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Kuwait

Country Reports on Human Rights Practices - [2005](#)

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Kuwait is a constitutional, hereditary emirate ruled by the al-Sabah family, which governs in consultation with prominent families and the elected National Assembly. The 1962 constitution grants the emir executive and legislative authority and permits dissolution of the elected National Assembly by decree. Kuwait has a population of 2.9 million residents, approximately 970 thousand of whom are citizens. During the July 2003 parliamentary elections, the electorate consisted of approximately 143 thousand male citizens, and there were no political parties. Within these parameters and recognizing that the government and the opposition reportedly bought votes, the elections were generally considered to have been free and fair. Following the 2003 elections, the emir appointed a new prime minister whose authority the crown prince previously held. The prime minister appoints all officials in the executive branch; however, the National Assembly has at times influenced or overturned government decisions. The constitution provides for some judicial independence; however, the emir appoints all judges, and the Ministry of Justice must approve the renewal of most judicial appointments. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The government improved its human rights record by granting women the right to vote; however, serious problems remained. The following human rights problems were reported:

- no right to change the government
- abuse of and alleged torture of detainees
- official impunity
- poor prison conditions in certain facilities
- restricted civil liberties--freedoms of speech, press, assembly and association
- limited freedom of religion and of movement
- corruption
- violence and discrimination against women, especially noncitizens
- abuse of noncitizen domestic workers
- unresolved legal status of *bidoon* Arabs
- restricted worker rights

On May 16, the National Assembly approved legislation to grant women the right to vote and seek elected office; however, women were not eligible to vote in the June 2 municipal council elections because the annual February voter registration period had passed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There was one reported arbitrary or unlawful killing. On February 8, Amer Khlaif al-Enezi, the 30-year-old leader of the Peninsula Lions militant group responsible for January confrontations with security forces, died in a military hospital. Although there were allegations of torture, the government denied detainee abuse, and the hospital attributed the death to heart failure. National Assembly members called for an investigation. At year's end an investigation was not conducted. The Ministry of Interior's (MOI) forensics office produced a medical report that, Amnesty International (AI) and other critics claimed, was not impartial.

On January 31, one civilian was killed during security force battles with Islamic militants (see section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

The fate of 544 citizens and 61 other residents taken prisoner during Iraq's occupation of the country in 1990-91 remained a highly emotional issue. Of the 605 missing, the remains of 227 were identified by DNA tests, the majority exhumed from mass graves in Iraq after the fall of

the Saddam Hussein regime. The Tripartite Commission on Gulf War Prisoners of War (POWs) and Missing Persons reincorporated Iraqi participation shortly after the end of major hostilities in Iraq.

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

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

In February a citizen journalist claimed security officers beat him with sticks after he was arrested January 5 on charges of spreading news that harmed the national interest (see section 2.a.). On May 24, six Islamic militants, whose leader died in custody (see section 1.a.), suspected of engaging in deadly gun battles with security forces in January alleged they had been tortured, including beatings to their backs and on their feet, while in police custody. On September 6, a court-appointed, independent medical commission confirmed that the suspects had scars from beatings; however, it did not indicate the presumed cause or estimated date of the injuries.

There were reports of police raping detainees. In August 2004 three policemen were arrested for allegedly raping a female domestic employee of Asian origin at a police station and at another location. Officials from the victim's embassy reported the incident to the police, who launched an investigation. There were no public developments at year's end.

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

Prison and Detention Center Conditions

Prison conditions varied, and some were poor. The government permitted visits by independent human rights observers. In their April 18 report, the National Assembly's Human Rights Defense Committee (HRDC) reported severe overcrowding, poor sanitation, inadequate containment of infectious diseases, and lack of sufficient medical staff as common problems in the old prison complex.

There were reports that authorities mistreated prisoners and failed to prevent inmate-on-inmate violence, including rape. During the year expatriates at the deportation facility in Shuwaikh were incarcerated between 10 days and 2 months, on average, awaiting deportation.

Construction of a new men's prison was finished in 2004, and the first prisoner transfers took place during the year, reducing previously severe overcrowding conditions at the older, 3,000-bed prison. The new facility met all international standards for prisons.

The Ministry of Awqaf and Islamic Affairs (MAIA) offered job skills and societal values training to inmates, and the Social Reform Society, an Islamist nongovernmental organization (NGO), provided drug rehabilitation programs for incarcerated addicts.

The HRDC monitored prison conditions throughout the year and visited the facilities in March. The government allowed the International Committee of the Red Cross (ICRC), which maintains an office in the country, access to certain categories of inmates: Iraqi prisoners of war, *bidoon* (Arabic for "without" meaning "without citizenship") (see section 5), citizens of states without diplomatic relations with the country, and a returned citizen detainee from Guantanamo (see section 4).

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see section 1.f.), although in misdemeanor cases the arresting officer may issue them. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusation by a third party.

Role of the Police and Security Apparatus

The police, responsible for law enforcement and nonnational security-related crimes, constitute a single national force. The Kuwait State Security oversees intelligence and national security-related matters. Both are under the purview of civilian authorities of the MOI. The military is responsible for external security.

