



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Near East and North Africa](#) » [Kuwait](#)

## 2010 Human Rights Report: Kuwait

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. The country has a population of 3.44 million, of whom 1.1 million are citizens. Local observers and the press considered the May 16, 2009, parliamentary election generally free and fair. Security forces reported to civilian authorities.

Principal human rights problems included limitations on citizens' right to change their government. There were reports of security forces abusing prisoners. Authorities limited freedoms of speech, press, assembly, association, and religion. The government limited freedom of movement for certain groups, including foreign workers and stateless Arab residents (called "Bidoon"). The status of the Bidoon remained unresolved and they faced social and legal discrimination. Trafficking in persons remained a problem. Women did not enjoy equal rights. Worker rights were limited, and expatriate workers were subject to severe limitations of rights and discrimination as well, especially in the domestic and unskilled service sectors.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

Articles 53, 159, and 184 of the criminal law code prohibit torture and other cruel, inhumane, or degrading treatment or punishment; however, there were reports that some police and members of the security forces abused detainees during

the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, and there were several reported accounts of police abuse of transgender persons. The government stated that it investigated all allegations of abuse and punished some of the offenders; however, in most cases the government did not make public either the findings of its investigations or any punishments it imposed (see section 6).

In February the Court of Appeals upheld a two-year prison sentence for three police officers accused of torturing a young man in prison in 2008.

There were no further developments concerning the allegations that security officials abused hundreds of Bangladeshi workers in the wake of 2008 labor strikes.

#### Prison and Detention Center Conditions

The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC). The ICRC visited all three prisons and the detention center and, unlike in 2009, the government did not obstruct representatives of the Kuwait Human Rights Society from visiting prisons several prisoners during the year.

The Central Prison Complex houses the country's only three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. The prison complex exceeded its 3,200-person capacity; there were 201 inmates in the women's prison and 3,978 inmates in the men's prisons. Within the prisons, juveniles were detained separately from adults. The country also has a 1,000-person capacity deportation center in Talha that is not part of the prison complex. Some detention facilities lacked adequate sanitation and sufficient medical staff. There were reports of security forces abusing prisoners.

Prisoners had reasonable access to personal visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions.

Ombudsmen may not serve on behalf of prisoners.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government observed these prohibitions, apart from a few reports that police arbitrarily arrested nonnationals.

#### Role of the Police and Security Apparatus

The police have sole responsibility for the enforcement of laws not related to national security, and State Security oversees intelligence and national security matters; both are under the purview of civilian Interior Ministry authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities. There were reports that some police stations did not take seriously the requests of complainants, especially foreign nationals. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial; there was no evidence of police impunity.

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

## Arrest Procedures and Treatment While in Detention

A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit. There were few reports of police arresting and detaining foreign nationals without a warrant during the year. The courts generally do not accept cases without warrants issued prior to arrests. Detainees were generally allowed access to their lawyers and family members. However, in compliance with the penal code a suspected criminal may be held at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always respected. If charges are filed, a prosecutor may remand a suspect to detention for an additional 21 days. Detainees were informed promptly of the charges against them. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer will be assigned to them.

Of the 4,179 persons serving sentences or detained pending trial, an estimated 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990-91 occupation. On March 23, the Ministry of Interior, in cooperation with the Kuwait Red Crescent Society, arranged for six Iraqi families to visit their relatives, imprisoned since 1991 for collaborating with Iraq during the occupation.

Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees. Pretrial detainees were held separately from convicted prisoners.

During the year foreign nationals at the Talha Deportation Center were generally incarcerated between 10 days and two months awaiting deportation. Some prisoners were held for longer periods if they lacked required travel documents. There were reports of security forces abusing prisoners in the deportation center.

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

## Trial Procedures

By law, criminal trials are public unless a court or the government decides the "maintenance of public order" or the "preservation of public morals" necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the rights to confront their accusers and to 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, and defendants used these services. Defendants have the right to confront witnesses against them and to present their own witnesses. Defendants and their attorneys generally have access to government-held evidence relevant to their cases and to appeal their cases to a higher court. The law affords these protections to all citizens.

## Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, rulings occasionally were not enforced. Administrative punishments, such as travel bans, are also available in civil matters.

