

# **KUWAIT 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family. While there is also a democratically elected parliament, the amir holds ultimate authority over most government decisions. The last parliamentary general election was held in 2016 and was generally free and fair with members of the opposition winning seats. By-elections were held in March for two seats vacated by opposition members of parliament who had left the country after being sentenced to prison.

Police have sole responsibility for the enforcement of laws not related to national security, and the Kuwait State Security (KSS) oversees national security matters; both report to the Ministry of Interior, as does the Kuwait Coast Guard. The armed forces are responsible for external security and report to the Ministry of Defense. The Kuwait National Guard is a separate entity responsible for critical infrastructure protection, support for the Ministries of Interior and Defense, and the maintenance of national readiness. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: reports of torture; arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including criminalization of libel, censorship, and internet site blocking; interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; trafficking in persons; criminalization of consensual adult male same-sex sexual conduct; and reports of forced labor, principally among foreign workers.

The government took steps in some cases to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was a problem in corruption cases.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

**b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, but there continued to be reports of torture and mistreatment by police and security forces against detained members of minority groups and noncitizens.

Several persons claimed police or KSS force members beat them at police checkpoints or in detention. Eight foreign nationals detained by the Ministry of Interior's Drug Enforcement General Directorate reported credible cases of abuse during arrest or interrogation. Some detainees alleged they were beaten by a wooden rod, hung upside down and beaten, or both. In their initial meeting with prisoners, public prosecutors must ask if the prisoner is injured, and it is the prisoner's responsibility to raise the subject of abuse. The prosecutors also look for visible injuries. If a prisoner states they are injured or if the injuries are visible, prosecutors must ask how the injury happened and refer the prisoner to medical professionals. One foreign national alleged abuse during his meeting with the public prosecutor, and authorities found no evidence of abuse in this case or in the other seven cases of foreign nationals detained by the Drug Enforcement General Directorate.

In June an Iranian migrant worker filed a complaint with authorities claiming that a state security officer broke into his shop and beat him. After receiving a copy of the medical report, a prosecutor ordered that the incident be registered as a felony and that the officer be arrested. Also in June detectives arrested a policeman and a soldier for raping a Kuwaiti woman while in police custody.

In March a Ministry of Interior official was arrested on charges of molesting three boys aged nine, 10 and 11. The Public Prosecutor issued an arrest warrant and opened a criminal investigation. In June a migrant domestic worker from the Philippines was abducted and raped by an airport security officer soon after her arrival in the country. Authorities issued an arrest warrant for the officer.

In December family members of a disabled Kuwaiti citizen claimed he died while in custody at the drugs control department as a result of torture. The minister of

interior suspended two officers and four policemen involved in the incident and referred the case to the public prosecutor's office.

The government investigated complaints against police officers and took disciplinary action when warranted. Disciplinary actions included fines, detention, and occasionally removal or termination from professional postings. The government did not make public the findings of its investigations or any punishments it imposed. According to the latest government figures, 120 complaints of sexual or physical violence were filed by prisoners in the four main prisons. As of December the government had received 643 complaints from the public against Ministry of Interior employees. While the majority were in response to verbal abuse, "very few" pertained to abuses of power or authority. Of those 643 cases, 154 ministry staff were "punished", 17 cases were referred to the court, and 31 ministry staff were released from their positions.

Although government investigations do not often lead to compensation for victims, the victim can utilize government reports and results of internal disciplinary actions to seek compensation via civil courts. In September the Court of Cassation ordered the Ministry of Interior to pay 50,000 KD (\$165,000) in compensation to the heirs of Mohamed al-Maimouni, who was tortured to death by state security officers in 2011.

### **Prison and Detention Center Conditions**

According to the Human Rights Committee at the National Assembly, prisons lacked the minimum standards of cleanliness and sanitation, were overcrowded, and suffered from widespread corruption in management, resulting in drug abuse by inmates and prisoner safety issues. International observers who visited the Central Prison corroborated reports of drug use and trafficking, as well as overcrowding. Observers indicated that issues regarding sanitation and the maintenance of facilities had generally improved from the previous year. In February the Human Rights Committee of the National Assembly released a report on the conditions of inmates in prisons, and provided recommendations to protect the rights of prisoners, including the development of a national plan to combat crime, increasing efforts to rehabilitate prisoners, finding alternatives to imprisonment sentences, and enhancing restorative justice. In September the Ministry of Interior suspended the director of the Central Prison and 26 officers and policemen and referred them to investigation for failure to secure the prison. The Ministry of Interior claimed their negligence led to mobile phones, contraband, and prohibited items being smuggled into the prison.

**Physical Conditions:** Prison overcrowding continued to be a significant problem. Prisoners share large dormitory cells that were designed to accommodate 20-30 inmates. Prisoners at the facilities reported it was common for double or triple that number of prisoners to be held in one cell. Inmates incarcerated at the central prison said the prison cells were so overcrowded that they were forced to sleep on the floor of their cells, on mattresses in the hallway outside their cells, or share beds with other inmates.

In February, Amir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah issued a decree pardoning dozens of prisoners held on various charges, including the immediate release of 161 prisoners and the reduction of penalties for 545 others. In November the amir pardoned former member of parliament (MP) Fahd al-Khannah, who had returned one week prior from two years of self-exile in Turkey. In June, Assistant Undersecretary for Correctional Institutions and Law Enforcement Institutions at the Ministry of Interior Major-General Farraj al-Zua'bi announced that 120 land telephones would be installed inside most of the Central Prison wards to control the smuggling of cell phones to prisoners by guests, family members, and lawyers. Inmates would be able to use the phone between 8 a.m. and 8 p.m. for a maximum of 10 minutes at a time. According to the government, prisoners are allowed to make one domestic video phone call per day, and one international video call per month.

A nursery complex was provided for female inmates with young children. Officials stated the prison was not designed to accommodate prisoners with disabilities.

The number of inmates at the Talha Deportation Center often significantly exceeded the 500 detainees it was designed to accommodate for brief periods. In October the Ministry of Interior announced the opening of new wards for women at the deportation center with the capacity for 360 inmates. Detainees housed there faced some of the worst conditions in the prison system. Noncitizen women pending deportation were held at the Women's Prison in the Central Prison Complex due to lack of segregated facilities at the deportation center. Resident representatives from various foreign missions reported that detainees complained of discrimination according to national origin and citizenship status.

**Administration:** There were some reports of corruption and lack of supervision by the administration of the prison and detention center system. While inmates

lodged complaints against prison officials and other inmates, no information was available on the resolution of these complaints.

**Independent Monitoring:** The Ministry of Interior permitted independent monitoring of prison conditions by some nongovernmental observers and international human rights groups. Written approval was required for visits by local nongovernmental organizations (NGOs). Authorities permitted staff from the International Committee of the Red Cross and the UN High Commission for Refugees (UNHCR) to visit prisons and detention centers. The Kuwait Society for Human Rights and the Kuwait Association for the Basic Evaluation of Human Rights were allowed to visit prisons during the year. A government official stated that local and international NGOs visited prisons approximately 17 times during the year. In July a delegation from the Human Rights Diwan inspected the Central Prison, Women's Prison, and the Public Prison. The delegation noted overcrowding at the Women's Prison. Prison administration officials attributed overcrowding to the fact that some detainees had pending judicial verdicts, which delayed their deportation procedures. The delegation also noted approximately 20 children with their mothers in the prison, with ages ranging from one month to three years.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention. There were numerous reports, however, that police made numerous arbitrary arrests of migrant laborers, regardless of their residency status, as part of sustained action against persons in the country illegally.

#### **Arrest Procedures and Treatment of Detainees**

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 or observing the commission of a crime. There were numerous reports of police arresting and detaining foreign nationals without a warrant, primarily as part of the government's action against unlawful residents. In June more than 800 persons were arrested during a police crackdown on those with expired visas, violating residency laws, and absconding. The courts usually do not accept cases without warrants issued prior to arrests. Authorities generally informed detainees promptly of the charges against them and allowed access to their lawyers and family members. Police investigated most misdemeanor cases, and suspects are released within 48 hours after paying bail or a fine. For more serious misdemeanors and

felonies, police can hold a suspect a maximum of four days on their own authority before they must refer the case to prosecution. Nonetheless, there were cases of detainees, especially those held for drug crimes, who were detained for periods of one-to-two weeks, and who were unaware of the specific charges against them; they were also not allowed to make phone calls or contact lawyers and family members.