During the year there were credible reports of police corruption and abuse of detainees during interrogation (see section 1.c.). In September the criminal court sentenced two prison guards for smuggling cell phones to prisoners in exchange for bribes. However, unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainees during interrogation. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. There were no reported government efforts during the year to reform the police or security forces.

Arrest and Detention

According to the penal code, suspected criminals may be held at a police station for up to four days without charge, during which time

security officers may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. Detainees were allowed prompt access to a lawyer of their choice. There were no reports of political detainees.

Of the approximately 3,500 persons serving sentences or detained pending trial, approximately 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990-91 occupation.

The government did not return deportees to their countries of origin forcibly, allowing those who objected to remain in detention (see section 2.d.) Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial

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

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

Trial Procedures

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

Defendants, who enjoy a presumption of innocence, have the right to confront their accusers and appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The Bar Association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases. Virtually all indigent criminal defendants asked for and received free counsel, totaling approximately 15 referrals per day. Very few indigent civil and commercial plaintiffs requested this service. The law affords these protections to all citizens. Once the case went to trial, defendants and their attorneys had access to government-held evidence relevant to their cases.

Sunni and Shi'a Shari'a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimonies equally; however, in the family courts the testimony of a man is equal to that of two women. The constitutional court has the authority to issue binding rulings concerning the constitutionality of laws and regulations. The court, whose members are senior judges from the civil judiciary, also rules in election disputes. The martial court convenes in the event the emir declares martial law. There is no functioning military court.

Political Prisoners

There were no reports of political prisoners during the year.

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

The law provides for individual privacy and the sanctity of the home, and the government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without warrant if alcohol or narcotics are suspected on the premises or if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the state prosecutor or, in the case of searches of private property, from a judge (see section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice the government only offers nonbinding advice in such matters (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 "in accordance with the conditions and in the circumstances defined by law"; however, the government restricted these rights in practice. The government practiced prepublication censorship, and journalists continued to practice self-censorship.

The press and publications law prohibits the publication of any direct criticism of the emir or of official government communications with other states and bans material that serves to "attack religions" or "incite people to commit crimes, create hatred, or spread dissension among the public." For violating the law, article 28 provides a maximum imprisonment of six months, increased to one year if repeated, and/or a fine. Administrative punishments are also possible, including confiscation, closure, and withdrawal of licenses without a court ruling. The criminal law also contains an array of press-related charges, such as offense to religious sensibilities, public morality, and the "basic convictions of the nation." The MOI 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.

The country had five Arabic and three English-language daily newspapers, all of which were privately owned. The government owned and controlled nine local radio and five television stations. In October 2004 the country's first private television news channel, Al-Rai, began broadcasting. The private satellite channel was affiliated with its sister company, *Al-Rai Al-Aam* newspaper.

International media outlets operated bureaus in the country. On May 10, the government permitted Qatar-based Al-Jazeera to reopen its office after having closed the operation in 2002 for the channel's "hostile" stance toward the country and for security reasons.

There were reports of security forces subjecting journalists to arrest during the year. On January 5, police detained a citizen correspondent from Dubai-based Al-Arabiya news channel and a journalist from the Kuwait News Agency on charges of reporting news that "harmed the national interest." On January 8, they were released on bail and acquitted by a criminal court on May 21. On September 20, the high court of appeals upheld their acquittals.

The law requires jail terms for journalists who defame religion (see section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes to have defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

Although acquitted in January, an appeals court sentenced Ahmed al-Baghdadi on March 19 to a 1-year suspended sentence, \$6,840 (2 thousand dinars) fine, and 3 years' probation for a June 2004 article in which the author criticized the Ministry of Education (MOE) for increasing Islamic education lessons at the expense of music courses. The newspaper's editor received a \$171 (50 dinars) fine for publishing the column. Three Islamist activists filed the suit claiming the article defamed Islam.

The government ended legal prepublication censorship in 1992. However, journalists continued to practice self-censorship.

Satellite dishes were widely available and operated without restriction. However, the MOI censored all books, films, periodicals, videotapes, and other imported publications deemed morally offensive. The MOI censored media for political content and did not grant licenses to political magazines. The MOI controlled the publication and distribution of all informational materials.

Publishers must obtain an operating license from the MOI to begin publishing a newspaper. There is no process for appeal if the license is not granted. Publishers may lose their license if their publications do not appear for six months, a stipulation preventing publishers from publishing sporadically. Individuals also must obtain permission from the MOI before publishing any printed material, including brochures and wall posters.

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

According to the latest government statistics, there were approximately 567 thousand Internet users. On February 6, the Ministry of Communications (MOC) began blocking Web sites considered to "incite terrorism and instability." The government required Internet service providers to block some political sites and webpages deemed immoral. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. Although public gatherings required government approval, the law protects *diwanis* (informal weekly social and political gatherings). Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens hosted or attended diwanis to discuss current events. The diwaniya system provided an important forum for public debate on economic, political, and social issues. Women also held diwanis of their own, but such diwanis were uncommon; a few diwanis were open to both sexes. The government required a permit for demonstrations, which it issued routinely.

