

KUWAIT 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Kuwait is a constitutional, hereditary emirate ruled by the Al Sabah family. The December 1 parliamentary elections were generally free and fair, although many opposition groups boycotted them. Security forces reported to civilian authorities.

Principal human rights problems included limitations on citizens' right to change their government; restrictions on freedom of speech and assembly, especially among foreign workers and stateless Arabs (called "Bidoon"); trafficking in persons within the foreign worker population, especially in the domestic and unskilled service sectors; and limitations on workers' rights.

Other human rights problems included reports of security force members abusing prisoners; restrictions on freedom of movement for certain groups, including foreign workers and Bidoon; and limitations on freedoms of press, association, and religion. Women and Bidoon faced social and legal discrimination.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and the law prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports some police and members of other security forces abused detainees during the year. Police and

security force members were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians. Security forces reportedly detained, harassed, and sexually abused transgender persons (see section 6).

On January 17, the court sentenced two police officers to life in prison and four others to 15 to 16 years in prison for their roles in the January 2011 death of Mohammed al-Maimouni al-Mutairi, a citizen arrested on charges of alcohol possession, who died in police custody after security officers tortured and beat him. The court convicted three other officers on lesser charges (they received shorter jail sentences and fines), and acquitted 11 other officers. The case was still under appeal at year's end.

In March 2011 a Bangladeshi foreign resident worker died in the Kabad police station after allegedly being tortured by three citizens and security officers. The Bangladeshi was being held on suspicion of theft and arson. The public prosecutor received the case; however, no further information was available at year's end.

The government stated it investigated all such allegations of abuse and punished some of the offenders; however, the government did not make public either the findings of its investigations or any punishments it imposed.

Prison and Detention Center Conditions

Prison and detention conditions generally met international standards, but the facilities were often overcrowded. Some detention facilities lacked adequate sanitation and sufficient medical staff. There were reports security forces abused prisoners.

Physical Conditions: The Central Prison Complex houses the country's three prisons: a low-security men's prison, a high-security men's prison, and a women's prison. There were more than 300 inmates in the women's prison and more than 3,000 inmates in the men's prisons. Inmates reportedly lived in overcrowded conditions. Prisoners had access to potable water.

The Talha deportation center has a capacity of 1,000; the overall prison population was unknown; however, observers reported overcrowding at times during the year and poor sanitation. An interministerial committee, which was formed to review deportation files, reportedly resolved most cases involving long-term deportation center detainees, resulting in their immediate repatriation. This action also reduced overcrowding during the year.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing, namely fines, in the case of some nonviolent offenses. Prisoners generally had access to personal visitors and were permitted religious observance. Ombudsmen may not serve on behalf of prisoners. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. Prisoners reported some unresponsiveness to routine requests.

Monitoring: The Ministry of Interior permitted independent monitoring of prison conditions by international and local human rights groups, the media, and the International Committee of the Red Cross (ICRC). In accordance with its standard processes, the ICRC visited the men's prisons and the detention center in October. The government allowed representatives of the leading human rights nongovernmental organization (NGO), the Kuwait Human Rights Society (KHRS), to visit prisons and prisoners during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, there were reports that police arbitrarily arrested individuals during the year.

Role of the Police and Security Apparatus

The police have sole responsibility for the enforcement of laws not related to national security, and State Security oversees intelligence and national security matters; both are under the purview of civilian interior ministry authorities.

The police were generally effective in carrying out core responsibilities. There were reports some police stations did not take seriously charges by complainants, especially foreign nationals and victims of rape and domestic violence. In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers cases to the courts for trial. There was some evidence of police impunity.

Media sources reported that, during the first eight months of the year, individuals filed 300 complaints against police officers. Authorities took disciplinary measures against 50 officers following investigations and imprisoned nine for their crimes. Several media reports throughout the year detailed sexual assaults by police officers, usually against nonnational women.

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

Arrest Procedures and Treatment While in Detention

A police officer generally must obtain an arrest warrant from a state prosecutor or a judge before making an arrest, except in cases of hot pursuit, observing the commission of a crime, and some other exceptions. There were a few reports of police arresting and detaining foreign nationals without a warrant during the year. 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. However, in compliance with the penal code, police may hold a suspected criminal at a police station without charge for as long as four days, during which time authorities may prevent lawyers and family members from visiting. During this time, lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. The law provides the detained person the right to a prompt judicial determination about the detention's legality; however, this right was not always enforced. If authorities file charges, a prosecutor may remand a suspect to detention for an additional 10 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail system for defendants awaiting trial. The bar association provides lawyers for indigent defendants; in these cases defendants do not have the option of choosing which lawyer is assigned to them.