Diplomatic representatives observed that in some detention cases, authorities permitted lawyers to attend legal proceedings but did not allow direct contact with their clients. Some defendants were sentenced in absentia. Detainees facing “state security” charges were routinely denied access to their lawyers and interpreters and document translators in advance of hearings. Defendants who did not speak or understand Arabic often learned of charges against them after their trial, because an interpreter was not provided when the charges were presented against them. The law requires a prompt judicial determination of the detention’s legality, if requested by a detainee. If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days for a serious misdemeanor and three weeks for a felony in order to question the suspect and investigate the case. Prosecutors also may obtain court orders to extend detention for another 15 days, up to a maximum of four months’ 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 is assigned to them. Defendants in drug cases were usually held incommunicado for several days while their cases were under investigation.

The Ministry of Interior investigates misdemeanor charges and refers cases to the misdemeanor court as appropriate. An undersecretary in the Ministry of Interior is responsible for approving all administrative deportation orders.

Arbitrary Arrest: There were reports that during raids police arbitrarily detained noncitizens who possessed valid residency permits and visas. In February the Court of Administration ordered the Ministry of Interior to pay 5,000 KD (\$16,000) for damages to a citizen after he was mistakenly arrested. In October, MP Riyadh al-Adsani released a statement criticizing the Ministry of Interior after plainclothes detectives mistakenly arrested a prominent media figure, Madhi al-Khamees. Al-Khamees was subsequently released.

Pretrial Detention: Arbitrary lengthy detention before trial sometimes occurred. Authorities held some detainees beyond the maximum detention period of six months. NGOs familiar with the judicial system reported that they believed the

number of judges and prosecutors working at the Ministry of Justice was considered inadequate to process cases in a timely manner and was the main cause of delays.

Prolonged detention at the government-run Talha Deportation Center was also a problem, particularly when the detainee was a migrant worker who owed money to a citizen or was a citizen from a country without diplomatic representation in the country to facilitate exit documents. The government, however, claimed that most deportation cases were resolved within three days.

In an ongoing 2017 corruption case involving the Kuwait Port Authority and a private company, defense attorneys alleged procedural irregularities, extensive pre-trial detention, and excessive bail.

#### **e. Denial of Fair Public Trial**

The law and the constitution provide for an independent judiciary, and the government generally respected judicial independence and impartiality. The Supreme Judicial Council nominates all prosecutors and judges and submits nominations to the amir for approval. Judges who were citizens received lifetime appointments until they reached mandatory retirement age; judges who were noncitizens held one to three-year renewable contracts. The Supreme Judicial Council may remove judges for cause. Noncitizen residents involved in legal disputes with citizens frequently alleged the courts showed bias in favor of citizens. Cases existed in which legal residency holders--principally migrant laborers--were detained and deported without recourse to the courts.

Under the law, questions of citizenship or residency status are not subject to judicial review, so noncitizens arrested for unlawful residency, or those whose lawful residency is canceled due to an arrest, have no access to the courts. The clause that allows government authorities to administratively deport a person without judicial review requires the person to be a threat to the national security or harmful to the state's interests. The law is broadly used and subjects noncitizens charged with noncriminal offenses, including some residency and traffic violations, to administrative deportations that cannot be challenged in court; however, noncitizens charged in criminal cases face legal deportations, which can be challenged in court.

#### **Trial Procedures**

The constitution provides for the presumption of innocence and the right to a fair public trial, and the judiciary generally enforced this right. The law forbids physical and psychological abuse of the accused. Defendants enjoy the right to be present at their trial and to receive prompt, detailed information on the charges against them. Criminal trials are public unless a court decides the “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. 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 adequate time and facilities to prepare a defense. Most court documents were not publicly accessible. The Ministry of Justice is required to provide defendants with an interpreter for the entire judicial process, but in practice, this did not always occur.

Defendants have the right to confront their accusers, to confront witnesses against them, and to present their own witnesses, although these rights were not always respected in practice. Defendants cannot be compelled to testify or confess guilt. Defendants have the right to appeal verdicts to a higher court, and many exercised this right.

Under the domestic labor law, domestic workers are exempted from litigation fees. If foreign workers had no legal representation, the public prosecutor arranged for it on their behalf, but with little or no involvement by the workers or their families. When workers received third-party assistance to bring a case, the cases were often resolved when the employer paid a monetary settlement to avoid a trial.

### **Political Prisoners and Detainees**

There were many instances of persons detained for their political views. Throughout the year the government arrested 12 individuals on charges such as insulting the amir, insulting leaders of neighboring countries, or insulting the judiciary. One defendant was acquitted, while others received jail sentences or were remanded in custody pending a final verdict. During the year sentences for insulting or speaking out against the amir or other leaders on social media ranged from six months in prison to up to 10 years plus fines for multiple offenses.

The government actively monitors social media and incarcerates bloggers and political activists for expressing antigovernment opinions and ideas. The media reported between two-to-four such convictions per month. In July the court of appeals sentenced blogger Musaed al-Musailem to five years in jail with labor and fined him 10,000 KD (\$33,000) for posting statements deemed offensive to the

United Arab Emirates, insulting the amir, and spreading false news. In December, the Criminal Court sentenced al-Musailem to an additional seven years in prison with hard labor for insulting the amir and the judiciary, and circulating false news. In September the Ministry of Justice stated that 589 court rulings were issued against Twitter users between February 2016 and December 2018. Of those verdicts, 37 included imprisonment.

As part of a ruling in September acquitting a Twitter user of charges of threatening national security, the Court of Cassation declared that, “freedom in Kuwait is a way of life,” and that such freedom is “enshrined” in the country’s constitution. The court noted that “when expressing opinions, comments made by Twitter users on other country’s affairs and issues of other people...should not be considered as acts of aggression.”

### **Civil Judicial Procedures and Remedies**

The law provides for an independent and impartial judiciary and trial for individuals or organizations in civil matters regarding human rights violations, but authorities occasionally did not enforce such rulings for political reasons. Authorities also occasionally used administrative punishments in civil matters, such as instituting travel bans or deportations. In the majority of cases of human rights or labor law violations, victims can go to the Public Authority for Manpower (PAM) or the Domestic Labor Department to reach a negotiated settlement outside of court. If that is unsuccessful, individuals can pursue their cases in court, although this process was often prolonged, making it unrealistic for many migrant workers.

In May press reports indicated that in 2018 procedural errors caused 500 prisoners to lose their right to challenge their convictions before the Court of Cassation. The reports said that 700 prisoners lost this right in 2017.

There is no regional mechanism to appeal adverse domestic human rights decisions.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and the law prohibit such actions, and the government respected these prohibitions. Cybercrime agents within the Ministry of Interior, however, regularly monitored publicly accessible social media sites and sought information

about owners of accounts, although foreign-owned social media companies denied most requests for information.

The Bidoon are stateless Arabs who are recognized by the authorities but not granted citizenship. Bidoon activists were subject to home raids, confiscation of electronics, and detention during the year for participating in the July protests related to Bidoon rights. Some Kuwaiti activists have also alleged that they or their family members have been deprived of access to education, healthcare, and jobs for advocating on behalf of the Bidoon.

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

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, although these rights were violated. The courts convicted more than one dozen individuals for expressing their opinions, particularly on social media. The law also imposes penalties on persons who create or send “immoral” messages and gives unspecified authorities the power to suspend communication services to individuals on national security grounds.

Freedom of Expression: The Press and Publications Law establishes topics that are off limits for publication and discussion, and builds on the precedent set by the penalty law. Topics banned for publication include insulting religion, in particular Islam; criticizing the amir; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; insulting an individual or his or her religion, sorcery, and publishing information that could lead to devaluing of the currency or creating false worries about the economy. The government generally restricted freedom of speech in instances purportedly related to national security, including the glorification of Saddam Hussein, and referring to the “Arabian Gulf” as the “Persian Gulf.”