There were a few public demonstrations during the year. Demonstrators were orderly, and the police did not interfere in most cases. For example, on February 21, 200 marchers protested peacefully near the Lebanese embassy, a week after the assassination of former Lebanese prime minister Rafiq al-Hariri, as police looked on. On March 7, an estimated 700 men and women rallied in front of the National Assembly in support of women's suffrage. On May 16, a pro-rights demonstration of 50 persons preceded the assembly's vote to grant women's political rights.

Freedom of Association

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

The government used its power to license as a means of political control. There were 72 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed 19 NGOs during the year compared with only 1 in 2004. There were 160 NGOs pending licensing by the MOSAL; many had been waiting years for approval.

NGOs licensed prior to 2004 continued to receive an annual government subsidy of \$41,040 (12 thousand dinars) for their operating expenses, including travel to international conferences. Newly licensed NGOs, however, no longer qualified for financial assistance. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. The minister has the prerogative to change a proposed NGO's name prior to licensing. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences (see sections 2.d. and 4).

There were hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status. The government reportedly did not close any unlicensed NGOs or unregistered branches of Islamic charities during the year. The government removed more than 80 unlicensed street-side charity boxes during the year in an attempt to regulate fundraising and prevent misuse of funds.

c. Freedom of Religion

The constitution provides for freedom of religion; however, the government placed some limits on this right. The constitution protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The constitution declares that Islam is the state religion and that Shari'a is "a main source of legislation."

The MAIA has official responsibility for overseeing religious groups. Officially recognized Christian churches must deal with a variety of governmental entities, including the MOSAL (for visas and residence permits for clergy and other staff) and the local municipality (for building permits). While reportedly there was no official government "list" of recognized churches, seven Christian churches had some type of official recognition enabling them to operate openly. These churches--Anglican, Armenian Orthodox, Coptic Orthodox, Greek Catholic (Melkite), Greek Orthodox, National Evangelical (Protestant), and Roman Catholic--had open "files" at the MOSAL, allowing them to bring in staff.

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

On September 29, the government announced a grant of 6,500 square meters to the Melkite Catholics to construct a new church. However, on December 20 the Municipal Council reduced the amount to two thousand square meters for the building and two thousand square meters for a parking lot. The parking lot would be public, so the church would not have exclusive use of it. Church leaders rejected this offer and were pursuing the matter further. In 2004 the National Evangelical Church petitioned the government for 15 to 20 acres of new land to alleviate overcrowding. The government had not responded by year's end.

The government prohibited missionaries from proselytizing to Muslims, although they may serve non-Muslim congregations. The law prohibits organized religious education other than Islam; however, the government did not enforce this law rigidly, and informal religious instruction occurred inside private homes and on church compounds without government interference. Government inspectors reportedly visited public and private schools outside church compounds periodically to ensure that no religious teaching other than Islam took place. There were credible reports that government inspectors periodically monitored religious worship services for possible antigovernment, extremist, or proselytizing rhetoric. The Islamic Presentation Committee (IPC), under the authority of the MAIA, actively encouraged proselytizing to non-Muslims.

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

By law a non-Muslim man must convert to Islam when he marries a Muslim woman. The law forbids marriage between Muslim women and non-Muslim men (see section 1.f.). A non-Muslim woman is not required by law to convert to Islam to marry a Muslim man. In practice, however, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children. Failure to convert may also result in a wife not being eligible to inherit her husband's property or to be naturalized.

Societal Abuses and Discrimination

The Shi'a minority remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in higher levels of the government. Approximately 287 thousand citizens (30 percent of the total) and an estimated 100 thousand noncitizen residents are Shi'a. There were approximately 36 Shi'a mosques and approximately 1,070 Sunni mosques. Five Shi'a were elected to the 50-seat National Assembly in 2003, compared with 6 Shi'a in the previous assembly. On June 15, the government appointed the first woman, a Shi'a, to the Council of Ministers. 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.

Shi'a were free to worship without government interference, and the overall situation for Shi'a improved somewhat during the year. Since 2001 the government has approved the establishment of six new Shi'a mosques, three of which were under construction. The Municipal Council still has not provided licenses to begin construction of the other three mosques.

There were no facilities in the country to educate Shi'a imams. The MOE reviewed a Shi'a proposal to establish a private college to train Shi'a clerics in the country rather than in Iran or Iraq; however, no action had been taken by year's end. On January 22, a Shi'a leader called on the MOE to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam.

Unlike in the previous year, the country's Shi'a population was not permitted to publicly celebrate one of their religious traditions. In February the government denied a request to reenact the Battle of Karbala, but Shi'a openly celebrated the holiday with police protection at mosques and tents.

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

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. A few Muslim converts to Christianity reported harassment and discrimination by police and employers.