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

Pretrial Detention: Arbitrarily lengthy detention before trial was a problem, and more than 10 percent of the prison population consisted of pretrial detainees. Authorities held some detainees beyond the maximum detention period. Excessive detention in the deportation center was also a problem, particularly when the detainee owed money to a citizen.

Amnesty: While there were no known amnesties during the year, on March 5, the emir pardoned 410 convicted criminals, commuted sentences for 1,337 individuals, and cancelled deportation orders for 143 nonnationals.

e. Denial of Fair Public Trial

The law and the constitution provide for an independent judiciary and the right to a fair trial and state that “judges shall not be subject to any authority”; however, the emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold one- to three-year renewable contracts. The Ministry of Justice may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed the courts showed bias in favor of citizens. While no legal provisions prohibit women from appointment as judges and public prosecutors, no women worked in those positions during the year.

Trial Procedures

Defendants enjoy a presumption of innocence and the right to prompt, detailed information on charges against them with free interpretation, as necessary. Criminal trials are public unless a court or the government decides “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. There is no trial by jury. 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. Defendants and their attorneys generally had access to government-held evidence relevant to their cases; however, the general public does not have access to most court documents.

Defendants have the right to confront their accusers, confront witnesses against them, and present their own witnesses. Defendants have the right not to be compelled to testify or confess guilt. Defendants have the right to appeal verdicts to a higher court.

However, some low-income foreign citizen laborers and domestic workers who were plaintiffs in criminal cases were unable to afford legal counsel. In some instances the public prosecutor tried the case with little or no involvement by the plaintiff or the plaintiff’s family. When plaintiffs received third-party assistance to bring a case, usually against a foreign worker’s sponsor or family members of the sponsor, the cases were often resolved when the defendant paid a monetary settlement to avoid a trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters regarding human rights violations; however, rulings occasionally were not enforced for varied reasons, including the influence of involved parties or concern for possible political repercussion. Authorities also used administrative punishments, such as travel bans, in civil matters.

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

The constitution and the law prohibit such actions, and the government generally respected these rights in practice. The constitution seeks to preserve the integrity of the family. The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the police force or military to obtain government approval to marry nonnationals. In practice the government offered only nonbinding advice on such matters and did not prevent any such marriages.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press "in accordance with the conditions and in the circumstances defined by law." The government sometimes did not respect these rights.

Freedom of Speech: The government restricted freedom of speech, particularly in instances purportedly related to national security. The law also specifically prohibits material insulting Islam, the emir, the constitution, or the neutrality of the courts or Public Prosecutor's Office. The law mandates jail terms for anyone who "defames religion," and any Muslim citizen or resident may file criminal charges against a person the complainant believes has defamed Islam. Any citizen may file charges against anyone the citizen believes has defamed the ruling family or harmed public morals. On October 21, the emir decreed the National Unity Law, which increases maximum jail sentences and fines for speech judged to denigrate

people on the basis of religious sects or heritage. The decree specifically codifies the prohibition of certain types of speech transmitted through social media.

In October police arrested five former opposition members of parliament (MPs) for defaming the emir during various antigovernment political rallies. After a brief detention, police released all on bail. The cases were pending at year's end.

On March 27, police arrested Hamad al-Naqi for posting allegedly blasphemous statements on his Twitter account. On June 4, the Court of First Instance convicted al-Naqi on charges of blasphemy, slandering foreign leaders, and harming the country's national interest; it sentenced him to 10 years in prison. An appeal was pending at year's end.

On February 6, Kuwait University law professor Obeid al-Wasmi was acquitted of all charges after being arrested in December 2010 and charged with spreading false news abroad, taking part in a public gathering with criminal intent, exhorting the security forces to defy lawful orders, and infringing on the emir's authority. The public prosecutor appealed the acquittal; the case was pending at year's end.

Freedom of Press: All print media were privately owned, although their independence was limited. They exhibited diversity of opinion but self-censored to avoid criminal charges or fines, or to keep their licenses. Restrictions on freedom of speech also applied to the press. Discussions of specific social topics, such as the role of women in society and sexual problems, sometimes were self-censored. The law allows for large fines and up to 10 years in prison for persons who use any means (including media) to subvert the emiri system of government. The Ministry of Commerce and Industry may ban any media organization at the request of the Ministry of Information. Newspaper publishers must obtain an operating license from the Ministry of Information.

Broadcast media are a mix of government and privately owned stations, subject to the same laws as print media.

On January 25, the Ministry of Information accredited Al-Jazeera's office in Kuwait City. The government initially withdrew Al-Jazeera's accreditation in 2010 after it broadcast footage of police using force to disperse an unauthorized gathering of oppositionists and gave opposition parliamentarians airtime to criticize the government for police actions.