Local activists reported they were regularly contacted by state security services and Ministry of Information officials after they published opinions deemed contrary to the government view. Activists also reported being contacted for the same reason by the Kuwaiti Embassy when they were residing abroad. In October the foreign minister stated he had directed “Kuwait’s diplomatic missions [abroad] to firmly pursue people offending Kuwait or its leaders.” As of November the Ministry of Foreign Affairs had received 52 such complaints from various embassies in Kuwait: 43 against bloggers and social media users, and the remainder against

local newspapers and TV networks, according to press reports. The same reports indicated that Kuwaiti embassies overseas had reportedly filed 25 cases against bloggers and TV networks in host countries, accusing them of offending Kuwait, according to the ministry. Government authorities did not always take immediate action in the cases of social media posts to which they objected made by citizens while overseas, but under the law the government may take action once the author returns to the country. Under existing law there is broad latitude in the interpretation of what constitutes a crime when voicing dissent against the amir or the government, and activists can face up to seven years in prison for each count of the offense.

In May the Court of Appeals upheld a verdict sentencing 22 citizens, including media figures and political activists, to three years' imprisonment for repeating the "anti-Amir" speech made by former opposition leader Musallam al-Barrak in 2012. The court also ordered each defendant to pay a bail of 3,000 KD (\$10,000).

The courts continued to sentence political activists to harsh prison sentences for charges of speaking out against the amir, government, religion, or neighboring states. In one case a citizen was sentenced to 86 years in prison for voicing his antigovernment opinion on social media, and in another case a citizen received 75 years. Both citizens fled the country before the verdicts were handed down.

Political activist Sagar al-Hashash, who was out of the country in self-imposed exile, has been convicted multiple times (including twice during the year) on various charges that included defaming the amir, speaking out against the judiciary, or insulting neighboring countries such as Bahrain, Saudi Arabia, and the United Arab Emirates. Most recently, al-Hashash was sentenced to five additional years imprisonment for defaming the amir, bringing his total sentence to 92 years.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. All print media were privately owned, although the media's independence was limited. The government did not permit non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations' use. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the state. The Ministry of Commerce and Industry may ban any media organization at the request of the Ministry of Information. Media organizations can challenge media bans in the administrative courts. Newspaper publishers must obtain an operating license from the Ministry of Information. Broadcast media, made up of both government and privately owned stations, are

subject to the same laws as print media. In November a governmental committee tasked to investigate allegations of missing public funds ordered that their investigation remain confidential and prohibited the publication of any news about the investigation in all print, audio, and video media.

In October a civil court ruled that the Ministry of Interior must pay 60,000 KD (\$200,000) to a journalist as compensation for assault by police while covering protests in 2010.

Censorship or Content Restrictions: The Ministry of Information censored all imported books, commercial films, periodicals, videotapes, CDs, DVDs, and other materials per the guidelines enumerated for speech and media. In May statistics issued by the Ministry of Information showed 3,766 books were banned from being imported between 2016 until 2018. Media outlets exhibited a range of opinions on topics relating to social problems, but all apparently self-censored, avoiding critical discussion on topics such as the amir, foreign policy, and religion, to avoid criminal charges or fines or to keep their licenses. Discussions of certain sensitive topics, such as the role of women in society and sex, were also self-censored. Authorities censored most English-language educational materials that mentioned the Holocaust and required educational material either to refer to Israel as “Occupied Palestine” or to remove such references entirely, although authorities did not censor these topics in news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

Throughout the year publishers reportedly received pressure from the Ministry of Information, resulting in the publishers often restricting which books were available in the country. One author appealed to lift the ban on his book; the appeal was pending at year’s end. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs reviewed books of a religious nature.

Libel/Slander Laws: The law mandates jail terms for anyone who “defames religion,” and any Muslim citizen or resident may file criminal charges against a person the complainant believes has defamed Islam. Any citizen may file a complaint with the authorities against anyone the citizen believes defamed the ruling family or harmed public morals.

National Security: The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. The government prosecuted online bloggers, political activists, and social media outlets under the Cybercrime Law, the Printing and Publishing Law, and the National

Security Law. On January 2, security forces arrested journalist and writer Aisha al-Rasheed under the Cybercrime Law following online posts about corruption of government officials. On January 6, the Public Prosecutor's Office ordered her release on bail.

### **Internet Freedom**

The cybercrime law criminalizes certain online activities, to include illegal access to information technology systems; unauthorized access to confidential information; blackmail; use of the internet for terrorist activity; money laundering; and utilizing the internet for human trafficking. As of December the Cybersecurity Department at the Ministry of Interior had received 4,000 complaints and the government had 288 pending cases under the cybercrime law.

The government's E-Licensing program, processed under the government's e-media law and not the aforementioned cybercrime law, requires bloggers and websites that provide news in the country to register with the Ministry of Information and apply for a license or face a fine. No such fines were issued during the year.

The government continued to monitor internet communications, such as blogs and discussion groups, for defamation and generalized security reasons. The Ministry of Communications blocked websites considered to "incite terrorism and instability" and required internet service providers to block websites that "violate [the country's] customs and traditions." The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by email and social media, based on existing laws related to libel, national unity, and national security. The government prosecuted some online bloggers under the Printing and Publishing Law and the National Security Law. In March journalist Abdallah al-Hadlaq was sentenced to three years in prison for offending Shia and "fanning" sectarianism. In April the criminal court sentenced blogger Abdullah al-Saleh to five years in prison in absentia for insulting Saudi Arabia on social media and "spreading false news."

The government filtered the internet primarily to block pornography and lesbian, gay, bisexual, transgender, and intersex (LGBTI) material, and sites critical of Islam. Kuwait's Communication and Information Technology Regulatory Authority was reported to have blocked 342 websites during the year.

In August, Kuwait and Egypt signed a memorandum of understanding for the arrest and extradition of social media users who commit “cybercrimes” that affect Egyptian and Kuwaiti national security.

### **Academic Freedom and Cultural Events**

The law provides for the freedoms of opinion and research, but self-censorship limited academic freedom, and the law prohibits academics from criticizing the amir or Islam.

The Ministry of Interior reserved the right to approve or reject public events and those it considered politically or morally inappropriate. In March the Ministry of Interior summoned owners of three venues that were scheduled to host week-long Bidoon cultural events. Ministry officials required the venue owners to sign statements promising they would not host any Bidoon cultural week events. The events were subsequently canceled.

### **b. Freedoms of Peaceful Assembly and Association**

#### **Freedom of Peaceful Assembly**

The constitution provides for freedoms of peaceful assembly and association for citizens, but noncitizens and Bidoon are prohibited from demonstrating.

In July the Ministry of Interior announced that police were permitted to shoot at protesters’ legs if their safety is threatened, or if a fugitive was running away from authorities (the order explicitly said police could not shoot to kill under these circumstances).

Bidoon activists have reported that if they try to assemble peacefully or organize campaigns to gain equal rights, authorities regularly harass them. Some Bidoon activists indicated they were detained for questioning by authorities each time they planned campaigns or protests. In July the KSS arrested 15 Bidoon activists for organizing a peaceful sit-in at al-Hurriya Square in al-Jahra town near Kuwait City.

#### **Freedom of Association**

The constitution provides for freedom of association, but the government placed restrictions on this right. The law prohibits officially registered groups from engaging in political activities.

In July, Kuwait extradited eight Egyptian nationals at the request of the Egyptian government. Kuwaiti authorities announced the dissidents were being sought by the Egyptian government for their membership in the Muslim Brotherhood. NGO reports indicated that the eight Egyptians had been legally residing in Kuwait at the time of their extradition and did not commit any crimes in Kuwait. NGOs suggested the eight faced serious risks of torture and persecution in Egypt.

The government used its power to register associations as a means of political influence. The Ministry of Social Affairs can reject an NGO's application if it deems the NGO does not provide a public service. Most charity closings resulted from improper reporting of fundraising activities, which included not getting permission from the ministry or failing to submit annual financial reports. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status, and many of those chose not to register due to bureaucratic inconvenience, including inability to meet the minimum 50-member threshold. The Ministry of Social Affairs continued to reject some new license requests, contending established NGOs already provided services similar to those the petitioners proposed. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

In May following the submission of a large number of applications from inactive NGOs to take part in activities abroad, the Ministry of Social Affairs' NGOs Department set new regulations for NGO members to take part in conferences, lectures and seminars held outside the country, including limiting the maximum number of participants to two per NGO; ensuring the conference theme is part of the goals of the concerned organization's establishment; and notifying the ministry at least one month in advance.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution generally provides for freedom of internal movement, but numerous laws constrain foreign travel.