There were no reports of anti-Semitic acts on behalf of the government. Unofficial anti-Semitic commentary from the media and from some mosque preachers did occur. On August 7, a private citizen purchased newspaper space to run an advertisement with anti-Semitic imagery. On August 10, the government referred the two newspapers that carried the advertisement to the attorney general for prosecution under the law, which forbids publishing religious material without a license. The government took no action to enact laws relating to the protection of the rights to religious freedom of Jews, although there are no known Jewish citizens. There is no known expatriate Jewish community present. There had been past examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict. In May the MAIA sponsored a conference on moderation and tolerance. In September the MAIA conducted a workshop for mosque imams and preachers to combat extremism and violence.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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

Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel. Immigrant authorities, at the husband's request, may prevent her departure from the country by a 24-hour travel ban, after which a court order is required to prevent the wife from leaving the country. In practice, however, many travel bans were issued without court order, effectively preventing citizens and foreigners from departing.

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

The law permits the government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice this has resulted in citizens and foreigners being prevented from departing the country without investigation or a legal case going before a court of law. Although illegal, many citizen employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. There did 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 section 5). However, the government permitted some bidoon to travel to Saudi Arabia during the year for the annual hajj pilgrimage. In accordance with the law, the MOI issues bidoon a single-use passport for hajj travel.

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

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did

not grant refugee status or asylum. The law prohibits the extradition of political refugees. The government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

In February the government ceased to permit the ICRC to verify whether deportees objected to returning to their countries of origin and detained them with objections until they either changed their minds or made alternative travel arrangements.

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

Citizens did not have the right to change their government. The law provides that the elected National Assembly must approve the emir's choice of crown prince (the future emir). If the assembly rejects the emir's nominee, the emir then submits three names from which the assembly must choose. In order to vote and seek election to the National Assembly, citizens must be at least 21 years of age, have been citizens for at least 20 years, and not be members of the armed forces, police, or other MOI uniformed personnel.

Under the law the emir holds executive power and shares legislative authority with an elected National Assembly. The emir appoints the prime minister who presides over a 16-member cabinet (Council of Ministers), whom the prime minister chooses in consultation with the emir.

The law empowers the emir to suspend its provisions and rule by decree in a state of emergency when martial law is declared. The constitution provides that cabinet members sit in the National Assembly and vote on legislation. There are 50 elected National Assembly members, each of whom serves a 4-year term, and 15 appointed cabinet members who sit as ex-officio members. At least one member of the cabinet must be an elected member of parliament (MP).

Members regularly require ministers to appear before the full National Assembly for formal inquiries, known as "grillings," when MPs are dissatisfied with their own or a ministry's performance. In the past pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers.

Elections and Political Participation

There were no reports of corruption or fraud associated with the June 2 municipal council elections, a body with national jurisdiction over infrastructure development and commercial planning. The council, with a 4-year term, is composed of 16 members, 10 popularly elected and 6 appointed by the government.

During the July 2003 parliamentary elections, the electorate consisted of approximately 143 thousand male citizens and there were no political parties. Within these parameters and recognizing that the government and the opposition reportedly bought votes, the elections were considered to have been relatively free and fair.

The government has not proposed legislation to recognize political parties, which are neither prohibited nor allowed by the law; however, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the National Assembly. 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.

On January 29, Salafi Islamist leaders, an opposition faction, held a press conference announcing the establishment of a political party, Hizb Al-Ummah (Nation's Party), to confirm the right of political pluralism, transfer power through peaceful means, adopt Shari'a, and reject all forms of foreign occupation. On February 1, in response to the group's pronouncement, the public prosecutor charged nine of the Salafi leaders with plotting to overthrow the government and violating association and press laws, crimes carrying a maximum sentence of 15 years in prison. They were released on \$1,026 (300 dinars) bail after a 10-hour interrogation. The case never came to trial.

In accordance with the practice of the ruling family, but not required by the law, the crown prince has also been the prime minister; however, in an unprecedented development in 2003, the emir named one of his brothers, the then foreign minister, as prime minister, who promptly formed a new cabinet.

On May 16, the National Assembly passed legislation granting women the right to vote and run for elected office. On June 3, the government appointed women to two of the six nonelected municipal council spots. On June 15, the prime minister appointed a woman as minister of planning and minister of state for administrative development, the first-ever female cabinet member. Women also held some relatively senior nonpolitical positions within certain ministries. The country's ambassador to its United Nations Mission was female. Regarding the May 16 legislation that granted women full political rights, a group of Islamist parliamentarians attached an amendment to the law, which passed, requiring women to conduct themselves in accordance with Shari'a when participating in political activities; the amendment's impact was unclear.

The prime minister appointed 1 minority Shi'a member to the 16-member cabinet as the minister of information in 2003; however, he resigned on January 2 pending parliamentary questioning. Parliamentary questionings forced the resignation of three other ministers, none of whom were Shi'a, during the early months of the year. The new minister of planning, appointed on June 15, became the sole Shi'a cabinet member. Of 50 elected National Assembly members, 5 were Shi'a.