Before the annual international book fair held from November 21 to December 1, the Ministry of Information added approximately 350 books to the thousands of titles already banned. Authorities also prevented Saudi writer Badria al-Bashir from entering the country and attending the book fair; they provided no reason for this action.

Violence and Harassment: In October the Ministry of Information filed a lawsuit against talk show host Yusra Mohammed, whose show, *Fi Al-Sameem (Straight to the Heart)*, addressed the problems of violence against women in Arab societies, sex tourism, and prostitution rings. The ministry called the episode “an affront to decency.” On December 8, the Court of First Instance acquitted Mohammed.

On February 13, police arrested Muhammad al-Mulaifi for allegedly intentionally spreading false rumors via Twitter about the country’s internal situation and denigrating Shia doctrine. On April 9, the Court of First Instance convicted and sentenced him to seven years in prison. On May 31, the Court of Appeals reduced his sentence to six months after overturning his conviction for spreading false rumors. On October 9, authorities released him upon the completion of his sentence.

Censorship or Content Restrictions: The Ministry of Information censored all books, commercial films, periodicals, videotapes, CDs, DVDs, and other imported materials deemed illegal per the guidelines enumerated for speech and press. Authorities censored most English-language educational materials that dealt with the Holocaust or referred to Israel to remove such references, although these topics were not censored in the news media. Widely available satellite dishes allowed unfiltered media access.

On October 22 and 23, the Ministry of Information reportedly seized transmission devices owned by Mubasher Television and closed the station’s headquarters. The station was reportedly operating without the proper authorization. However, at year’s end it was unclear why authorities took the action.

Libel Laws/National Security: Throughout the year the government restricted media freedom based on libel laws or national security grounds.

The law forbids publication or transmission of any information deemed subversive to the constitutional system on national security grounds. Although the government continued to enforce a 2010 ban on publishing details of an

investigation into an alleged Iranian spy network, media outlets continued to report on the subsequent conviction and sentencing of some defendants.

On January 2, the criminal court suspended Scope Television's broadcasting license and fined Scope personnel, Fajr al-Saed (owner), Ahmed al-Fadhli (producer), and Nabil al-Fadhel (writer) 1,000 dinars (\$3,600) and sentenced each to one year in prison for libeling Minister of Amiri Diwan Affairs Sheikh Nasser Sabah al-Sabah. Authorities suspended the broadcasting license revocation and the jail sentences upon payment of the fines.

On February 1, the Ministry of Information suspended operations of the daily newspaper *Al-Dar* for two weeks. The ministry again suspended *Al-Dar*'s operations on March 5 and March 12. On March 13, the criminal court suspended its right to publish for three months, charging *Al-Dar* with creating sectarian strife and undermining national security. Additionally, *Al-Dar*'s editor in chief, Abdul Hassan al-Sultan, received a suspended six-month prison sentence and a 1,000-dinars (\$3,600) fine. The actions by the ministry were in reaction to pro-Shia articles *Al-Dar* published between January 29 and 31.

Internet Freedom

The government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block Web sites considered to "incite terrorism and instability" and required Internet service providers to block Web sites that "violate [the country's] customs and traditions," in addition to political sites that the government found offensive. The government prosecuted and punished individuals for the expression of political or religious views via the Internet, including by e-mail and social media, based on existing laws related to libel and national security. There were reports the government attempted to collect personally identifiable information in connection with individuals' peaceful expressions of political, religious, or ideological opinion or beliefs. Authorities required Internet cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communications upon request.

On February 2, police arrested Nasser al-Ansari for allegedly insulting the emir on his Twitter account. On June 6, the Court of First Instance sentenced him to five years in prison. Al-Ansari remained incarcerated at the end of the year.

Additionally, the courts pursued a large number of cases involving alleged defamation of the emir on social media in October and November. Among the most prominent cases were the November 14 arrests of seven individuals, Saqer al-Hashash, Hamid al-Khaldi, Nasser al-Deehani, Rashid al-Enezi, Sara al-Darees, Ayyad al-Harbi, and Hijab al-Hajeri, accused of posting statements on their Twitter accounts that allegedly defamed the emir. Authorities released al-Darees, al-Harbi, and al-Hajeri the same day after they posted 1,000 dinars (\$3,600) bail. On November 22, authorities released al-Hashash and al-Khaldi on 5,000 dinars (\$18,000) bail, while al-Deehani was released on 1,000 dinars (\$3,600) bail. On November 25, authorities released al-Enezi on 2,000 dinars (\$7,200) bail. All cases were pending at year's end.