#### 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 permits security forces to monitor private communications with the approval of the attorney general, and this monitoring occurred occasionally.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry foreign nationals. In practice the government offered only nonbinding advice in such matters and did not prevent any such marriages.

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

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "in accordance with the conditions and in the circumstances defined by law." In practice the government sometimes did not respect these rights, and journalists and publishers practiced self-censorship. Restrictions on the country's press freedoms increased during the year.

The government restricted freedoms of the press and of speech, particularly in instances related to national security. The law also specifically prohibits the publication of material insulting Islam, the emir, the constitution, or the neutrality of the courts or public prosecutor's office. The law mandates jail terms for anyone who "defames religion," and any Muslim citizen may file criminal charges against an author the citizen believes has defamed Islam, the ruling family, or public morals. The number of such cases filed against journalists and television stations continued to increase significantly; 678 were filed during the year, most of which resulted in fines. In comparison, fewer than 200 were filed in 2009.

Pointed criticism of other ministers and other high-ranking government officials continued to be widespread and was permitted. During the reporting period, several individuals were charged with insulting the ruling family and, under separate legal provisions, slandering the prime minister.

On March 7, parliamentarian Muhammad Hayef was fined 3,000 dinars (approximately \$10,400) for comments he made in parliament during the May 2009 session deemed insulting to the ruling family. The daily newspaper *Al-Ruia*, which published his comments, was fined the same amount.

Also on March 7, parliamentarian Marzouk al-Ghanem and the newspaper *Al-Nahar* were each fined 3,000 dinars (\$10,400) for an article deemed insulting to the ruling family.

On June 30, National Democratic Alliance head and Member of the National Assembly Khaled al-Fadala was sentenced to three months in prison and fined 150 dinars (approximately \$525) for slandering the prime minister. On July 12, an appeals court released al-Fadala after reducing his sentence from three months to ten days.

On December 13 authorities shut the local offices of the Al-Jazeera TV network and withdrew its accreditation after it broadcast footage of police using force to break up an unauthorized gathering of oppositions, and subsequently gave airtime to opposition parliamentarians who strongly criticized the government for the police's actions.

Journalist Muhammad Abdulqader al-Jassem continued facing various charges of insulting public officials. A lower court sentenced al-Jassem on April 1 to six months in jail and fined him 5,000 dinar (approximately \$17,400) for making slanderous remarks about the prime minister in 2009, but an appeals court overturned the conviction on July 12. Police rearrested al-Jassem on May 11 on separate charges of undermining the emir's status, attacking the regime, and spreading false information damaging to the country's national interests. On June 28, after posting a 2,000-dinar (approximately \$7,000) bail, al-Jassem was released. The case was pending at year's end.

On November 22, in a third case of allegedly defaming the prime minister in a blog post, which claimed that the premier engaged in embezzlement, money laundering, and association with Iranian intelligence agents, a court convicted and sentenced al-Jassem to one year in prison. On December 15, the sentence was reduced to three months following an appeal.

Throughout the year the government restricted media freedoms on national security grounds. On May 4, citing security concerns, an order prohibited the media from publishing any more reports about the alleged dismantling of an Iranian spy network.

On September 20, the government revoked the citizenship of exiled Shia cleric Yasser al-Habib on the grounds that he disparaged the wife and companions of the Prophet Muhammad. The government briefly detained, but did not charge, Sunni Islamist Mubarak al-Bathali who, in response to al-Habib's statements, advocated violence against the Shia community and two Shia parliamentarians.

On October 13, police arrested the owner of the Scope TV channel, Fajr al-Saeed, on charges that her channel's airing of the satirical comedy Sawtak Wasal (Your Voice Has Been Heard) fomented insurrection. On October 14, Al-Saeed's case was transferred to a criminal court where it was pending at year's end.

On October 17, relatives of Faisal al-Homoud al-Malik al-Sabah, who believed he had been slandered by al-Saeed's brother, talk show host Muhammad Talal al-Saeed, attacked the Scope TV office.

On December 12, police arrested Kuwait University law professor Obaid al-Wasmi, who had taken part in a December 8 diwaniya, an informal weekly social and political gathering that has generally been considered a space for free and open discourse on economic, political, and social issues, at parliamentarian Jam'an al-Hirbish's home that was deemed illegal and subsequently broken up by the police. Al-Wasmi was charged with spreading false news abroad, taking part in a public gathering with criminal intent, exhorting the security forces not to break up the diwaniya (i.e., to disobey a lawful instruction), and infringing on the emir's authority. His case was pending at year's end.