Because there is no path to citizenship, all legal noncitizen workers are considered foreign residents rather than migrants.

**Foreign Travel:** Bidoon and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of some Bidoon to travel abroad by not issuing travel documents, although it permitted some Bidoon to travel overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj. The Ministry of Interior has not issued “Article 17” passports (temporary travel documents that do not confer nationality) to Bidoon except on humanitarian grounds since 2014. In August the Ministry of Interior said it would indefinitely suspend the issuance of “Article 17” passports.

The law also permits travel bans on citizens and noncitizens accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to impose one. This provision was sometimes imposed arbitrarily and resulted in delays and difficulties for citizens and foreigners leaving the country. The Ministry of Justice announced in July that it would not impose travel bans on those who owed “small amounts” (defined as 300 KD or \$1,000). In December the Ministry of Justice announced that 65,888 travel bans were placed on Kuwaitis and foreigners during the year.

**Citizenship:** By law the government is prohibited from revoking the citizenship of an individual who was born a citizen unless that individual has taken a second nationality. Additionally, the government can revoke the citizenship of naturalized citizens for cause and can subsequently deport them. The justifications for such revocations include: felony conviction for “honor-related and honesty-related crimes,” obtaining citizenship dishonestly, and threatening to “undermine the economic or social structure of the country.” In March the cabinet approved the regranting of citizenship to former opposition figure Saad al-Ajmi. Al-Ajmi’s citizenship had been revoked by the government under Article 11 of the 1959 Kuwaiti Nationality Law and was restored only after he renounced other nationalities and submitted a written apology to the amir. According to the government, 376 individuals were granted citizenship during the year, and 106 had their citizenship revoked.

In May 2018 the Court of Cassation affirmed that it is not permissible to withdraw citizenship from any citizen without a legitimate reason, stressing that a final court ruling must justify any withdrawal of citizenship. There were, however, cases in which natural born citizens had their citizenship revoked, even when courts found it illegal.

Persons who had their citizenship revoked, and any family members dependent on that individual for their citizenship status, became stateless individuals.

Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a “block” on their names in government databases. This “block” prevented former citizens from traveling or accessing free health care and other government services reserved for citizens.

The law prohibits the granting of citizenship to non-Muslims, but it allows non-Muslim male citizens to transmit citizenship to their descendants.

The government may deny a citizenship application by a Bidoon resident based on security or criminal violations committed by the individual’s family members. Additionally, if a person loses citizenship, all family members whose status was derived from that person also lose their citizenship and all associated rights.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status and the country is not a party to the 1951 Refugee Convention. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. As of February, UNHCR officially recognized 1,679 persons of concern in Kuwait. Of these individuals, 628 were Iraqi, 126 were Syrian, and 925 were other nationalities.

Employment: Most asylum seekers and refugees were from Iraq, Somalia, and Syria, and many were either employed or supported by human rights groups pending resolution of their UNHCR asylum requests and resettlement. Many reported being increasingly fearful of losing their job, residency status, or both.

Access to Basic Services: The government enacted policies making healthcare and education more expensive for foreign workers than for citizens. Human rights

organizations reported the immediate effect of this policy was that many foreign workers and their families receiving medical treatment chose to be discharged from hospitals rather than receive treatment they could no longer afford.

### **g. Stateless Persons**

According to the latest government figures, there were approximately 88,000 Bidoon in the country, while Human Rights Watch estimated the Bidoon population at more than 100,000. The law does not provide stateless persons, including the Bidoon, a clear path to acquire citizenship. According to the government, however, 813 Bidoon were granted citizenship between 2018 and 2019. The judicial system's lack of authority to rule on the status of stateless persons further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship.

In 2018 the Central Agency for Illegal Residents, tasked with overseeing Bidoon affairs, had tens of thousands of citizenship requests by Bidoon under review. Although Bidoon are by law entitled to government benefits including five-year renewable residency, free healthcare and education, and ration cards, community members have alleged it was often difficult for them to avail of those services due to bureaucratic red tape.

According to Bidoon advocates and government officials, many Bidoon were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. The government alleged that the vast majority of Bidoon concealed their "true" nationalities and were not actually stateless. Agency officials have extended incentive benefits to Bidoon who disclose an alternate nationality, including priority employment after citizens, and the ability to obtain a driver's license. As of March 2018 approximately 12,700 Bidoon had admitted having a claim on another nationality.

Bidoon leaders alleged that when some members of the Bidoon community attempted to obtain government services from the Central Agency, officials would routinely deceive them by promising to provide the necessary paperwork only if the Bidoon agreed to sign a blank piece of paper. Later, Bidoon reported, the agency would write a letter on the signed paper purportedly "confessing" the Bidoon's "true" nationality, which rendered them ineligible for recognition or benefits as Bidoon.

According to contacts some Bidoon underwent DNA testing purportedly to “prove” their Kuwaiti nationality by virtue of blood relation to a Kuwaiti citizen. Bidoon are required to submit DNA samples confirming paternity to become naturalized, a practice critics said leaves them vulnerable to denial of citizenship based on DNA testing. Children of Bidoon fathers and Kuwaiti mothers are frequently rendered stateless, as the law does not allow women to transmit nationality.

Some Bidoon and international NGOs reported that the government did not uniformly grant some government services and benefits to Bidoon, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates. Since the government treats them as illegal residents, Bidoon do not have property rights. In February press reports indicated that the Interior Ministry would not hire Bidoon in its uniform services until the National Assembly passed legislation on the Bidoon’s civil and social rights.

Bidoon advocates reported that many Bidoon families were unable to obtain birth certificates for their children due to extensive administrative requirements, which restricted the children’s ability to obtain government-issued identification cards, access adequate medical care, attend school, and be counted in official statistics. In April, Bidoon activists arranged a protest over tuition increases for all private schools in the town of al-Jahra, which is home to a large number of Bidoon residents. In June the Ministry of Education said it would refuse to pay the salaries of Bidoon teachers with expired civil identification documents (IDs) until they received new identification cards. Reports also indicated that the Central Agency for Illegal Residents asked some banks to close the accounts of Bidoon who did not provide the necessary documentation to renew their identification cards. In August the Ministry of Education suspended admission of Bidoon students, alleging lack of space in schools and advised Bidoon parents to consider enrolling their children in private school instead.

Many adult Bidoon lacked identification cards due to the many administrative hurdles they face, preventing them from engaging in legal employment or obtaining travel documents.

The restriction on identification cards also resulted in some Bidoon children not being able to register for public school and instead working as street vendors to help support their families. Since citizen children were given priority to attend public school, many Bidoon children whose families could afford it enrolled in substandard private schools.

The government previously amended the existing law on military service to allow the sons of soldiers who served in the military for 30 years and the sons of soldiers killed or missing in action to be eligible to join the military. According to the head of the Interior and Defense Parliamentary Committee, more than 27,000 Bidoons were awaiting enlistment.

Ayed Hamad Medath committed suicide on July 7, which human rights advocates pointed out occurred after the government denied him civil documentation needed to access employment, education, and other public services. During protests that occurred after Medath's death, the State Security agency arrested at least 15 Bidoon activists between July 11 and 14. Those arrested included prominent human rights defender Abdulhakim al-Fadhli during a raid on his home in which authorities confiscated al-Fadhli's and his family's cellphones and computers. Authorities had arrested al-Fadhli several times in previous years for his peaceful activities advocating for the rights of the Bidoon community.

Some of the detained Bidoon activists engaged in a 12-day hunger strike beginning August 22 to protest the plight of their community. The hunger strike was called off because of deteriorating health of the activists. On September 10, the Criminal Court held its first hearing on the case against the Bidoon for organizing unlicensed protests and sit-ins. The court postponed the trial until September 17 and subsequently released five defendants on bail. Two additional public hearings were held on November 12 and November 26. On November 4, two separate Bidoon men committed suicide.