Academic Freedom and Cultural Events

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

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

On March 5, officials from the Ministry of Interior and the Ministry of Commerce and Industry prevented the opening of an exhibit by Kuwaiti artist Shurooq al-Amin. Authorities confiscated artwork from the show, entitled "It's a Man's World."

Throughout the year, the Ministry of Information banned more than 50 films, including Disney's re-release of *Beauty and the Beast*.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, in practice the government restricted this right.

Political oppositionists organized dozens of protests and rallies throughout the year. Security officials allowed many peaceful protests to proceed without permits, but intervened to disperse some demonstrations that were unauthorized.

Citing public safety and traffic concerns, officials sometimes also restricted the location of planned protests to designated public spaces.

Following elections on December 1, some opposition youth activists held unlicensed marches on consecutive nights to protest the elections. Security forces used nonlethal force to disperse some of the marches, and protesters responded by throwing projectiles, fireworks, and on one occasion Molotov cocktails at police.

On October 21 and November 4, security forces used nonlethal means, including tear gas, percussion grenades, and batons, to disperse marches organized to protest the emir's decision to amend the electoral law by decree. While the Interior Ministry stated it would permit demonstrators to participate in a protest at a preauthorized location, it refused to allow the protesters to march from one place to another. Participants and human rights groups widely criticized the use of force to disperse what they stated were peaceful protests. Protest organizers requested licenses for two subsequent marches on November 30 and December 8, which the government granted; the marches occurred without incident.

In January, April, May, July, October, and December, security forces dispersed illegal gatherings of Bidoon protesters calling for citizenship rights and access to basic services, including personal documents, health care, and education. After demonstrators refused to leave, security forces used nonlethal means, including water cannons, smoke bombs, tear gas, batons, and rubber bullets to disperse the crowd. Security forces detained 61 demonstrators during the January 13 and 14 protests and 34 during the October 2 demonstrations. MPs and human rights groups criticized what they alleged was the use of force against demonstrators. Authorities released all participants on bail, and most cases were pending as of year's end. Abdulhakeem al-Fadhli, a prominent Bidoon organizer, was convicted in absentia on November 17 and sentenced to two years in prison for allegedly assaulting a police officer during an April demonstration. Al-Fadhli was arrested on December 11 and, on December 26, his attorney challenged the evidentiary basis for the conviction and sentence. Al-Fadhli remained incarcerated at year's end.

Freedom of Association

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

The government uses its power to license associations as a means of political control. There were approximately 100 officially licensed NGOs in the country, including a bar association, other professional groups, and scientific bodies. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status. The Ministry of Social Affairs and Labor rejected some license requests, contending established NGOs already provided services similar to those the petitioners proposed. The Ministry of Social Affairs and Labor can also reject an NGO's application if it deems the NGO does not provide a public service. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution generally provides for freedom of movement within the country; however, numerous laws constrain foreign travel, and the government placed some limits on freedom of movement. The government was generally uncooperative with most efforts by the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to protect and assist refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Women and stateless persons (Bidoon) faced problems with or restrictions on foreign travel. A husband may still request that immigration authorities prevent his wife's departure from the country for up to 24 hours, after which he may obtain a court-ordered travel ban. The government restricted the ability of some Bidoon to travel abroad through the nonissuance of travel documents. However, it permitted some Bidoon to travel to Saudi Arabia for the annual hajj and continued to issue "Article 17" passports (temporary travel documents that do not confer nationality) for Bidoon.

The law also permits travel bans on citizens and nonnationals accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to do so. This provision resulted in delays and difficulties for citizens and foreigners leaving the country.

Citizenship: The government cannot revoke the citizenship of an individual who is born a citizen, unless that individual has obtained a second nationality, which is against the law; however, it can revoke the citizenship of naturalized citizens for cause, including a felony conviction, and subsequently deport them. During the year the government revoked the citizenship of some dual nationals and their children. An amendment to the Nationality Law prohibits the granting of citizenship to non-Muslims, but allows Christian male citizens to transmit citizenship to their descendents.

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. It is not a signatory to the 1951 UN Convention on Refugees. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. According to the UNHCR, 1,223 registered asylum seekers and 439 recognized refugees were in the country during the year.

Refoulement: Immigration regulations prohibit local integration for asylum seekers. In practice, however, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The constitution prohibits the extradition of political refugees, and the government did not extradite any political refugees during the year.

Stateless Persons

According to the law, children derive citizenship solely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship. Kuwaiti women who are divorced or widowed from nonnational men may petition for Kuwaiti citizenship for their children. The law further fails to provide nonnationals, including Bidoon, a clear or defined opportunity to gain nationality. Female citizens may sponsor their nonnational children (regardless of age) and husbands for residency permits and may petition for naturalization for their children if the mother becomes divorced or widowed from a noncitizen husband.