All print media were privately owned, although their independence was limited. They exhibited a diversity of opinion, but censored themselves to avoid criminal charges or fines, or to keep their licenses. All forms of media may be banned by the Ministry of Commerce at the request of the Ministry of Information

By law newspaper publishers must obtain an operating license from the Ministry of Information. Publishers may lose their licenses if their publications do not appear for three months in the case of a daily newspaper, or six months in the case of a less frequent publication.

There were no developments in the case former parliamentary candidate Muhammad al-Juwaihel, arrested in 2009 on charges of unlicensed broadcasting, making false claims, and compromising national security. The government filed

charges for public remarks broadcast by al-Juwaihel on his satellite outlet in which he reportedly insulted certain parliamentarians and made derogatory comments about Kuwaitis with dual citizenship and those of tribal and Bidoon origin. He was released on a 5,000-dinar (approximately \$17,400) bail in December 2009.

Fuad al-Hashem of the daily newspaper *Al-Watan* continued to refuse to pay a 2008 fine of 7,190 dinars (approximately \$25,000) for defamation as a result of convictions in three cases brought to court by the Qatari prime minister, who accused al-Hashem of harming his reputation in articles dealing with his relations with Israel.

The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported material that it deemed morally offensive, although satellite dishes were widely available and allowed some citizens to receive unfiltered media. According to Ministry of Information censorship guidelines, material offensive to Islam or other religions, material which insults the emir and crown prince, and the display of immoral conduct are prohibited.

The ministry also controlled the publication and distribution of all informational materials. In October, before the annual Kuwait international book fair, the ministry added 25 books to the thousands of titles already banned for being "contrary to the fair and state policies." The newly forbidden titles included Egyptian Alaa al-Aswani's bestselling novel "The Yacoubian Building."

#### Internet Freedom

According to International Telecommunications Union statistics for 2009, approximately 39 percent of the country's inhabitants used the Internet. The government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block Web sites considered to "incite terrorism and instability" and required Internet service providers to block religious and pornographic Web sites that "violate Kuwait's customs and traditions," in addition to political sites which the government finds offensive. For example, the Web site of UK-based Shia cleric Yasser al-Habib was blocked. There were reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or beliefs. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communication upon request.

#### Academic Freedom and Cultural Events

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

The Ministry of Interior reserved the right to approve or reject annual public events and rejected those it considered politically or morally inappropriate.

According to the Middle East Studies Association, on February 11 the government revoked an entry visa for Madawi al-Rasheed, a professor at King's College London, who was scheduled to give a public lecture in the country on "Suspended Political Reform in the Arab World" to the Institute for Women's Development and Training. Although authorities issued a visa on January 26, it was reportedly revoked due to al-Rasheed's widely published theories that conservative Islam inhibits democratization. The government gave no official reason for denying al-Rasheed's entry.

In December 2009 authorities denied entry to Egyptian Qur'anic scholar Nasr Hamid Abu Zayd on the grounds that his already approved visa was invalid. Abu Zayd was scheduled to give two lectures on "Religious Reform in the Constitutional State" and on "Women's Issues: Between the Qur'an and Accepted Jurisprudential Thought."

There were no updates in the Commercial Attorney's Office's investigation of a hotel owner and party organizers for sponsoring a mixed-gender dance in 2008.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for freedom of assembly. Organizers of public gatherings of more than 20 persons must obtain prior approval from the Ministry of Interior.

Many adult male citizens, including members of the government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanias. A few women held female-only diwanias, and a small number of diwanias were open to both sexes.

Authorities curbed freedom of assembly in some political or security-related cases. On April 10, the government deported 17 Egyptian expatriates who participated in a meeting in support of Egyptian opposition presidential candidate Muhammad El Baradei on the grounds that the assembly was not approved by the Ministry of Interior.

