in the country revealed that in most trafficking cases, local manpower agents or visa traders had promised women domestic work. Upon arrival, however, numerous migrants were expected to provide sexual services in addition to their domestic duties, and some were forced to engage in prostitution exclusively.

The Government took some measures to help combat trafficking. A conciliation center attached to a district police station processed some complaints filed by domestic servants or their source country embassies against abusive or exploitative

employers. A government domestic labor office, under the authority of the Ministry of Interior, investigated and resolved some labor complaints. The Government formed an inter-ministerial committee of representatives from the Ministry of Foreign Affairs, Ministry of Interior, and Ministry of Social Affairs and Labor to discuss strategies for protecting the rights of domestic employees. The committee held its first meeting in May. In April, the Government approved the establishment of a new association, the Kuwait Union of Domestic Labor Offices, to more closely monitor the activities of domestic labor recruitment agencies in the country and to educate employers and domestics about their rights. At year's end, 29 labor recruitment agencies reportedly representing about 60 percent of all domestic servants in the country were members of the association. At year's end, the association proposed a new law to regulate the hiring of domestic servants. The only human rights NGO in the country, the Kuwait Human Rights Society, does not have a Government license and thus lacks the leverage and funding necessary to raise broad public awareness on the issue of human trafficking.

There were no specific reports of government or police involvement in trafficking during the period covered by this report.