Government Corruption and Transparency

There was corruption on the national level during the year by citizens and noncitizens; foreign workers and a minor official were convicted and the deputy prime minister was exonerated. On May 31, a group of current and past lawmakers launched a local chapter of the Global Organization of Parliamentarians Against Corruption to combat corruption and educate the public about its societal dangers. On June 22, the criminal court sentenced three men, including an official from the Capital Works Permits Department, to 5 years in prison for accepting an \$8,721 (2,550 dinars) bribe to forge 49 work permits. The court also required the government official, originally charged in February, to pay \$17,100 (5 thousand dinars) in fines. On October 19, the court of appeals reduced the official's incarceration to three years and the other men's to two years. On September 4, the media reported up to 1,200 noncitizen nurses had been forced to pay bribes of \$1,710 (500 dinars) to \$8,550 (2,500 dinars) to the Ministry of Health's (MOH) appointment committee to secure healthcare jobs. The MOH announced on September 10 the formation of an independent panel to investigate the charges. An investigation was ongoing at year's end.

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

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

The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. The only local human rights NGO was the Kuwait Human Rights Society (KHRS), licensed in August 2004. The KHRS produced an annual report on human rights in the country in the past, sporadically published a magazine, and occasionally met with senior government officials.

The government permitted international human rights organizations to visit the country and establish offices, although none operated in the country. Several organizations, including AI and Human Rights Watch, conducted fieldwork and reported good communication with and reasonable cooperation from the government.

The government has cooperated fully in the work of the UN Special Rapporteurs for Iran and Iraq and the high-level representative of the secretary general on the issue of its citizens missing in Iraq since the end of the Gulf War. The government permitted visits by international organizations. The International Labor Organization's (ILO) Regional Director for Arab States visited the country to discuss labor issues with government officials several times during the year.

The National Assembly's HRDC is an advisory body. The group visited the country's penitentiaries and recommended and sought funding for the construction of a nursery at the central prison, which was scheduled to open in 2006.

On June 6, the MOSAL established the Kuwaiti Society for Fundamental Human Rights. The NGO, open to all citizens, was created to protect and support human rights in addition to educating the public on the need to defend human rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, disability, or language; however, in practice the government did not uniformly or consistently enforce laws against discrimination. A number of laws and regulations discriminated against women and noncitizens. There were no specific reports of any official or societal discrimination against persons with HIV/AIDS.

Women

Violence against women continued to be a serious and overlooked problem. The law does not specifically prohibit domestic violence, although cases are tried as assault. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases are not reported, especially outside of the capital. Abusive husbands, if convicted, rarely faced severe penalties.

There are no shelters or hot lines for victims of domestic violence. Some 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 eyewitness accounts, hospital reports, and social worker testimony, police officials rarely took into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law does not provide clear legal standard as to what constitutes injury. In addition a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury committed. Individuals reportedly bribed police officials to ignore charges of domestic abuse.

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

The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. On July 16, a man pleaded innocent to an April 18 rape of a female medical student; at year's end he remained in police custody awaiting trial. On March 21, a man attempted to rape a female doctor at the Farwaniya Hospital. He remained in police custody at year's end. On August 23, police arrested an Egyptian male after a traffic violation for a warrant in connection with the rape of an Indonesian maid earlier in the month. In September 2004 three citizens and two Dominicans allegedly kidnapped and raped a Filipina maid; police arrested the five in October 2004.

Honor crimes are prohibited; however, article 153 of the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is three years in prison. There were no reported cases of honor crimes during the year.

In February 2004 police arrested a citizen male who held captive, molested, and tortured his wife. On March 27, the court of appeals overturned the man's November 2004 sentence of 15 years in prison after the defense argued he did not intend to molest his wife after learning of her marital infidelities.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. Prostitutes generally were deported to their countries of origin; some, however, were released after signing a pledge of good conduct. Procurers received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped into prostitution (see section 5, Trafficking).

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

There is no specific law that addresses sexual harassment. Human rights activists have characterized sexual harassment against women in the workplace as a pervasive but unreported problem.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage (see sections 1.e., 1.f., 2.d., and 2.c.). Inheritance is governed by Shari'a, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Citizen families (a "family" must always include a male) are entitled to receive a plot of land and a \$239,400 (70 thousand dinars) interest-free government loan ("housing allowance") to purchase a house. The government registers the house in the names of both the husband and the wife. However, in case of divorce, a female citizen loses her right to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children resulting from the marriage, but she must move once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a noncitizen cannot, by law, qualify for the government housing allowance.

The law provides for female "remuneration equal to that of a man provided she does the same work." This provision, however, was not often 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 40 percent of female citizens of working age were employed. A few women have been appointed to senior positions in the government and state-owned Kuwait Petroleum Corporation, including one female minister and two municipal council members.