The judicial system does not have the authority to rule on matters of citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship. Although the exact number of Bidoon residents was

unknown, in 2010 the Supreme Council for Higher Planning reported 106,000 Bidoon in the country. The government continued to discriminate against Bidoon in some areas. Some Bidoon and international NGOs reported that the government did not uniformly implement a 2011 decree approving provision of some government services and subsidies, including education, employment, medical care, and the issuing of civil documents, such as birth and death certificates, to Bidoon. They claimed many Bidoon families were still unable to obtain birth certificates for their children, which restricted the children's ability to obtain adequate medical care, attend school, and obtain government-issued identification cards. Many adult Bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in many Bidoon children working as street vendors to help support their families. Lack of financial resources and proper documentation for some of their children forced some Bidoon parents to choose which of their children to enroll in school. Of those Bidoon children who attended school, many were enrolled in substandard private schools since only citizens may attend public school. Many Bidoon families depended on charity to assist with medical and educational expenses.

The government allowed Bidoon to work in some government positions, and some Bidoon worked in the armed forces or police. Although no legal strictures prevent their service in the enlisted ranks, authorities have effectively barred the Bidoon from enlisting in either force since 1985.

Although the government granted citizenship to several hundred Bidoon during the year, more than 100,000 Bidoon citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. However, the government maintained that the vast majority of Bidoon concealed their true nationalities and were not actually stateless.

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

Citizens had only a limited, indirect effect on control of the executive branch, since the constitution stipulates the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must by majority vote approve the emir's choice of crown prince (the future emir). The crown prince must be a male descendant of Sheikh Mubarak Al Sabah and meet three additional requirements: that he has attained the age of majority, is of sound

mind, and is a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is or was not met. The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice through elections.

Elections and Political Participation

Recent Elections: The parliamentary election on February 2, held two months after the emir dissolved the National Assembly, was generally considered free and fair. However, on June 20, the Constitutional Court ordered parliament dissolved on a technicality when MPs boycotted parliamentary sessions. On October 7, the emir again dissolved the National Assembly. According to international observers, there were no serious procedural problems associated with the December 1 parliamentary elections. Opposition politicians and their supporters largely chose to boycott the election following a decree by the emir reducing the number of votes per person from four to one. While participation in recent parliamentary elections was approximately 60 percent, the official turnout for the December elections was just less than 40 percent.

Political Parties: The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Well organized, unofficial blocs operated as political groupings, and MPs formed loose alliances. Some tribes held illegal primaries to maximize their members' chances for election to the National Assembly. Assembly candidates must nominate themselves as individuals.

Participation of Women and Minorities: Although they gained the right to vote in 2005, women faced cultural and social barriers to political participation. For example, tribal leaders excluded women from the tribal primaries held before the February elections. However, three women were elected to the National Assembly during the December elections, and women turned out to vote at a higher rate than men.

No laws or cultural practices prevent minorities from participating in political life. In the December parliamentary elections, candidates from the Shia community, which comprises roughly one-third of the citizen population, won 17 seats in parliament. In the preceding two parliaments, Shia held five and nine seats, respectively.

Section 4. Corruption and Lack of Transparency in Government

The law mandates criminal penalties for corruption by officials; however, the government did not implement the law effectively, and on occasion officials were believed to have engaged in corrupt practices with impunity. The Audit Bureau is the government agency responsible for combating government corruption. Parliament also frequently announced inquiries into suspected misuses of public funds, but none resulted in prosecution during the year. A survey released in December by an international NGO indicated decreased public faith in the government's ability to control corruption.

On May 9, a special Court of Ministers judicial panel dismissed a case in which former prime minister Sheikh Nasser al-Mohammed Al-Sabah was charged with abusing public funds. The case alleged the former prime minister sent more than 100 million dinars (\$360 million) in public funds, via wire transfer, to unknown individuals; the transfers allegedly included bribes to former MPs. The former prime minister refused to cooperate with separate parliamentary investigations into these claims.

There were many reports 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 police favored citizens over noncitizens.

Public officials were not subject to financial disclosure laws.