The detainees faced numerous charges, including joining a banned organization aimed at undermining basic systems and overthrowing the regime of the country; spreading false news; insulting friendly countries; misusing a phone; organizing and participating in gatherings and rallies without a license; and incitement to murder. All the defendants denied all charges.

### **Section 3. Freedom to Participate in the Political Process**

The constitution stipulates the country is a hereditary emirate. The 50 elected members of the National Assembly (plus government-appointed ministers) must, by majority vote conducted by secret ballot, approve the amir's choice of crown prince. According to the Succession Law, the crown prince must be a male descendant of Sheikh Mubarak Al-Sabah and meet three additional requirements: have attained the age of 30, possess a sound mind, and be a legitimate son of

Muslim parents. The National Assembly may remove the amir from power by a two-thirds majority vote if it finds that any of these three conditions is or was not met.

### **Elections and Political Participation**

**Recent Elections:** Observers generally considered the 2016 parliamentary election free and fair and reported no serious procedural problems. The election followed the amir's order to dissolve the National Assembly because of "mounting security challenges and volatile regional developments." Most opposition politicians and their supporters who boycotted the 2013 election returned and participated without incident. Official turnout for the 2016 elections was approximately 70 percent. A parliamentary by-election was held in March for two seats declared vacant in January, and turnout was 25 percent. There were no allegations of irregularities.

**Political Parties and Political Participation:** The government did not recognize any political parties or allow their formation, although no formal law bans political parties. National Assembly candidates must nominate themselves as individuals. Well organized, unofficial blocs operated as political groupings inside the National Assembly, and MPs formed loose alliances. Those convicted of insulting the amir and Islam are banned from running for elected office. In March the Court of Cassation issued a verdict that banned citizens convicted of calling for or participating in unregistered demonstrations and protest rallies or resisting security operatives from voting or running in public elections. Voters register to vote every February upon reaching the voting age of 21. Prosecutors and judges from the Ministry of Justice supervise election stations. Women prosecutors served as supervisors for the first time during the 2016 elections.

**Participation of Women and Minorities:** No laws limit participation of women or members of minorities in the political process, and they did participate in political life. Although women gained the right to vote in 2005, they still faced cultural and social barriers to political participation. For example, some tribal leaders have successfully excluded women from running for office or choosing preliminary candidates by banning them from being considered or attending unofficial tribal primaries. In the 2016 elections, 15 women filed candidate applications with one woman successfully winning a seat. In the 2019 by-elections, five of the 47 candidates for two seats were women. Women registered to vote at a higher rate than men. Three appointed women cabinet members can vote with the country's 50-seat parliament. In the 2016 parliamentary elections, male candidates from the

Shia community, which comprised approximately one-third of the citizen population, won six seats in parliament.

Thirty female prosecutors were recruited during the year. While no legal provisions prohibit women from appointment as judges, none has been appointed, and no women have yet met the threshold of five years of service as a prosecutor required to be considered. The Supreme Judicial Council accepted a third group of 30 female prosecutors in July. As more female candidates are regularly hired by the Public Prosecutor's Office, a larger pool of female candidates will become eligible to serve as judges after 2020.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by government officials, but the government did not implement the law effectively. Observers believed officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The Anti-Corruption Authority (ACA) is charged with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or police for further investigation or action. As of September the ACA had received 136 corruption reports, four administrative violation reports, and three financial irregularity reports. During the year the ACA referred 28 reports to the Office of the Public Prosecutor.

There were many reports that individuals had to pay intermediaries to receive routine government services. Police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. Widespread reports indicated that police favored citizens over noncitizens. There were several reports of corruption in the procurement and bidding processes for lucrative government contracts. In November the amir removed his son, Defense Minister Sheikh Nasser Al-Sabah, and Interior Minister Sheikh Khaled al-Jarrah al-Sahab from the cabinet after the former publicly accused the latter of corruption. As a result, the prime minister submitted the resignation of the entire Council of Ministers to the amir, who swore in a new cabinet in December.

All judicial officers received training on corruption and transparency obligations as part of the Judicial Institute's official curriculum.

**Corruption:** The State Audit Bureau is responsible for supervising public expenses and revenues and for preventing misuse or manipulation of public funds. The

government distributes reports by the State Audit Bureau annually to the amir, prime minister, head of parliament, and minister of finance. The public did not have access to these reports. Parliament's Committee on the Protection of Public Funds frequently announced inquiries into suspected misuse of public funds. For the first time in the country's history, a former health minister and two other high level officials were referred to the ministerial court over charges of public funds encroachment and embezzlement. In December the Public Funds Prosecution Office released statistics showing a 750 percent increase in public funds crimes between 2009 and 2018.

In December the public prosecutor agreed to take a case alleging the fraudulent appointment of legal experts at the Ministry of Justice. Lawyers argued that two former ministers had wasted public funds and forged documents in the hiring of 560 legal experts.

In April a public prosecutor referred former director of the Public Institution for Social Security Fahad al-Rajaan and his wife to the criminal court on charges of embezzling over 240 million KD (\$800 million), and money laundering. In June the criminal court sentenced him and his wife to life imprisonment.

In November the Court of Cassation sentenced a former ambassador to Thailand to seven years in jail over charges of embezzling more than 299,000 KD (one million dollars) in public funds.

Investigations have uncovered widespread use of false academic credentials by citizens and foreign residents in the public and private sectors, exposing a lack of transparency in the hiring and promotion of officials.

**Financial Disclosure:** In 2018 the Public Prosecution received 110 reports filed by the ACA against officials who failed to submit their financial statements on time.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The government imposed some limits on the operations of domestic and international human rights groups. Domestic and international human rights groups generally operated with limited restrictions, investigating and publishing their findings on human rights cases. The law permits the existence of NGOs, but the government continued to deny registration to some. To be registered NGOs are required to demonstrate that their existence is in the public interest. Registered

NGOs must show they will conduct business beneficial to the country; their work cannot undermine cultural values and norms as defined by the government. NGOs may not engage in political activity or encourage sectarianism.

Major local NGOs dedicated specifically to human rights included the Kuwait Society for Human Rights and the Kuwaiti Association of the Basic Evaluators of Human Rights. The majority of local registered NGOs were devoted to the rights or welfare of specific groups such as women, children, prisoners, and persons with disabilities. These organizations operated with little government interference. A few dozen local unregistered human rights groups also operated discreetly but ran the risk of sanction if they were too vocal in calling out abuses. The government and various national assembly committees met occasionally with local NGOs and generally responded to their inquiries.

**Government Human Rights Bodies:** 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 and worked with plaintiffs and relevant stakeholders to reach a mutual settlement. The committee visited the Central Prison and the Central Deportation Center throughout the year to review overcrowding, prison and detainee treatment, and the condition of both facilities. The committee had adequate resources and was considered effective. In January the committee started receiving grievances online.

During the year the Ministry of Foreign Affairs created a new independent department led by an assistant foreign minister to deal exclusively with human rights issues. The department oversees all of the government's human rights endeavors and is tasked with producing human rights reports and responding to such reports produced by international organizations and foreign governments.

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

### **Women**

**Rape and Domestic Violence:** Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime; spousal rape is not a crime under the law, and there is no specific domestic violence law. Authorities did not effectively enforce laws against rape. Violence against women continued to be a problem. The penal code allows a rapist to avoid punishment on the condition that he marry his victim and that her guardian consents that the perpetrator not be punished.

There were reports alleging that some police stations did not take seriously reports by both citizens and noncitizens of rape and domestic violence.

When reported, police typically arrested perpetrators and investigated allegations of rape and, in a limited number of cases, prosecuted the accused. In March an Egyptian national teacher was sentenced to life imprisonment for sexually assaulting a student.

Although the government does not regularly publish statistics on violence against women, domestic violence cases against women were regularly reported by local NGOs. While there is no specific domestic violence law, punishments ranged between six months in jail to the death penalty, based on other sections of the criminal code. Service providers observed that domestic violence was significantly underreported to authorities. Women's rights activists documented numerous stories of citizen and migrant women seeking help to leave an abusive situation who faced obstacles because no shelters for victims of domestic violence existed. The authorities claimed to have opened a shelter for victims of domestic abuse, but activists familiar with the facility have said it was only an empty building. Advocates reported that women who reach out to police rarely get help because officers were not adequately trained to deal with domestic violence cases. Victims were generally sent back to their male guardians, who in some instances were also their abusers.