The law discriminates against female citizens married to noncitizen men, which constituted 4 percent of all marriages conducted in 2004. These women, unlike male citizens, are not entitled to government housing subsidies and are required by law to pay annual residence fees of \$684 (200KD) for their husbands and children. The law does not recognize marriage as the basis for granting residency to noncitizen husbands. Instead the law grants residency only if the husband is employed. By contrast, male citizens married to noncitizen women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Classes at all universities, private and public, are segregated by gender as required by law, although enforcement varies.

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

Children

The government is generally committed to the rights and welfare of citizen children for whom education is free through the university level. Primary and secondary education are compulsory and universal. The Ministry of Planning estimated primary enrollment at 87 percent for the 2004-05 academic year. In the 2003-04 school year, 57 percent of children completed secondary school. Both boys and girls had equal access to the same quality of education.

The government provides free healthcare and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care. Both boys and girls had access to the same quality of medical treatment.

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

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

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

Citizen and legal resident boys as young as five- or six-years-old were reportedly used as camel jockeys. In February camel races continued to take place involving underage boys. In July the MOSAL reiterated a March 2004 ministerial decree banning this employment. On October 12, the Public Authority for Youth and Sports debuted robot camel jockeys, which replaced children effective the 2005-06 racing season. There were no reports of underage camel jockey use after October.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to the country. Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. Penalties for trafficking-related crimes range from fines and incarceration for assault and battery to life sentences for rape.

On September 20, police broke up a Filipino prostitution ring operating at a pool hall in Salmiya. Thirteen girls and four men were arrested for selling the services of runaway maids and illegal residents.

The country is a destination for men, women, and children trafficked primarily from Bangladesh, India, Pakistan, the Philippines, and Sri Lanka. Some foreign workers, mostly female domestics, have been abused by their employers and coerced into situations of debt bondage or involuntary servitude. Instances of laborers associated with visa trading schemes and women trafficked into prostitution were reported during the year. The principal traffickers were labor recruitment agencies and sponsors of domestic workers.

The physical or sexual abuse of foreign women working as domestic servants was a problem. Some employers physically abused foreign women working as domestic servants, and despite economic and social difficulties for a domestic servant to lodge a complaint, these women continued to report such abuse. The local press devoted considerable attention to the problem, and both the police and courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in pregnancies, and there were reports of illegal abortions. 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.

In January two Filipina housemaids filed a case against their female employers for burning them with an iron. One received a release from her employer in February to continue working in the country. The other filed a case, which was ongoing at year's end, against the abusive sponsor and returned to the Philippines.

There also were dozens of reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse. On January 16, three Indonesian maids fell to their death from a sixth-floor balcony, reportedly attempting to escape from their employers. On February 7, a Filipina maid sustained serious injury after jumping from her sponsor's third-floor terrace.

On October 10, police rescued an Indian woman after she escaped from a building where she was held in captivity as a prostitute. The woman had reportedly been kidnapped and sold to her Bangladeshi captor. Police arrested two men in connection with the crime.

There were no specific reports of government or police involvement in trafficking during the year.

The government took some measures to protect trafficking victims. 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 MOI, investigated and resolved some labor complaints. MOI officials reported that the government revoked the licenses of 163 labor recruitment agencies for violating regulations during the year. There were 465 licensed agencies operating at year's end.

In June, per decree 568, the government designated the MOSAL to head an interministerial committee (composed of officials from the Ministry of Commerce, MOI, and MOSAL) to coordinate antitrafficking efforts.

Noncitizen domestic employees have the right to sue their employers for abuse but few do, 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 many runaway domestics.

Runaway servants, including those alleging physical or sexual abuse, often sought shelter at their country's embassy pending repatriation or a change in employer (see sections 6.c. and 6.e.). Of an estimated 450 thousand domestic servants in the country, an estimated 800 women were reported to be in informal shelters run by source country embassies on any given day during the year.

The government and NGOs took steps to assist trafficking victims. The courts prosecuted several trafficking-related crimes including an April 3 decision to jail a citizen for 15 years for an April 2004 case of abuse resulting in a maid's paralysis. On May 9, a maid was awarded \$4,460 (1,304 dinars) in restitution for unpaid wages. In early December police arrested a bidoon on charges of enslaving a domestic worker. The man reportedly confessed to the crime. The MOI occasionally paid for airline tickets or chartered planes to repatriate runaway or abused domestic servants when their employers refused to repatriate them. In 2004 some NGOs, such as KHRS and the Kuwait Friendship Society, also paid for return airline tickets or legal fees on behalf of runaway or abused domestics.

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 MOI blacklisted some delinquent employers from sponsoring new domestics, but some used personal connections to circumvent the prohibition.

The government highlighted its efforts to prevent trafficking and improve protections. On July 8, the MOI issued a decree requiring a new three-party contract between domestic servants, sponsoring employers, and recruitment agencies. The new contract, of which enforcement was to begin in January 2006, affords servants three breaks per day, one month of paid leave per year, and on-time salary payment, among other provisions. The new contract replaced a previous version between the sponsor and the labor recruitment agency, outlining the rights and responsibilities of both parties.