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

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

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs; however, the government continued to deny licenses to some NGOs. NGOs may not engage in political activity or encourage sectarianism. The groups must demonstrate their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights. Locally licensed NGOs devoted to the rights or welfare of specific groups, such as women, children, foreign

workers, prisoners, and persons with disabilities, operated without government interference, as did a few dozen local, unlicensed human rights groups. The government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

UN and Other International Bodies: The government permitted international human rights organizations to visit the country. In January, Human Rights Watch (HRW) officials visited and conducted interviews, including with government officials, principally concerning the rights of the lesbian, gay, bisexual, and transgender (LGBT) community. The HRW conducted a December study mission focused on freedom of expression. In March, Refugees International conducted a study mission to report on the country's Bidoon. On September 27, Refugees International, Amnesty International, and HRW submitted a joint letter to the emir requesting the government allow the Bidoon community to demonstrate peacefully, that nationality be extended to qualifying Bidoon, and that Bidoon have access to personal documentation and services; it also condemned force used against Bidoon demonstrators. At year's end the government did not provide an official response.

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. Committee members, accompanied by representatives from a human rights NGO, visited the Central Prison and met with inmates regarding their treatment. The committee had adequate resources and was considered effective. It did not issue reports during the year.

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

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

Women

Rape and Domestic Violence: Violence against women continued to be a problem. Rape carries a maximum penalty of death, which the country occasionally imposed for the crime; however, spousal rape is not a crime. The media reported hundreds

of rape cases during the year. Many victims were noncitizen domestic workers. Police occasionally arrested alleged rapists. The courts tried and convicted several rapists during the year; however, laws against rape were not effectively enforced, especially in cases of noncitizen women raped by their employers.

The law does not specifically prohibit domestic violence, but courts try such cases as assault. A victim of domestic violence may file a complaint with police requesting formal charges be brought against the alleged abuser. Each of the country's 83 police stations reportedly received complaints of domestic abuse. However, victims did not report most domestic abuse cases, especially outside the capital. Police officials rarely arrested perpetrators of domestic violence even when presented with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony, and treated such reports as social instead of criminal matters. Individuals also reportedly bribed police officials to ignore assault charges in cases of domestic abuse. Although courts found husbands guilty of spousal abuse in previous years, those convicted rarely faced severe penalties. Noncitizen women married to citizens reported domestic abuse, and inaction or discrimination by police during the year.

A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard regarding what constitutes injury. Additionally, a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury. There were no shelters or hotlines specifically for victims of domestic violence, although a temporary shelter for domestic workers housed victims during the year. The government completed construction of a high-capacity shelter for domestic workers by year's end, but the shelter was not operational.

Harmful Traditional Practices: The penal code penalizes honor crimes as misdemeanors. The law states that a man who sees his wife, daughter, mother, or sister in the "act of adultery" and immediately kills her or the man with whom she is committing adultery will face a maximum punishment of three years' imprisonment and a fine of 225 dinars (\$810), slightly less than a month's earnings at the public-sector minimum wage.

In June five foreign residents, including the father and four brothers of a 19-year-old woman, reportedly killed her in an "honor killing" and buried her in the Salmi Desert. The case against the men was pending at year's end.

Sexual Harassment: No specific law addresses sexual harassment; however, the law criminalizes “encroachment on honor,” which encompasses everything from touching a woman against her will to rape, and police strictly enforced this law. During the year the government deployed female police officers specifically to combat sexual harassment in shopping malls and other public spaces. Perpetrators faced fines and jail time. Nonetheless, human rights groups characterized sexual harassment against women in the workplace as a pervasive and unreported problem.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely the number, spacing, and timing of children. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during prenatal care, childbirth, and postpartum care were freely available. While the government did not provide any formal family planning programs, contraceptives were available without prescription.

Discrimination: Women have many political rights, including the right to vote and serve in parliament and the cabinet; however, they do not enjoy the same rights as men under family law, property law, or in the judicial system. Sharia (Islamic law) courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. Sharia discriminates against women in judicial proceedings, freedom of movement (see section 1.d.), marriage, and inheritance. Secular courts allow any person to testify and consider male and female testimony equally; however, in the Sharia courts, the testimony of a man equals that of two women.

The law 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; however, in practice many non-Muslim women faced strong economic and societal pressure to convert. In the event of a divorce, the law grants the fathers custody of children of non-Muslim women who fail to convert. A non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen 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 followed by different populations in the country. 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.

In January 2011 the National Assembly passed a series of amendments that gave women additional housing, work, and family benefits. The amendments provide female citizens working in the public sector with increased family leave benefits, and housing subsidies enjoyed by male citizens were extended to widowed and divorced female citizens, female citizens married to noncitizens, and single female citizens above age 40. The amendments also granted female citizens the right to sponsor their noncitizen spouses and children for legal residency and exempted them from paying annual residency permit fees. However, female citizens remain unable to pass citizenship to their noncitizen husbands or their children; exceptions were made for some children of widowed or divorced female citizens. Male citizens married to female noncitizens did not face such discrimination.