On September 13, the government invoked the 1979 Public Gatherings Law (which had previously been only sporadically enforced) to ban gatherings of more than 20 persons in an effort to head off sectarian strife resulting from an exiled Shia cleric's disparaging the Prophet Muhammad's wife. On December 8, in accordance with the same law, the emir issued a formal decree banning outdoor public gatherings exceeding 20 persons. Later that day Ministry of Interior forces enforced the decree, forcibly shutting down a seminar at Member of Parliament Jam'an al-Hirbish's diwaniya, which the government contended was an illegal public gathering. On December 14, the police disbanded another similar public gathering without incident.

### Freedom of Association

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

The government uses its power to license associations as a means of political control. There were 73 officially licensed nongovernmental organizations (NGOs) in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) did not license any new NGOs during the year. There remained 149 NGOs pending licensing by the MOSAL; many have been waiting years for approval.

The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of 12,000 dinars (approximately \$41,800) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL resumed issuing licenses following a period of refusing to do so, received no financial assistance. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those the petitioners proposed. It can also reject an NGO's application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO's name prior to licensing and sometimes did so on the grounds that the name was too close to that of an already existing NGO. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences as official representatives of their organization. The degree of government supervision and financing called into question the NGOs' independence and nongovernmental status.

There were dozens of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.

### c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

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

The constitution generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the government placed some limits on freedom of movement in practice. Although the government contributed 288,000 dinars (approximately \$1 million) to the Office of the UN High Commissioner for Refugees (UNHCR) during the year, it was uncooperative with most UNHCR and other humanitarian organizations' efforts to provide implementation of protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Women and Bidoon faced problems with or restrictions on foreign travel. In October 2009 the Constitutional Court issued and began enforcing a final ruling confirming a woman's right to obtain a passport without her husband's approval. However, a husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which a court order may extend the travel ban. The government restricted the ability of the Bidoon population to travel abroad. It permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

The law also permits travel bans on citizens or foreigners accused or suspected of violating the law, and it allows other citizens to petition authorities to do so. In practice, this resulted in arbitrary delays and difficulties for citizens or foreigners in leaving the country.

The law prohibits the deportation or forced exile of citizens, although the government can revoke citizenship of naturalized citizens for various causes, including felony conviction, and subsequently deport individuals. The government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the country's law.

During the year several hundred Bidoon emigrated.

### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The laws do not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. The country's immigration regulations prohibit local settlement for asylum seekers. In practice, however, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees; the government often kept such persons in detention until they agreed to return to their home country or made alternative travel arrangements, and it rarely granted them permission to live and work in the country.

### Stateless Persons

According to the law, citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The law further fails to provide nonnationals, including Bidoon and non-Muslims, a clear or defined opportunity to gain nationality. In July,

the Ministry of Interior issued a regulation that allows female citizens to sponsor their nonnational children (regardless of their age) and husbands for residency permits.

Although the exact number of Bidoon residents was unknown, the Ministry of Planning estimated there were more than 100,000 Bidoon in the country at the end of 2006, the last year the government collected those statistics. The government continued to discriminate against Bidoon in areas such as education, employment, medical care, and freedom of movement. Bidoon children may not attend public schools. The government accepted Bidoon in some government positions. Although some Bidoon worked in the armed forces or police and there are no legal strictures that prevent their service, the Bidoon have effectively been barred from enlisting in either force since 1985. Bidoon often faced difficulty in qualifying for the subsidized health care that citizens received, and the government also made it difficult for Bidoon to obtain official documents necessary for employment or travel, such as birth certificates, civil identification cards, driver licenses, and marriage certificates.

On March 19, the National Assembly's Health and Labor Committee issued a two-month ultimatum for the Ministry of Health to issue birth certificates to Bidoon newborns. On May 18, the Council of Ministers passed a resolution to issue birth certificates to all children of citizens married to Bidoon women. This resolution was based on precedents set in 2009. In March 2009 the Court of First Instance issued a marriage certificate to a Bidoon woman married to a citizen. In April 2009 and again in May 2009, the same court affirmed a Bidoon man's right to receive a marriage certificate and birth certificates for his children. Neither the justice nor health ministry complied with these 2009 court orders or the resolution of the Council of Ministers during the year.

During the year as in 2009, the government did not grant citizenship to any Bidoon. More than 80,000 Bidoon citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the government maintained that the vast majority of Bidoon were concealing their true identities and were not actually stateless.