Persons with Disabilities

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

On November 28, in commemoration of National Solidarity Day with the Disabled, the MOSAL participated in an awards ceremony honoring citizens with disabilities who played a more active role in society. The same day, the MOE announced the allocation of 160 thousand square meters to build an education facility for students with disabilities.

National/Racial/Ethnic Minorities

The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon are Arabs who have residency ties to the country, some persisting for generations and others for briefer periods, but who either lack or conceal documentation of their true nationality. The exact number of bidoon residents was unknown, but a 2004 government census estimated 107 thousand persons to be bidoon. Since the mid-1980s, the government has actively discriminated against the bidoon in areas such as education, employment, medical care, and mobility.

The MOE approved free education for all children of bidoon parents effective as of the opening of the 2004-05 school year. The bidoon also began to receive free health care. During the year the Waqf Health Fund, a partially government-funded program, signed contracts with several insurance companies to pay the fees for bidoon health services.

The government discontinued their access to most government jobs. Some bidoon served in the nonofficer ranks of the armed forces, although bidoon enlistees are now barred from joining. Others were accepted in the institutions of the Public Authority for Applied Education and Training. The government denied the bidoon official documents such as birth certificates, civil identification, and marriage certificates, which made it difficult for many unregistered bidoon, particularly younger bidoon, to find employment. The government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country without advance permission from immigration authorities. The children of male bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000, could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. The government granted citizenship to approximately 1,769 bidoon during the year. In recent years a total of 10,200 bidoon received citizenship. There were 87,300 bidoon citizenship requests pending.

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 thousand over the past several 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.

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.

There were no reports during the year of the government deciding the nationality of any bidoon without a hearing. There continued to be reports of bidoon obtaining false documents in order to apply for citizenship.

Other Societal Abuses and Discrimination

Discrimination surfaced against homosexuals in societal attitudes and legal issues. In February police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant.

Unmarried men faced housing discrimination based solely on marital status. Emiri decree 125 of 1992 prohibits single men from obtaining accommodation in many urban residential areas as determined by the Municipal Council. On September 10, the Council of Ministers approved a plan to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas.

Section 6 Worker Rights

a. The Right of Association

With the notable exceptions of the country's approximately 453 thousand domestic servants and maritime employees, the labor law provides that most workers have the right to join unions without previous authorization. Foreign laborers employed as domestics constitute one-third of the noncitizen workforce and are specifically excluded from the right to associate and organize. An estimated 80 thousand persons, or 5 percent, of a total workforce of 1.6 million were organized into unions.

For those workers who may join unions, the government restricts the right of freedom of association to only one union per occupational trade and permits unions to establish only one federation, the Kuwait Trade Union Federation (KTUF), which is composed of 15 unions. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the ILO and the International Confederation of Free Trade Unions 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.

Workers' unions are essentially treated as parastatal organizations (NGOs in local parlance). After vetting and approval, MOSAL provides as much as 90 percent of their budgets. The expanded unions mainly benefited citizen laborers employed in the public sector, while expatriate

workers continued to face restrictions.

The government licensed 3 new unions during the year, compared with 20 in 2004, including the Central Bank of Kuwait Laborers Union, Public Authority for Applied Education and Training Labor Union, and Public Environment Authority Laborers Union. At year's end there were 47 officially sanctioned workers' unions.

The government's pervasive oversight powers further eroded union independence. The government subsidized as much as 90 percent of most union budgets and may inspect the financial records of any union.

The most recent government statistics cited 1.4 million noncitizen laborers in the country, comprising 82 percent of the workforce. However, foreign workers constituted approximately 20 percent of KTUF members. The labor law discriminates against foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this requirement was not widely enforced in practice.

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

Unions may affiliate with international bodies. The KTUF applied for membership to the International Free Trade Union, and at year's end was awaiting a decision. Unions maintained their established relationships with the ILO.

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

b. The Right to Organize and Bargain Collectively

The labor law provides workers, with the important exception of domestic servants and maritime workers, with the rights to organize and bargain collectively, subject to certain restrictions; the government generally respected in practice the rights of those workers covered by the law. The law limits the right of workers to strike. There were no reported strikes during the year. There are no export processing zones.

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

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

The law 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 MOSAL was responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers. On December 6, members of the Union of Justice Ministry Employees protested "unjustifiably low" salaries for assistant judges outside the ministry without interference.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor "except in cases specified by law for national emergency and with just remuneration"; however, many unskilled foreign workers were treated as indentured servants (see section 6.e.).

Some foreign workers, especially less-skilled 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.). In March a citizen employer reportedly tortured and tied his Asian worker to his pickup truck and dragged the victim to his death. The perpetrator claimed to have killed the foreigner because the victim stole something from him. At year's end the employer had not prosecuted.

Domestic servants who ran away from their employers as a result of abuse or poor working conditions were routinely treated as criminals under the law, falling under the purview of the MOI rather than of the labor law protections of the MOSAL. During the year there were dozens of reports 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 grievances. Employers or local labor recruitment agencies routinely withheld wages from domestic servants to cover the costs involved in bringing them to the country.

