

# KUWAIT 2020 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 most recent parliamentary general election, considered generally free and fair, was held on December 5, and members of the opposition won a majority of the seats.

Police have sole responsibility for the enforcement of laws not related to national security, while the Kuwait State Security oversees national security matters. Both report to the Ministry of Interior, as does the Coast Guard. The Kuwait National Guard is an independent body from the Ministry of Interior and the Ministry of Defense; it reports to the prime minister and the amir. The armed forces are responsible for external security and report to the Ministry of Defense. The Kuwait National Guard is 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. There were some allegations that members of the security forces committed abuses.

Significant human rights issues included: reports of torture; political prisoners; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including censorship, internet site blocking, and criminalization of libel; interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and criminalization of consensual adult male same-sex sexual conduct.

The government took significant 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.

## KUWAIT

### **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 noncitizens claimed police or Kuwaiti State Security (KSS) force members beat them at police checkpoints or in detention. Since 2017, at least nine foreign nationals, including one still in detention, reported credible cases of abuse or mistreatment during arrest or interrogation by the Ministry of Interior's Drug Enforcement General Directorate. Some detainees alleged they were beaten with 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; 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.

Numerous activists representing a particular group of stateless persons known as "Bidoon" reported mistreatment at the hands of authorities while in detention. There continued to be allegations from individuals that they were subjected to

## KUWAIT

unlawful detention and physical and verbal abuse inside police centers and State Security detention centers. There are credible indications that police, KSS force members, and the Ministry of Interior's Drug Enforcement General Directorate abused prisoners during arrest or interrogation. Transgender individuals have reported multiple cases of rape and physical and verbal abuse at the hands of police and prison officials.

The government investigated complaints against police and took disciplinary action when the government determined it was warranted. Disciplinary actions included fines, detention, and removal or termination from professional postings. The government did not make public the findings of its investigations or administrative punishments. According to the latest government figures, prisoners in the four main prisons filed five complaints of sexual or physical violence. As of November the government had received 204 complaints from the public against Ministry of Interior employees. While the majority were in response to verbal abuse, a "very few" pertained to abuses of power or authority. Of those 204 cases, 52 ministry staff were punished, 44 cases were referred to the court, five ministry staff were released from their positions, and three were terminated.

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.

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

According to the National Assembly's Human Rights Committee, prisons lacked the minimum standards of cleanliness and sanitation, were overcrowded, and suffered from widespread corruption in management, resulting in prisoner safety problems and drug abuse by inmates. International observers who visited the Central Prison corroborated reports of drug use and trafficking.

**Physical Conditions:** Prison overcrowding continued to be a significant problem during the pandemic. Prisoners share large dormitory cells 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 Central Prison said the prison cells were so overcrowded that they

## KUWAIT

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 an annual decree pardoning 1,390 prisoners held on various charges, including the immediate release of 151 prisoners and the reduction of penalties for 839 others. In 2019, 120 land telephones were installed inside most wards in Central Prison to control the smuggling of cell phones. According to the government, during the year prisoners were allowed to make one domestic telephone call per day and one international call per month. International observers confirmed that prisoners were able to make domestic calls via a landline for approximately 10 minutes each day.

In order to decrease overcrowding in the prisons, in February the government asked the governments of Iran, Egypt, Iraq, Bangladesh, Pakistan, India, and Sri Lanka to repatriate any their nationals who had served more than half of their prison terms and have them serve the remainder of their sentences at home. Iraq and Iran reportedly repatriated at least 13 and 130 of their citizens, respectively.

In February the Public Prosecution and legal experts warned of the risk of disease outbreaks due to COVID-19 in overcrowded prisons. The report indicated that prisons have the capacity to accommodate 3,432 inmates, while the number of inmates at that time was 4,420. That same month, a female inmate at the Central Prison died of COVID-19. According to government figures from November, 433 prisoners had been infected with COVID-19 and 370 had recovered.

In May, several prisoners reportedly went on a hunger strike over the spread of COVID-19 in the prisons and inadequate health conditions. The strike at the Central Prison reportedly went on for several weeks.