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

Citizens had only a limited, indirect impact on control of the executive branch, as the constitution stipulates that the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must meet three requirements: that he has attained the age of majority, is of sound mind, and is a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is no longer accurate. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

#### Elections and Political Participation

In May 2009, two months after the emir dissolved the National Assembly, a parliamentary election was held that was generally considered free and fair. It was the third election in three years, due to the emir's constitutional dissolutions of parliament in May 2006, March 2008, and March 2009.

The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Several tribal affiliations and well-organized unofficial blocs operated as political groupings and held illegal primary elections to maximize their impact in National Assembly. Tribal leaders excluded women from the tribal primaries. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts. Tribes dominated two of the five constituencies and exerted influence on the other three.

### Section 4 Official Corruption and Government Transparency

The law mandates criminal penalties for official corruption; however, the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption, and though it and a government-formed committee reported various allegations of corruption and irregularities, there were no public high-profile corruption cases before the courts during the year. Parliament also frequently announced inquiries into suspected misuses of public funds, but none of these resulted in prosecution during the year. The World Bank's Worldwide Governance Indicators for 2009 reflected a decline from 2008 in public authorities' perceived control of corruption, which remained a problem.

There were also reports of citizens' complaints about having to pay intermediaries to receive routine government services. Additionally, there were some reports of police corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. In addition, there were widespread reports that police showed favoritism towards citizens.

The Ministry of Interior and the Ministry of Social Affairs and Labor revealed dozens of cases during the year of ministry employees forging documents to enable the importation of foreign workers. Violations were referred to investigative bodies within the ministries and then sent to the attorney general's office for action. Courts rarely took rigorous action against the violators.

Public officials were not subject to financial disclosure laws.

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

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

The government restricted the operations of domestic and international human rights groups and limits cooperation with them. The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the Kuwait Human Rights Society (KHRS) and the Kuwaiti Society for Fundamental Human Rights. Local licensed NGOs devoted to specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to operate without government interference. A few dozen local unlicensed human rights groups operated without government restriction during the year. The government and various National Assembly committees met regularly with local NGOs, and responded to their inquiries.

The government permitted international human rights organizations to visit the country. In January, Human Rights Watch officials visited and conducted interviews, including with government officials, principally concerning the protection of foreign domestic workers.

The government cooperated with international governmental organizations and permitted visits of their representatives. On her visit on April 20-21, UN High Commissioner for Human Rights Navi Pillay emphasized the desirability of eliminating the labor sponsorship system requiring migrant works to secure local sponsors.

The National Assembly's Human Rights Committee, which operates independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. Committee members also visited the Central Prison during the year (see section 1.c.). The committee had access to adequate resources and was considered effective; it did not issue reports.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, origin, disability, or language; discrimination based on social status is not addressed. In practice the government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, Bidoon, noncitizens, and domestic and expatriate workers.

### Women

Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the country occasionally imposed for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. Police occasionally arrested alleged rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively to protect noncitizen women.

According to foreign diplomatic sources, victims reported that the majority of police stations and hospitals handled their cases in a professional way.

The law does not specifically prohibit domestic violence; cases are tried instead as assault, and a victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. On March 21, the MOSAL released the results of an interministerial study of domestic violence, drawn from a sample of 1,569 families. The study defined the phenomenon as physical, material, psychological, and sexual violence and found the causes to be divorce, continued disputes between the couples, deviation, infidelity, and psychological problems. One-third of the families reported that they had experienced domestic violence; 17 percent of women reported that they had experienced it, compared to 42 percent of men.

Each of the country's 83 police stations reportedly received complaints of domestic abuse. However, poor incentive to report abuse resulted from the strong social stigma associated with publicly acknowledging such problems. Even with documented evidence of the abuse--such as eyewitness accounts, hospital reports, and social worker testimony--police officials rarely arrested perpetrators of domestic violence. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year. A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard 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.

Although courts found husbands guilty of spousal abuse in previous years, most domestic abuse cases were not reported, especially outside the capital, and individuals reportedly bribed police officials to ignore domestic abuse charges. Abusive husbands, if convicted, rarely faced severe penalties. There were no shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year.

Honor crimes, according to the penal code, are penalized as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her and/or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a 225 dinars (approximately \$800) fine, slightly less than a month's earnings at the public sector minimum wage. There were no reported honor crimes in recent years.