The government did not publish statistics on violence against women. A November survey by the Kuwait Society for Human Rights found that 54 percent of women in Kuwait of all nationalities had experienced violence in their life. In October the Court of Cassation upheld a lower court death sentence for an Egyptian man found guilty of murdering his Lebanese wife. A woman may petition for divorce based on injury from spousal abuse, but the law does not provide a clear legal standard regarding what constitutes injury. In domestic violence cases, a woman must produce a report from a government hospital to document her injuries in addition to having at least two male witnesses (or a male witness and two female witnesses) who can attest to the abuse.

Other Harmful Traditional Practices: Officials did not report any so-called "honor killings" during the year. The penal code treats some honor crimes as misdemeanors or provides for very light penalties. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her or the man with whom she is committing adultery faces a maximum punishment of three years' imprisonment and a fine of 225 dinars (\$743).

**Sexual Harassment:** Human rights groups characterized sexual harassment in the workplace as a pervasive and unreported problem. No specific law addresses sexual harassment. The law criminalizes “encroachment on honor,” which encompasses everything from touching a woman against her will to rape, but police inconsistently enforced this law. The government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators of sexual harassment and sexual assault faced fines and imprisonment.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** The law does not provide women the same legal status, rights, and inheritance provisions as men. Women experienced discrimination in a number of areas, including divorce, child custody, citizenship, the workplace, and in certain circumstances, the value of their testimony in a sharia court. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. As implemented in the country, sharia discriminates against women in judicial proceedings, marriage, child custody, and inheritance. There were no known, publicly reported cases of official or private sector discrimination in accessing credit, owning or managing a business, or securing housing. In June the cabinet amended regulations pertaining to housing loans for women, increasing the amount Kuwaiti divorced women and widows may receive from 30,000 KD (\$100,000) to 35,000 KD (\$115,000). In December the Constitutional Court rejected a petition demanding equality between male and female citizens in access to marriage loans, arguing that husbands bear greater financial burdens in marriage. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women (see section 7.d.). Secular courts allow any person to testify and consider male and female testimony equally, but in sharia courts the testimony of a women equals half that of a man.

The Kuwaiti Family Law Code allows marriage between Muslim men and non-Muslim women (of Abrahamic faiths only) but it prohibits marriage between Muslim women and non-Muslim men. The law does not require a non-Muslim woman to convert to Islam to marry a Muslim man, but many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce between a Muslim father and non-Muslim mother who did not convert to Islam, the law grants the father or his family sole custody of the children. A non-Muslim

woman married to a Muslim citizen man is also ineligible for naturalization and cannot inherit her husband's property unless specified as a beneficiary in his will.

Inheritance is also governed by sharia, which varies according to the specific school of Islamic jurisprudence. 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.

Female citizens face legal discrimination, since they are unable to transmit citizenship to their noncitizen husbands or to children born from a marriage to a noncitizen or stateless person. In exceptional cases some children of widowed or divorced female citizens were granted Kuwaiti citizenship. Male citizens married to female noncitizens do not face such discrimination.

The law requires segregation by gender of classes at all public universities and secondary schools, although it was not always enforced. In May the Legal Affairs Department at Kuwait University rejected a request by the Engineering College to reinstate a gender quota system after an increase in the number of female faculty at the college.

## **Children**

**Birth Registration:** Citizenship is transmitted exclusively by the father; children born to citizen mothers and noncitizen fathers do not inherit citizenship unless the mother is divorced or widowed from the noncitizen father. The government designates religion of the father on birth certificates. The government often granted citizenship to orphaned or abandoned infants, including Bidoon infants. Bidoon parents were sometimes unable to obtain birth certificates for their children because of extensive administrative requirements. The lack of a birth certificate prevented Bidoon children from obtaining identification papers and accessing public services such as education and health care.

**Education:** Education for citizens is free through the university level and compulsory through the secondary level. Education is neither free nor compulsory for noncitizens. The 2011 Council of Ministers decree which extended education benefits to Bidoon has not been implemented fully. Lack of identification papers documents sometimes prevented Bidoon access to education even at private schools.

**Medical Care:** Lack of identification papers sometimes restricted Bidoon access to public medical care.

**Early and Forced Marriage:** The legal marriage age is 17 for boys and 15 for girls, but tradition and family expectations sometimes resulted in girls marrying at a younger age within some tribal groups.

**Sexual Exploitation of Children:** There are no laws specific to child pornography, because all pornography is illegal. There is no statutory rape law or minimum age for consensual sexual relations; premarital sexual relations are illegal.

In April the Child Protection Office of the Ministry of Health reported 60 cases of sexual assault on children, of approximately 600 child abuse cases that occurred in 2017. Most abuses occurred within the family. The agency reported an increase in the rate of reported cases of child abuse following the establishment of the office, which has made significant efforts in monitoring and following cases of child abuse since it was established in 2014. In January the Legal and Legislative Affairs Committee of the National Assembly approved several amendments to the Children's Rights Law, including capital punishment for those found guilty of sexually abusing a child.

The agency claimed to have set up a 24-hour hotline to receive reports of child mistreatment and abuse from within the family, but reports indicate it has not been staffed and the number has been disconnected.

A new policy aimed at protecting children from dangers posed by social media platforms and exploitation by parents and other adults had been put in place by the Child Protection Office in the Juvenile Protection Department. The policy holds families of children 13 years old or younger responsible for the use of social media applications that might be unsuitable for young children or can expose them to sexual predators.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There were no known Jewish Kuwaiti citizens and an estimated few dozen Jewish foreign resident workers. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. There were reported cases of clerics and others making statements that perpetuate negative stereotypes of Jews. Columnists often conflated Israeli government actions or views with those of Jews more broadly. Reflecting the government's nonrecognition of Israel, there are longstanding official instructions to teachers to expunge any references to Israel or the Holocaust from English-language textbooks. The law prohibits local companies from conducting business with Israeli citizens. This included transporting Israeli citizens on the country's national airline.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. It 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. Noncitizens with disabilities neither had access to government-operated facilities nor received stipends paid to citizens with disabilities that covered transportation, housing, and social welfare costs. The government has not fully implemented social and workplace programs to assist persons with physical and, in particular, vision disabilities. In June a court ruled that those with vision disabilities are eligible to be registered with the Public Authority for the Disabled and must receive all necessary aids and benefits.

During the year the government reserved a small number of admissions to Kuwait University for citizens with disabilities, and there was regular media coverage of students with disabilities attending university classes. In June the Public Authority for the Disabled announced it would start providing university scholarships for students with disabilities. Nonetheless, authorities did not provide noncitizens with disabilities the same educational opportunities, and noncitizen students with disabilities experienced a lack of accessible materials and lack of reasonable accommodations in schools.

Children with disabilities attended public school. The government supervised and contributed to schools and job training programs oriented to persons with disabilities.

### **National/Racial/Ethnic Minorities**

Approximately 70 percent of residents were noncitizens, many originating from other parts of the Middle East, the Indian subcontinent, and South and Southeast Asia. Societal discrimination against noncitizens and Bidoon was prevalent and occurred in most areas of daily life, including employment (see section 7.d.), education, housing, social interaction, and health care. The Ministry of Interior uses administrative deportation, which is not subject to judicial review, to deport noncitizens for minor offenses, such as operating a taxi without a license.

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

Consensual same-sex sexual conduct between men and crossdressing are illegal. The law criminalizes consensual same-sex sexual activity between men older than age 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with men younger than age 21 may be imprisoned for up to 10 years. No laws criminalize same-sex sexual activity between women. The law imposes a fine of approximately 1,060 dinars (\$3,500) and imprisonment for one-to-three years for persons imitating the appearance of the opposite sex in public. Transgender persons reported harassment, detention, and abuse by security forces.

In July, MP Mohammed al-Mutair called on the Ministry of Commerce and Industry to remove rainbow “gay pride” flags and colors from shop displays, while his colleague MP Thamer al-Suwait praised the ministry for taking down some of these displays.