As of November the number of inmates at the Talha Deportation Center was 570 men and 230 women. 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. The smuggling of contraband into prisons, particularly drugs and cell phones, continued to be an issue.

## KUWAIT

In October, several dozen family members of Central Prison inmates gathered outside the prison complex to protest alleged mistreatment and raids by prison guards for illegal cell phones and narcotics. The Ministry of Interior denied reports of rioting, although the ministry confirmed that some guards and inmates had been hospitalized during a scuffle.

**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. In June a delegation from the semigovernmental Human Rights Bureau visited the Central Prison to review the government's steps to prevent the spread of COVID-19 in the prisons. The delegation praised the Ministry of Interior's preparedness to combat the virus.

**Improvements:** Efforts by the government to decrease the prison population in order to mitigate the spread of COVID-19 substantially reduced overcrowding in the prison population. Observers indicated that matters regarding sanitation and the maintenance of facilities had generally improved from previous years, particularly in light of steps by the government to provide early release to prisoners who have committed minor offenses or served most of their time. Approximately 1,000 prisoners were released under these measures. In order to decrease overcrowding in the prisons, in February the government asked the governments of Iran, Egypt, Iraq, Bangladesh, Pakistan, India, and Sri Lanka to repatriate any their nationals who had served more than half of their prison terms and have them serve the remainder of their sentences at home. Iraq and Iran reportedly repatriated at least 13 and 130 of their citizens, respectively. In August the Ministry of Awqaf

## KUWAIT

and Islamic Affairs announced it had provided computer science courses to inmates in the prisons, addiction treatment centers, and halfway houses.

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

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court.

#### **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 noncitizens without a warrant, apparently as part of the government's effort against unlawful residents. 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. 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, interpreters, and document translators in advance of hearings. Police investigated most misdemeanor cases, and suspects were 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 and state security crimes, who were detained for periods of one to two weeks, who were not made aware of the specific charges against them. They were also not allowed to make telephone calls or contact lawyers and family members.

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'

## KUWAIT

detention pending trial. There is a functioning bail system for defendants awaiting trial.

**Arbitrary Arrest:** No arbitrary arrests were reported during the year.

**Pretrial Detention:** Arbitrary lengthy pretrial detention 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 inadequate to process cases in a timely manner and the main cause of delays. As of November there were 732 men and 20 women in pretrial custody.

Prolonged detention at the government-run Talha Deportation Center was also a problem, particularly when the detainee was a foreign worker who owed money to a citizen or was a citizen from a country without diplomatic representation in the country able to facilitate exit documents. International organizations reported that these cases could take up to one month to resolve. The government, however, claimed that most deportation cases were resolved within three days.

### **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. As of November there were 800 judges (including eight women) and 562 prosecutors (including 55 women). During the year 18 female prosecutors were appointed. The Supreme Judicial Council may remove judges for cause. In August the Supreme Judicial Council suspended seven judges and stripped them of immunity from prosecution at the request of the Public Prosecutor over alleged ties to a money-laundering network run by detained Iranian national Fouad Salehi. Noncitizen residents involved in legal disputes with citizens frequently alleged the courts showed bias in favor of citizens. In some cases legal residency holders--principally foreign laborers--were detained and deported without recourse to the courts.

## KUWAIT

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. Noncitizens charged in criminal cases, however, face legal deportations, which can be challenged in court. 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. In January 2021 the government announced it had deported 8,143 foreigners in 2020 compared to 40,000 in 2019. Most were deported for violating the residency law and perpetrating crimes and misdemeanors.

### **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. Defendants who did not speak or understand Arabic, however, often learned of charges against them after their trial began, because an interpreter was not provided when the charges were presented against them. Criminal trials are public unless a court decides the "maintenance of public order" or the "preservation of public morals" necessitates closed proceedings. During the year judges exercised wide discretion in closing their courtroom or limiting members of the public in court proceedings due to COVID-19 guidelines. 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 this did not always occur.



## KUWAIT

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. 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.

There are credible indications of disparate treatment of persons arrested and sentenced in the country's judicial system.