The law states a woman should receive “remuneration equal to that of a man provided she does the same work”; however, it prohibits women from working in “dangerous industries” and in trades “harmful” to health. According to the World Economic Forum, women earned 70 percent of men for similar work. The same report indicated the average working woman earned 7,200 dinars (\$25,920) annually compared with 11,100 dinars (\$40,000) for the average working man. Only 14 percent of managers and senior officials were women. Educated women maintained the conservative nature of society restricted career opportunities, although there were limited improvements. According to statistics from 2011, women accounted for 53 percent of the 270,000 citizens working in the public sector, 44 percent of the 60,000 working in the private sector, and 72 percent of the year’s college graduates.

The law requires segregation by gender of classes at all universities and secondary schools. Public universities enforced this law more rigorously than private universities.

Three members of the 50-seat parliament elected in December were women; no women won seats in the February elections. A parliamentary committee for women’s and family affairs exists; two of the five members were women, including the chairperson. Additionally some women attained prominent positions in government and business as ministers and heads of corporations. Two women served as ministers in the cabinet.

There were no female judges.

Children

Birth Registration: Citizenship is derived entirely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship unless the mother is divorced or widowed from the nonnational father. The government automatically granted citizenship to orphaned or abandoned infants, including Bidoon infants. Parents were sometimes unable to obtain birth certificates for their Bidoon children because of additional administrative requirements, creating an inability to access other 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. In March 2011 the Council of Ministers issued a decree extending education benefits to Bidoon; however, bureaucratic problems continued to hinder Bidoon children's access to free education.

Child Abuse: There was no societal pattern of child abuse. However, most cases went unreported due to social stigma associated with the disclosure of the practice.

Child Marriage: The legal marriage age is 17 years for men and 15 for women, but girls continued to marry at a younger age in some tribal groups. The Ministry of Justice estimated underage marriages constituted 2 to 3 percent of all marriages.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. On March 26, Kuwaiti cleric Tareq Sweidan appeared on Palestinian satellite channel *Al-Quds TV* saying Jews controlled the world's money and media, and he claimed Jews were the greatest danger to Muslims. There was no government response. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli government actions with those of Jews more broadly. Reflecting the government's nonrecognition of Israel, there are longstanding official instructions to teachers to

expunge from English-language textbooks any references to Israel or the Holocaust.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, and mental disabilities and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The law also mandates access to buildings for persons with disabilities. The government generally enforced these provisions. There were no specific reports of discrimination against persons with disabilities; however, noncitizens with disabilities neither had access to government-operated facilities nor received stipends paid to citizens with disabilities that covered transportation, housing, job training, and social welfare costs.

The National Assembly has a Committee for Disabled Affairs. In 2010 the government approved a disability law; however, it had not been implemented at year's end, reportedly because of conflicts with existing law. Failure to implement the new law precluded larger disability grants, reduced working hours, and improved housing loans for citizens and Bidoon with mental or physical disabilities. Without the requirement that government employers with workforces of 50 persons or more to recruit at least 4 percent of their workforce from vocationally trained persons with special needs, employment of persons with disabilities suffered. While the law remains unimplemented, citizens with disabilities, or those with children with disabilities, did not receive larger than normal housing grants and earlier pensions. Without the new law, Bidoon with disabilities were not normally entitled to receive housing grants.

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

National/Racial/Ethnic Minorities

Approximately 68 percent of residents were noncitizens, many originating from the Indian subcontinent and Southeast Asia. Societal discrimination against noncitizens was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care.

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

Consensual same-sex sexual conduct and cross-dressing are illegal. The law punishes consensual same-sex sexual activity between men older than 21 with imprisonment of up to seven years; those engaging in consensual same-sex sexual activity with males younger than 21 may be imprisoned for as long as 10 years. The law imposes a fine of 1,059 dinars (\$3,812) and imprisonment for one to three years for those imitating the appearance of the opposite sex in public. No laws criminalize sexual behavior between women. Transgender persons reported harassment, detainment, and abuse by security forces.

Societal discrimination and harassment based on sexual orientation and gender identity was common; to a lesser extent officials practiced discrimination reflecting societal values and laws. In January HRW highlighted the physical, sexual, and emotional abuse and repression transgender women faced from police. The report also documented the discrimination transgender women faced daily--including by members of the public--as a result of an amendment to penal code article 198. The 2007 law prohibiting "imitating the appearance of a member of the opposite sex" was ill defined, resulting in numerous abuses. There was no government response to the HRW report.