Societal discrimination and harassment based on sexual orientation and gender identity occurred; to a lesser extent, officials also practiced such discrimination, usually upon discovering that a person stopped for a traffic violation did not appear to be the gender indicated on the identification card. In May a joint committee comprising members from the Public Authority for Manpower, Ministry of Interior and the Kuwait Municipality organized a raid in Kuwait City targeting “vice

houses,” allegedly operating as massage parlors, and arrested several clients/workers that authorities claimed were “cross-dressers.”

No registered NGOs focused on LGBTI matters, although unregistered ones existed. Due to social convention and potential repression, LGBTI organizations neither operated openly nor held LGBTI human rights advocacy events or Pride marches.

### **HIV and AIDS Social Stigma**

Local human rights NGOs reported limited accounts of societal violence or discrimination against persons with HIV/AIDS, but persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease. In March a Kuwaiti citizen with AIDS sustained injuries when he was beaten in a local hospital. Consular officers who have reviewed medical visa applications to countries with strong HIV/AIDS treatment report that local doctors and hospitals will not diagnose a patient with HIV/AIDS on their medical reports so that the patient is not subject to social stigma. Since 2016 authorities deported hundreds of foreign residents with HIV/AIDS.

### **Other Societal Violence or Discrimination**

Unmarried persons, particularly foreign residents, continued to face housing discrimination and eviction based solely on marital status. For example, police frequently raided apartment blocks housing “bachelors,” and have reportedly shut off water and electricity to force workers out of accommodations. These efforts were amplified by the “Be Assured” billboard campaign, which encouraged Kuwaitis to use a dedicated hotline to report “bachelors” in residential areas between July and August. Single noncitizens faced eviction due to a decision by the municipality to enforce this prohibition and remove them from residences allocated for citizens’ families, citing the presence of single men as the reason for increased crime, a burden on services, and worsening traffic. According to the Kuwait Municipality, authorities evicted “bachelors” from 119 houses and cut off electricity from 120 homes in July. In August “bachelors” living in 175 homes were evicted and electricity was cut off in 144 properties.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of Kuwaiti workers to form and join trade unions, bargain collectively, and conduct legal strikes, with significant restrictions. The government, however, did not always respect these rights.

The law does not apply to public-sector employees, domestic workers, or maritime employees. Discrete labor laws set work conditions in the public and private sectors, with the oil industry treated separately. The law permits limited trade union pluralism at the local level, but the government authorized only one federation, the Kuwait Trade Union Federation (KTUF). The law also stipulates any new union must include at least 100 workers and that at least 15 must be citizens.

The law provides workers, except for domestic workers, maritime workers, and civil servants, a limited right to collective bargaining. There is no minimum number of workers needed to conclude such agreements. The government did not effectively enforce the law. Based on available information, it was unclear whether penalties were sufficient to deter violations.

Public-sector workers do not have the right to strike. Citizens in the private sector have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike. In November hundreds of workers at Kuwait International Airport held a one-hour strike to demand better working conditions and compensation for daily exposure to pollution and noise. In December cleaners at the Ministry of Education protested missing wages dating back to July.

According to the PAM, there were 2.75 million workers in the country. Only 17.7 percent of the total workforce were citizens. Most citizens (78 percent as of 2018) worked in the public sector, in part because the government provided lucrative benefits to citizens, including generous retirement funding.

The law prohibits antiunion discrimination and employer interference with union functions. It provides for reinstatement of workers fired for union activity. Nevertheless, the law empowers the courts to dissolve any union for violating labor laws or for threatening “public order and morals,” although a union can appeal such a court decision. The Ministry of State for Economic Affairs can request the Court of First Instance to dissolve a union. Additionally, the amir may dissolve a union by decree.

The government enforced applicable laws, with some exceptions, and procedures were generally not subjected to lengthy delay or appeals.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminally sanctions forced or compulsory labor “except in cases specified by law for national emergency and with just remuneration.” The law allows for forced prison labor as a punishment for expressing certain political views, and in cases of seafarers who breach discipline. Although the law prohibits withholding of workers’ passports, the practice remained common among sponsors and employers of foreign workers, and the government demonstrated no consistent efforts to enforce this prohibition. The government did not effectively enforce the law. Penalties were not sufficient to deter violations.

Employers confined some domestic and agricultural workers to their workspaces by retaining their passports and, in the case of some domestic workers, locked them in their work locations. Workers who fled abusive employers had difficulty retrieving their passports, and authorities deported them in almost all cases. The government usually limited punishment to administrative actions such as assessing fines, shutting employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. In June the Public Authority for Manpower announced it had shut down 1,600 companies that had received government contracts, for failing to pay workers on time.

In January a number of laborers demonstrated in front of the Ministry of Public Works to protest against the withholding of four months’ back pay. The laborers were employed by a company contracted by the ministry for maintenance services. Similar protests were reported in April against a company that contracted with the Ministry of Awqaf and Islamic Affairs. It was later reported that the Ministry of Awqaf and Islamic Affairs distributed all back salaries.

In September a company owner was sentenced by the Court of Appeals to seven years in prison on charges of visa trading. In June a criminal court sentenced a Kuwaiti female lawyer to five years in jail over charges of forced labor and trafficking in persons.

Some incidents of forced labor and conditions indicative of forced labor occurred, especially among foreign domestic and agricultural workers. Such practices were usually a result of employer abuse of the sponsorship system (*kafala*) for

noncitizen workers. Employers frequently illegally withheld salaries from domestic workers and minimum-wage laborers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under kafala, but reports of forced labor in the construction and sanitation sectors also existed. Forced labor conditions for migrant workers included nonpayment of wages, long working hours, deprivation of food, threats, physical and sexual abuse, and restrictions on movement, such as withholding passports or confinement to the workplace. In 2018 employers filed 4,500 “absconding” reports against private sector employees. Domestic workers have filed approximately 240 complaints against their employers in accordance with the domestic labor law. As of September, PAM statistics indicated that 3,793 domestic helper-related complaints had been filed between April and August 2019, including 2,087 in August alone. Numerous domestic workers who escaped from abusive employers reported waiting several months to regain passports, which employers had illegally confiscated when they began their employment.

The PAM operated a shelter for abused domestic workers but still did not allow them to leave the country without permission of their employers. As of October, according to a government source, the shelter had a capacity of 500 victims. It housed as many as 450 residents in April before the residency amnesty that removed travel bans from workers seeking to return home. According to a 2018 report, 145 workers were resident at the shelter.

A government owned company for recruiting domestic workers officially launched its services in 2017 and initially planned to bring 120 domestic workers a month from the Philippines and approximately 100 male workers from India. In February the company announced that it helped bring nearly 900 domestic workers into the country since September 2017 when it started receiving applications. The target recruitment fee depends on domestic workers’ experience and skillset. The government regularly conducted information awareness campaigns via media outlets and public events and otherwise informed employers to encourage compliance by public and private recruiting companies with the new law.

There were numerous media reports throughout the year of sponsors abusing domestic workers or injuring them when they tried to escape; some reports alleged that abuse resulted in workers’ deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted some serious cases of abuse when

reported, particularly when the cases were raised by the source country embassies. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse.

In May, Filipina household worker Constancia Lago Daya, died after allegedly suffering physical and sexual assault by her employer. The Kuwaiti Public Prosecutor later filed a felony murder complaint against her employer. In June lawyers for the Philippines Embassy filed charges against a Kuwaiti man for sexually assaulting his Filipina domestic worker. The court subsequently summoned the man for questioning. Media reported in December that a couple, of which the husband was allegedly employed by the Ministry of Interior, was detained for investigation after they brought their 26-year-old Filipina maid to the hospital where she subsequently died with marks of physical abuse visible on her corpse, including missing organs and vaginal lacerations suggesting rape, according to statements made to the press in unofficial preliminary accounts by officials who conducted the autopsy.

Numerous media reports highlighted the problem of visa trading, where companies and recruitment agencies work together to “sell” visas to prospective workers. Often the jobs and companies attached to these visas do not exist, and the workers were left to be exploited and find work in the black market to earn a living and pay the cost of the residency visa. Arrests of traffickers and illegal labor rings occurred almost weekly. In October the PAM announced that it had referred 18 websites and online accounts to the Ministry of Interior’s cybersecurity department for the sale of domestic workers. Since workers cannot freely change jobs, they were sometimes willing to leave their initial job due to low wages or unacceptable working conditions and enter into an illegal residency status with the hope of improved working conditions at another job.