Foreign workers may not change their employment without permission from their original sponsors for whom they must have worked for at least two years, or one year if the worker is a university graduate. Domestic workers were not protected by the labor law and were particularly vulnerable to abuses stemming from restrictions on transferring sponsorship. In many cases employers exercised control over their servants by withholding their travel documents, although the government prohibits this practice and in some instances acted to retrieve

the documents of maids involved in disputes.

There are laws aimed at curbing visa trafficking with penalties for both employers and visa traders; however, the government seldom enforced these laws. Reports of illegal visa trafficking were widespread. In this system citizen sponsors agree to sponsor (in name only) foreign workers in exchange for a fee in the range of \$1,539 (450 dinars) to \$4,104 (1,200 dinars). Middlemen, generally noncitizens, would recruit workers from economically depressed source countries for a fee, take a commission, and remit the balance to the nominal sponsor. Once in the country, such agents transferred workers to employers in the informal sector or to parties otherwise 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 resulted in a growing number of unemployed foreign workers in the country. Many were 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 suffered 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 for fear of arrest and/or deportation. The government did not make significant progress in efforts to stop this practice, such as by closing front companies for visa traders.

The MOSAL's Labor Inspection Department is responsible for carrying out routine inspections of all private firms to ensure that all registered foreign workers were actually employed by their legal sponsors. The MOSAL suspended the files of employers caught violating labor regulations. According to its most recent statistics, the MOSAL carried out 37,441 inspections to verify whether employment laws were being followed and found 11,002 violations. In 31,172 workplace safety inspections, the MOSAL found 24,802 violations. Finally, in 260 inspections of company-provided housing, the MOSAL found 257 violations. The MOSAL had reportedly suspended over 1,500 employer files by year's end for possible labor violations.

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

d. Prohibition of Child Labor and Minimum Age for Employment

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

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

Some underage workers reportedly falsified their ages in order to enter the country. Some young boys also were used as camel jockeys (see sections 5). In March 2004 the MOSAL issued a decree banning the employment of children under the age of 18 and 45 kilograms (99 lbs) in weight as camel jockeys. The decree, however, references parental consent, thus implying that employment, not participation, is being banned. Some businessmen and camel owners employed their children on a part-time basis. There was no evidence of the use of children jockeys after the introduction of robots in October.

During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries.

The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor. There were no reported government programs to prevent exploitative child labor or remove children from such labor.

e. Acceptable Conditions of Work

An institutionalized, two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while noncitizen workers, even those in skilled positions, received substantially lower wages. A national minimum wage was in effect for public sector employees. Citizens were guaranteed at least \$684 (200 dinars) per month, while the noncitizens' wage was \$306 (90 dinars). The public sector minimum wage provided a decent standard of living for a worker and family. There was no legal minimum wage in the private sector. The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

Private sector wages ranged from \$17,100 (5 thousand dinars) per month for top managers of large companies to an average of \$1,370 (400 dinars) to \$3,420 (1 thousand dinars) for other skilled professionals and workers. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$137 (40 dinars) monthly. To be eligible to sponsor family members for residency, workers must receive a minimum wage of \$855 (250 dinars) per month, reduced from \$1,370 (400 dinars) in January 2004 for government employees and in September 2004 for those in the private sector. Many foreign workers who met the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. Effective in 2003, the government exempted public school teachers from the minimum salary threshold for sponsoring family members.

The law establishes general conditions of work for the private sector, with the oil industry regulated separately. The law limits the standard workweek to 48 hours with 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. The government had amended the law to extend the weekly one-day rest period to temporary workers employed less than six months and to workers in enterprises employing fewer than five persons. Domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours, often

with no day of rest and no annual leave.

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

The government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop when the temperature rises above 50 degrees Celsius (120 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. On June 5, 200 MOSAL inspectors reportedly began enforcement of a noon to 4 p.m. ban on work in direct sunlight between June and August, regardless of temperature. Fines of \$342 (100 dinars) are levied on companies for every employee found working in the sun. Laborers reportedly worked in violation of the ban.

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

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

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

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 used illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against them for fabricated crimes, such as theft.

The government implemented new measures designed to protect the welfare of workers. On April 29, the MOSAL implemented a 24-hour hot line for laborers to file complaints if their companies are more than 15 days delinquent in salary payments. The time period that recruitment agencies are responsible for resolving labor disputes involving domestic servants is six months. If problems continue, the sponsor or employer is responsible by law to resolve them. The MOI investigates and resolves labor disputes in cooperation with the laborers' representative embassies. Domestic labor department officers were assigned to liaise specifically with the Indian, Indonesian, Philippine, and Sri Lankan embassies on labor problems. The law requires companies to make a bank deposit for each expatriate worker hired, which the government could confiscate to reimburse employees for unpaid back-wages. The government reportedly compensated Bangladeshi workers by this method after their April 24 protest over unpaid back wages received widespread media coverage.

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