There is no specific law that addresses sexual harassment; however, the law criminalizes "encroachment on honor," which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year, the government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators face fines and jail time. Human rights groups characterized sexual harassment against women in the workplace as a pervasive, yet unreported, problem.

There were no reports of interference in the right to decide freely and responsibly the number, spacing, and timing of children, matters subject to agreement between husband and wife. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth were freely available. There was no formal family planning program; oral contraceptives were available over the counter. Women had ready access to essential obstetric and postpartum care. According to estimates developed by the World Health Organization, the UN Children's Fund, the United Nations Population Fund, and the World Bank, there were approximately nine maternal deaths per 100,000 live births in the country in 2008. Information was not available regarding diagnosis and treatment of sexually transmitted infections.

Women have some political rights; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system, and they continued to face discrimination in many social and legal areas. Nevertheless, some women attained prominent positions in government and business. A parliamentary committee for women's and family affairs exists, and female parliamentarians made up four of its five members.

Women continued to experience legal, economic, and social discrimination. Sharia (Islamic law) discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is also governed by Sharia, which varies according to the school of Islamic jurisprudence that different populations in the country follow. In the absence of a direct male heir, a Shia woman may inherit all property, while a Sunni woman inherits only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

When the children of a divorced woman reach age 18, she loses her right to live in housing purchased through the government loan program, regardless of any payments she may have made on the loan, and a female citizen married to a noncitizen cannot, by law, qualify for the loan program. On July 18, the Ministry of Interior issued a regulation that allows female citizens to sponsor their nonnational children (regardless of their age) and husbands for residency permits. Female citizens married to noncitizens were previously required to pay annual residence fees of 217 dinars (approximately \$750) for their husbands and children and had previously been unable to obtain any residency for their husband if he was unemployed. Citizen women cannot pass citizenship to their noncitizen husbands or their children. Male citizens married to female noncitizens did not face such discrimination in law or practice. Sharia courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the Sharia courts the testimony of a man is equal to that of two women.

The law provides for a woman to receive "remuneration equal to that of a man provided she does the same work"; however, it prohibits women from working in "dangerous industries" and in trades "harmful" to health. In 2008 the Constitutional Court ruled that a housing benefits package which gave single women nothing while providing allowances for married men and women and unmarried men was unconstitutional. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. Women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of college graduates.

The law requires that classes at all universities be segregated by gender. Public universities enforced this law more rigorously than private universities.

Family matters are adjudicated in accordance with Sharia. The law prohibits marriage between Muslim women and non-Muslim men. A non-Muslim woman is not required by law to convert to Islam to marry a Muslim male; however, in practice many non-Muslim women faced strong economic and societal pressure to convert. Failure to convert would grant custody

of children to the father in the event of a divorce. By law, a non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband's property without being specified as a beneficiary in his will.

There were no female judges. On April 14, the Constitutional Court rejected a lawsuit by a female lawyer who claimed that her application for appointment in the public prosecution was unconstitutionally rejected because of her gender.

In July female police officers began working in public, including on patrols at malls and providing airport and VIP security. Female police officers, the first of whom graduated from the police academy in 2009, were previously restricted to deskwork and training new cadets.

#### Children

The government was generally committed to the rights and welfare of citizen children, although noncitizen children received less support and attention. The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants.

By law education for citizen children is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for Bidoon and expatriate children. Some Bidoon children attended private schools, and some did not attend school at all. The government-administered Charity Fund to Educate Needy Children paid school fees for all Bidoon children (approximately 2,000) who applied for assistance during the 2009-2010 school year.

There was no societal pattern of child abuse.

The legal marriage age is 17 for men and 15 for women, but younger girls continued to marry earlier in some tribal groups. The Ministry of Justice estimated that underage marriages constituted 2 to 3 percent of total marriages.