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

Other Societal Violence or Discrimination

Local human rights NGOs reported no accounts of societal violence or discrimination against persons with HIV/AIDS; however, persons with HIV/AIDS did not generally disclose their status due to social stigma associated with the disease. Foreign citizens found to be HIV-positive faced immediate deportation.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join trade unions, conduct legal strikes, and bargain collectively, with significant restrictions. 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 there was only one government-authorized 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 of the total must be Kuwaiti citizens.

The law provides workers a limited right to collective bargaining, excepting domestic servants, maritime workers, and civil servants. There is no minimum number of workers needed to conclude such agreements.

Public-sector workers do not have the right to strike. Private-sector workers have the right to strike, although cumbersome provisions calling for compulsory negotiation and arbitration in the case of disputes limit that right. Legal strikes require permission from the Ministry of Interior, which was rarely granted. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

The law prohibits antiunion discrimination and employer interference with union functions, and provides for reinstatement of workers fired for union activity.

However, 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 Social Affairs and Labor can request the Court of First Instance to dissolve a union. Additionally, the emir may dissolve a union by decree.

Foreign workers, who constitute approximately 85 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 enforced applicable laws, and procedures were generally not subject to lengthy delay or appeals.

Although the law restricts freedom of association and collective bargaining rights, the government did not always enforce these limits. For example, according to KTUF, the government did not consistently enforce the requirement that foreign workers have at least five years working in Kuwait in a specific sector prior to joining a union.

The government also 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.

The government did not respect freedom of association and the right to collective bargaining. Worker organizations were generally not independent of the government, and the government interfered in union activities. The government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records; if a union ceases to exist, the government confiscates its assets.

While the National Trade Union Federation petitioned the government for official recognition during the year, it did not receive a license by year's end.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor "except in cases specified by law for national emergency and with just remuneration," but the government did not effectively enforce the law.

Forced labor and conditions indicative of forced labor occurred in practice, especially among migrant workers. Such practices were usually a result of employer abuse of the sponsorship system for noncitizen workers. Employers

frequently and 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 the sponsorship system, but 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. There were numerous media reports throughout the year of domestic workers being abused by their sponsors or sustaining significant injuries while trying to escape from their sponsors; some reports alleged 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.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor. The legal minimum age for employment is 18 years; however, employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between 15 and 18 years old 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 nor between 7:00 p.m. and 6:00 a.m.

Although it was not extensive, there were credible reports of child labor by domestic servants of South Asian origin and Bidoon children. Some underage workers entered the country on travel documents with falsified birth dates.

Bidoon children as young as seven worked long hours as street vendors, sometimes under dangerous conditions, according to reports by human rights NGOs. Their need to provide for their families often led to poor educational performance or abandoning school.

The government made efforts to enforce the law effectively. Approximately 300 Ministry of Social Affairs and Labor inspectors routinely monitored private firms for labor law compliance, including laws against child labor. Noncompliant employers faced fines or a forced suspension of their company operations.

However, the government did not enforce child labor laws in informal sector occupations, such as street vending.

d. Acceptable Conditions of Work

The law sets the national minimum private-sector wage at 60 dinars (\$216) per month.

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 issued occupational health and safety standards. For example, the law provides that all outdoor work stop between 11 a.m. and 4 p.m. during June, July, and August or times when the temperature rises to more than 120 degrees Fahrenheit in the shade.

The law and regulations governing acceptable conditions of work do not apply to domestic workers. The Ministry of Interior has jurisdiction over domestic worker matters.

The Ministry of Social Affairs and Labor was responsible for enforcement of wage and hour, overtime, and occupational safety and health regulations. However, enforcement by the ministry was poor, especially with respect to unskilled foreign laborers.

Approximately 500 labor inspectors monitored private firms. The government periodically inspected enterprises to raise awareness among workers and employers and to ensure they abided by existing safety rules, controlled pollution in certain industries, trained workers to use machines, and reported violations.

The Ministry of Social Affairs and Labor monitored work sites to ensure 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 often not substantial enough to deter violators.

Workers submitted complaints to the Ministry of Social Affairs and Labor's Labor Disputes Department; however, the government did not enforce the standards uniformly.

At times the Ministry of Social Affairs and Labor intervened to resolve labor disputes between foreign workers and their employers. The Ministry of Social Affairs and Labor'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. However, during the year the Ministry of Interior's Department of Domestic Labor Office collected 8,340 dinars (\$30,000) owed to 71 domestic workers by their employers.

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

Since labor standards did not apply to domestic workers, such workers had little recourse when employers violated their rights. There were no inspections of private residences, the workplace of the majority of the country's domestic workers, nor did the government make significant efforts to address working conditions for these workers. Reports commonly indicated employers forced domestic workers to work overtime without additional compensation. There were frequent reports of domestic workers committing or attempting suicide due to desperation over abuse or poor working conditions.