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 expressing their political views. Throughout the year the government continued to arrest individuals on charges such as insulting the amir, leaders of neighboring countries or the judiciary; organizing public demonstrations amongst the Bidoon; spreading false news; or undermining the state's efforts to control the spread of COVID-19. Some defendants were acquitted, while others received jail sentences. During the year sentences for organizing public demonstrations amongst the Bidoon, participating in unlicensed or illegal demonstrations against the country's ruling system, spreading false news, criticizing the amir or other leaders on social media ranged from six months in prison to 10 years plus fines for multiple offenses.

The government actively monitored social media and incarcerated bloggers and political activists for expressing antigovernment opinions and ideas. Media reported between two and four such convictions per month. In February the Criminal Court sentenced another blogger to three years in prison and hard labor for criticizing the amir and posting false news on Twitter. As of November, 35 cases of insulting the amir were registered at the courts. Defendants of five of these 35 cases received final verdicts by the Court of Cassation.

## KUWAIT

In October authorities extradited three Egyptian opposition figures who called for protests against Egyptian President Abdel Fattah al-Sisi.

### **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 abuses, but authorities occasionally did not enforce such rulings for political reasons. Authorities frequently used administrative punishments in civil matters, such as instituting travel bans or deportations. In the majority of cases of human rights or labor law abuses, victims can go to the Public Authority for Manpower or the Domestic Workers Employment 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 foreign workers. In November a Filipina domestic worker returned to the Philippines after eight years of court cases following her 2012 stabbing by a traffic police officer. The Court of First Instance sentenced the officer to death in 2014, but the Court of Appeals later commuted the sentence to life in prison.

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

The constitution and the law prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence, and the government respected these prohibitions. Cybercrime agents within the Ministry of Interior, however, regularly monitored publicly accessible social media sites and sought information regarding owners of accounts, although foreign-owned social media companies denied most requests for information.

## **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 routinely violated. The courts convicted more than one dozen individuals for expressing their opinions, particularly on social media. The

## KUWAIT

law also imposes penalties on persons who create or send “immoral” messages, spread false news, and gives unspecified authorities the power to suspend communication services to individuals on national security grounds.

**Freedom of Speech:** The Press and Publications Law establishes topics that are off limits for publication and discussion. Topics banned for publication include insulting religion, in particular Islam; criticizing the amir or other heads of state; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; sorcery; and publishing information that could lead to devaluing of the currency or creating false worries regarding the economy. In August the Attorney General filed a complaint with the Public Prosecutor requesting it take all necessary actions against individuals who criticize the judiciary via social media. The Attorney General asked the Public Prosecutor to summon activists and bloggers for interrogation and prosecute them.

The Public Prosecutor investigated numerous COVID-19-related cases concerning the alleged dissemination of false news. In March an Egyptian national was arrested and deported after posting a video criticizing measures taken by the government to stem the spread of COVID-19. A second Egyptian national was also arrested and deported for writing on social media that the Egyptian authorities should have imposed equivalent measures against Kuwaiti citizens. Between March and April, the Ministry of Interior referred a total of 17 website administrators to be investigated for allegedly disseminating inaccurate news and rumors regarding COVID-19 in violation of the law. In March the Ministry of Interior referred 23 social media accounts of individuals and groups for investigation for allegedly posting misinformation concerning COVID-19. In April the Ministry of Information announced that it had referred 25 websites to the Public Prosecutor, mostly for “offending the government” over its handling of COVID-19. As of May, 40 news websites had been referred since the beginning of the pandemic.

Local activists, academics, journalists, and opposition political figures reported they were regularly contacted by state security services and Ministry of Information officials after they published opinions deemed contrary to the government view. Government authorities did not always take immediate action in

## KUWAIT

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.

The courts continued to sentence political activists to harsh prison sentences for charges of speaking out against the amir, the government, religion, or neighboring states. In August the government announced it had passed to the Egyptian government for prosecution 16 complaints against Egyptian nationals for insulting the country on social media and Egyptian satellite television channels.