In September a court sentenced two individuals (one a Kuwaiti citizen) to life imprisonment and four others to three-year sentences for selling 400 visas for \$5,000 each. Nine other cases of visa trafficking (alleging visas valued between \$5,000-6,500) were under investigation at year’s end. These investigations and prosecutions followed a January government policy to begin prosecuting trafficking crimes under antitrafficking laws (vice labor laws) and the appointment of a deputy chairman of the national anti-TIP committee.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The legal minimum age for employment is 18, although employers may obtain permits from the Ministry of State for Economic Affairs to employ juveniles between 15 and 18 years of age in some nonhazardous trades. Juveniles may work a maximum of six hours a day with no more than four consecutive hours followed by a one-hour rest period. Juveniles cannot work overtime or between 7 p.m. and 6 a.m.

Although not extensive, there were credible reports that children of South Asian origin worked as domestic laborers. Some underage workers entered the country on travel documents with falsified birth dates.

The government did not effectively enforce the law. Information was unavailable regarding whether penalties were sufficient to deter violations. PAM labor and occupational safety inspectors routinely monitored private firms for labor law compliance. Noncompliant employers faced fines or a forced suspension of their company operations. Nevertheless, the government did not consistently enforce child labor laws in the informal sector, such as in street vending.

### **d. Discrimination with Respect for Employment and Occupation**

The law prohibits discrimination in employment based on race, sex, gender, and disability. The government immediately deports HIV-positive foreign workers, and there is no protection for workers based on sexual orientation. No laws prohibit labor discrimination based on non-HIV communicable diseases, or social status, but there were no reported cases of discrimination in these areas.

Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Female domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked.

The law states that a woman should receive “remuneration equal to that of a man provided she does the same work,” although it prohibits women from working in “dangerous industries” in trades “harmful” to health, or in those that “violate public morals.” Educated women contended the conservative nature of society restricted career opportunities, although there were limited improvements. Media reported that the gender pay gap between male and female workers in the public sector was 28.5 percent for citizens and 7.9 percent for non-Kuwaitis. According to government statistics from 2018, women represented 51 percent of the

population, but there was a total female workforce participation rate of 55 percent in the public sector.

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, and it 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. Noncitizens with disabilities had no access to government-operated facilities that covered job training, and the government still has not fully implemented social and workplace aides for persons with physical and, in particular, vision disabilities.

Foreign workers, who constituted more than 80 percent of the workforce, may join unions only as nonvoting members after five years of work in the particular sector the union represents, provided they obtain a certificate of good conduct and moral standing from the government. They cannot run for seats or vote in board elections. Both the International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement for discouraging unions in sectors that employ few citizens, including much of private-sector employment, such as construction. The government treated worker actions by citizens and noncitizens differently. While citizens and public sector union leaders and workers faced no government repercussions for their roles in union or strike activities, companies directly threatened noncitizen workers calling for strikes with termination and deportation.

Shia continued to report government discrimination based on religion. For example, Shia were not represented, in all branches of the security forces and rarely held leadership positions. Some Shia continued to allege that a glass ceiling prevented them from obtaining leadership positions in public-sector organizations, including the security services. In the private sector, Shia were generally represented at all levels in proportion to their percentage of the population.

#### **e. Acceptable Conditions of Work**

The law sets a national monthly minimum wage in the oil and private sector and a minimum monthly wage for domestic workers. Most low-wage employees lived and worked in the country without their families, and employers generally provided at least some form of housing. In July, Kuwait ratified the Convention on the Elimination of Violence and Harassment by Public and Private Employers, which will come into effect in July 2020.

The law limits the standard workweek to 48 hours (40 hours for the petroleum industry) and gives private-sector workers 30 days of annual leave. The law also forbids requiring employees to work more than 60 hours per week or 10 hours per day. The law provides for 13 designated national holidays annually. Workers are entitled to 125 percent of base pay for working overtime and 150 percent of base pay for working on their designated weekly day off. The government effectively enforced the law except with regard to domestic workers. Penalties were sufficient to deter violations.

The government issued occupational health and safety standards that were current and appropriate for the main industries. For example, the law provides that all outdoor work stop between 11 a.m. and 4 p.m. during June, July, and August, or when the temperature rises to more than 120 degrees Fahrenheit in the shade. A worker could file a complaint against an employer with the PAM if the worker believed his safety and health were at risk. As of August 26, the Kuwait Society for Human Rights received 356 complaints of employers violating the summer heat work ban. In May it reported that 12 workers were killed in workplace accidents caused by employer negligence in the preceding 16 months.

The law and regulations governing acceptable conditions of work do not apply to domestic workers. The Public Authority for Manpower has jurisdiction over domestic worker matters and enforces domestic labor working standards.

The Ministry of State for Economic Affairs is responsible for enforcement of wages, hours, overtime, and occupational safety and health regulations of nondomestic workers. Enforcement by the ministry was generally good, but there were gaps in enforcement with respect to unskilled foreign laborers. Several ministry officials cited inadequate numbers of inspectors as the main reason for their inability to better enforce the laws.

Labor and occupational safety inspectors monitored private firms. The government periodically inspected enterprises to raise awareness among workers and employers and to assure that they abided by existing safety rules, controlled pollution in certain industries, trained workers to use machines, and reported violations.

The government did not effectively enforce the law. The number of inspectors was not sufficient to deter violations. The Ministry of State for Economic Affairs monitored work sites to inspect for compliance with rules banning summer work

and recorded hundreds of violations during the year. Workers could also report these violations to their embassies, the KTUF, or the Labor Disputes Department. Noncompliant employers faced warnings, fines, or forced suspensions of company operations, but these were not sufficient to deter violators.

In the first 10 months of the year, the Labor Disputes Department received approximately 15,150 complaints from workers, of which approximately 5,800 were referred to the courts. These complaints were either about contract issues, such as nonpayment of wages, or about difficulties transferring work visas to new companies. Most of the complaints were resolved in arbitration, with the remaining cases referred to the courts for resolution. In July the Court of Appeals ordered al-Kharafi & Sons to pay heirs of a deceased Egyptian foreign resident (a former employee of the company) as compensation for the company's negligence and noncompliance to safety and security regulations. The lawsuit indicated employees of the company caused the unintentional death of the victim due to negligence by tasking the employee to clean a six-meter (19.6 feet)-deep manhole without proper gear and without checking for poisonous gases.

At times the PAM intervened to resolve labor disputes between foreign workers and their employers. The authority's labor arbitration panel sometimes ruled in favor of foreign laborers who claimed violations of work contracts by their employers. The government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving domestic workers. Media reports indicated that the Ministry of Social Affairs won 58 court cases against visa traders by October.

Foreign workers were vulnerable to unacceptable conditions of work. Domestic workers and other unskilled foreign workers in the private sector frequently worked substantially in excess of 48 hours a week, with no day of rest.

Domestic workers had little recourse when employers violated their rights except to seek admittance to the domestic workers shelter where the government mediated between sponsors and workers either to assist the worker in finding an alternate sponsor or to assist in voluntary repatriation. There were no inspections of private residences, which is the workplace of the majority of the country's domestic workers. Reports indicated employers forced domestic workers to work overtime without additional compensation. In July the PAM announced it was planning to unveil a "blacklist" system that would prevent the sponsorship of domestic workers by recruitment offices or employers that violate workers' rights.

Some domestic workers did not have the ability to remove themselves from an unhealthy or unsafe situation without endangering their employment. There were reports of domestic workers' committing or attempting to commit suicide due to desperation over abuse, including sexual violence or poor working conditions. A 2016 law provides legal protections for domestic workers, including a formal grievance process managed by the PAM. A worker not satisfied with the department's arbitration decision has the right to file a legal case via the labor court.

Several embassies with large domestic worker populations in the country met with varying degrees of success in pressing the government to prosecute serious cases of domestic worker abuse. Severe cases included those where there were significant, life-threatening injuries.