All pornography is illegal; there are no laws specific to child pornography. There is no statutory rape law or minimum age for consensual sexual relations; however, premarital sexual relations are illegal.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

#### Anti-Semitism

Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli actions with those of Jews more broadly, particularly after the May 31 Israeli interception of the Gaza Freedom Flotilla, which included several prominent Kuwaitis. School administrators have issued standing instructions to teachers to expunge English-language textbooks of any references to Israel or the Holocaust, and books dealing with these topics remained banned. The government did not make any public statement on textbook censorship. There were no known Jewish citizens and an estimated few dozen Jewish foreign resident employees.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

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

In June the government enacted a new disability law providing larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. The law requires government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs. The law also allows citizens with disabilities, or those with disabled children, to receive larger than normal housing grants and earlier pensions. Although Bidoons are not normally entitled to receive housing grants, the new law's provisions included disabled Bidoons, or those with disabled children.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constitute the government's Higher Council for Handicapped Affairs, which makes policy recommendations, provides direct financial aid to persons with disabilities, and facilitates their integration into schools, jobs, and other social institutions. The government supervised and contributed to schools and job and training programs oriented to persons with special needs.

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

Homosexuality and cross-dressing are illegal. The law punishes homosexual behavior between men older than 21 with imprisonment of up to seven years; those engaging in homosexual activity with men younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (approximately \$3,700) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women.

During the year there were more than a dozen reports of police arresting transgender persons at malls and markets, beating them in custody and shaving their heads, and then generally releasing them without charges. The government did not condone abuse by officials of transgender persons, but it also did not punish the abusers. For example, on December 31, police arrested two women for allegedly dressing and acting like men, according to the local press; the women were released the next day. In March 2009 Criminal Investigations Division officers raided a cafe, arresting five men for cross-dressing. By year's end there were no updates in this case.

There were no official NGOs focused on lesbian, gay, bisexual, or transgender matters, though unofficial ones existed. Societal discrimination based on sexual orientation was common; officials practiced to a lesser extent a de facto discrimination reflecting societal values and laws. There was no government response to either.

#### Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Unmarried men continued to face housing discrimination based solely on marital status. The law prohibits single men from obtaining accommodation in many urban residential areas.

#### Section 7 Worker Rights

On February 20, a new private sector labor law was published, replacing a 1964 law that expanded rights for private sector employees but did not cover domestic servants. The sponsorship system for migrant workers rendered this group of workers vulnerable to abuse and mistreatment.

a. The Right of Association

With the exceptions of the country's domestic workers and maritime employees, the law provides that workers have restricted rights to join trade unions. The law gives workers the right to join unions without previous authorization. Nondomestic migrant workers can join unions, with restrictions, if they obtain a certificate of good conduct and moral standing from the government, but they cannot run for seats or vote in board elections. An estimated 100,000 persons, or 5 percent, of a total workforce of two million were organized into unions, mostly in the public sector and the oil, gas, and petrochemical industries.

The government restricted the right of association in forming unions. Only one union per occupational trade exists, and unions combine in the sole government-authorized federation. The Kuwait Trade Union Federation (KTUF) comprised 15 of the 47 licensed unions, amounting to the vast majority of union workers. The KTUF did not meet the needs of all workers and left many, such as bank workers and airline employees, dissatisfied. As a result, some unions or workers instead joined the unlicensed National Trade Union Federation.

The law stipulates that any new union must include at least 100 workers, 15 of them citizens and that union certification must be formally presented to them by the government. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement because it discouraged unions in sectors that employ few citizens, such as much of the private sector, especially construction and domestic workers.

The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. If a union ceases to exist, the government, in turn, takes all its assets. Union leaders and board members are elected by citizen union members. The law prohibits unions from engaging political, religious, or sectarian issues. 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. By law the MOSAL can request the dissolution of a union by the Court of First Instance. The emir also may dissolve a union by decree. No union was dissolved during the year. The government denied several public sector and oil sector unions' applications for official recognition during the year on the grounds that the law does not allow more than one union to represent the same profession or organization.

The law denies foreign domestic workers (approximately 560,000 of the estimated 1.5-million noncitizen workforce) and maritime employees the right to associate and organize. It also discriminates against more than one million other foreign workers by denying union voting rights, the ability to stand for union leadership positions, and restricting membership to workers with at least five years of residence, although the KTUF stated that this last requirement was not widely enforced in practice.

The law does not prevent the government from interfering in union activities, including the right to strike. The requirements for conducting a legal strike were excessively lengthy and cumbersome in practice, and no legal strike took place during the year. To strike, a union must obtain permission from the Ministry of Interior, which did not grant permission for any of the strikes that took place during the year.

Most labor disputes are resolved in compulsory negotiations; if not, either party may petition the ministry for mediation. If mediation fails the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the

Attorney General's Office, and the respective ministry involved. The law does not prohibit retaliation against strikers by employers. Employers generally tried to settle disputes with workers themselves in order to retain them.

Foreign workers went on strike during the year. Most striking workers were employees of cleaning and security companies who claimed they either not been paid or had received insufficient salaries. In these instances the ministry responded by attempting to negotiate a settlement between the workers and the employers. However, the government's Central Tenders Committee barred two cleaning companies for three months from bidding on government contracts because of a wage dispute that culminated in an October cleaners' strike affecting public sector buildings.

#### b. The Right to Organize and Bargain Collectively

The law provides workers, with the exceptions of domestic servants, maritime workers, and civil servants, the right to bargain collectively, subject to certain restrictions. In practice the government generally respected the rights of those workers covered by the law. Collective agreements covered approximately 70 percent of the citizen labor force. There are no legal restrictions on collective bargaining. There is no minimum number of workers needed for such agreements.

The law prohibits antiunion discrimination and employer interference with union functions, and the government generally protected those rights. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. By law 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.

There are no special laws or exemptions from regular labor laws in export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, "except in cases specified by law for national emergency and with just remuneration." However, there were reports of such practices, usually made possible by employer misuse of the sponsorship system of noncitizen workers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers who are employed under the sponsorship system. Many of these workers are subjected to restrictions on movement and communication, forced overtime, non-payment of wages, and some experience physical abuse. Female domestic workers are particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences.

There were frequent reports of domestic workers committing or attempting suicide related to desperation over abuse or poor working conditions. The number of such cases continued to increase.

See also the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor, and the government made efforts to enforce the law effectively. There were credible reports of underage workers, almost entirely concerning domestic servants of South Asian origin. Some underage workers, mostly domestic servants, entered the country on travel documents with falsified birth dates. Approximately 300 inspectors from the MOSAL's Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension in their company operations. See also the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

The legal minimum age for employment is 18; however, employers may obtain permits from the ministry to employ juveniles between the ages of 15 and 18 in nonhazardous trades. On September 6, the MOSAL issued a regulation further restricting the trades in which juveniles between the ages of 15 and 18 may be employed. 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.

#### e. Acceptable Conditions of Work

On April 14, the MOSAL announced an increase in the national minimum wage for the private sector; however, this did not include domestic workers who earn up to 60 dinars (approximately \$210) per month, which does not provide a decent standard of living for a worker and a family. The government will not issue visas for dependents to accompany workers earning less than 250 dinars per month (approximately \$875).

The law limits the standard workweek to 48 hours (40 hours for the petroleum industry) with one full day of rest per week and one hour of rest after every five consecutive hours of work. These standards were not well enforced, and domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours a week, often with no day of rest. Workers submitted complaints to the ministry's Labor Disputes Department.

On February 22, a new private sector labor law, which does not apply to domestic workers, went into effect, increasing annual leave from 14 days to 30 days, mandating 70 days of paid maternity leave, and requiring that notices of termination be provided three months in advance (as opposed to a one-month notice). For work on Friday, workers are entitled to a day and a half's pay and a day off in the following week. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day.

In August 2009 the MOSAL issued a regulation to permit most foreign workers to change employers after three years of work without having to secure the permission of the original sponsor first. The regulation excludes domestic workers, public sector workers, and foreign workers involved in finance management, thereby applying to approximately two-thirds of the country's two million foreign workers.

The government issued occupational health and safety standards; however, compliance and enforcement by the MOSAL 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 pollution resulting from certain industries, trained workers to use machines, 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. Inspections do not, however, extend into the home which is the workplace of the majority of the country's domestic workers. In past years government attention to worker safety issues was limited, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports. No such cases were reported during the year.

The law provides that all outdoor work stop between noon and 4:00 p.m. during the months of June, July, and August, or when the temperature rises to 50 degrees Celsius (122 Fahrenheit) in the shade. The MOSAL monitored work sites to ensure compliance with these rules. There were no reports of violations during the year. Workers could report these violations to their embassies, to the Kuwait Trade Union Federation, or the Labor Disputes Department at the Ministry of Social Affairs and Labor.

[Back to Top](#)