In January the Criminal Court sentenced blogger Musab al-Failakawi to three years in prison with hard labor over charges of spreading false news on Twitter and Snapchat. In February the Court of Cassation rejected an appeal filed by 21 citizens, including activists and former lawmakers, who had been indicted for promoting a speech by former member of parliament (MP) Musallam al-Barrak that the government argued insulted the amir. The court reaffirmed the two-year verdict and a bail payment from each defendant, including 10 former MPs. In March the Criminal Court sentenced social media activist Abdullah al-Saleh to five years in prison with hard labor in absentia over charges of broadcasting false news, defaming the amir, and insulting the judiciary (al-Saleh was granted asylum in the United Kingdom). The latest charges are in addition to al-Saleh's 51-year sentence in connection with cases related to insulting Saudi Arabia, the United Arab Emirates (UAE), and Bahrain.

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, and insulting neighboring countries such as Bahrain, Saudi Arabia, and the United Arab Emirates. In August the Criminal Court sentenced al-Hashash to three years in prison with hard labor for insulting the amir, bringing his total sentence to 94 years and eight months.

## KUWAIT

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a variety of views within legally permissible limits. All print media were privately owned, although their independence was limited by law and self-censorship based on fear of prosecution. 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 August the Public Prosecutor issued a gag order on the publication or circulation of any information related to a money laundering case involving an Iranian citizen, social media influencers, and seven judges. The gag covered traditional and online media as well as personal accounts on social media.

**Censorship or Content Restrictions:** The Ministry of Information censored all imported books, commercial films, periodicals, videotapes, CDs, DVDs, and other materials according to the guidelines enumerated for speech and media. 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 sex and the role of women in society, 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.

As of November the Ministry of Information announced it had not blocked any media outlet or website since the beginning of the year. The ministry also announced it referred 49 media outlets to the Public Prosecutor's Office over

## KUWAIT

violations of the law. As of November the Ministry of Information announced it received 2,955 books and publications to approve. Of those, 2,525 were approved while 311 were banned over violations of the law. No one made challenges to the ban decisions.

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. According to the Ministry of Information, the Ministry of Awqaf and Islamic Affairs reviewed books of a religious nature. In August the National Assembly approved amendments to the Press and Publications Law that dismantled the Ministry of Information's oversight committee for imported publications (mainly books). Importers are expected to provide the book title and author's name to the Ministry of Information and remain liable to legal action if the courts receive an official complaint from the public. Reports indicate that the ministry has censored more than 4,000 books in the past seven years. Other amendments to the Press and Publications law prohibited publishing any content that "stirs up sectarianism or tribal strife" or racist ideas.

**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 authorities against anyone the citizen believes 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. 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."

In February prominent human rights defender and lawyer Hani Hussein was arrested and charged with "broadcasting false news about the Saudi-Kuwait Neutral Zone" and violating the nationality unity law. Hussein was released on

## KUWAIT

bail and was found innocent by the Court of First Instance. The government has appealed the decision.

In April the Attorney General ordered the detention of Egyptian-Kuwaiti businesswoman and television anchor Dalia Badran over charges of insulting the country's armed forces after Badran called for the departure of American forces in the country and their replacement with Egyptian troops. She was later released on bail while the case was referred to the court.

In July the Ministry of Interior announced it had issued directives calling for severe punishment of anyone who managed fake social media accounts with the aim of destabilizing the country's security, attacking senior officials, or leaking sensitive security information.

### **Internet Freedom**

The law criminalizes certain online activities, including 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 November the Cybersecurity Department at the Ministry of Interior had received 2,537 complaints and the government had 130 pending cases.

The government's E-Licensing program 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. As of November the Ministry of Information had received 101 new application for registration, and rejected none of them during the year. (The existing number of registered sites is 408).

The government continued to monitor internet communications, such as blogs and discussion groups, for defamation and general 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,

## KUWAIT

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, Minister of Information Mohammad al-Jabri announced that the administrators of 14 websites had been referred to the Public Prosecutor for violating the 2016 E-Media law by spreading rumors regarding the government's COVID-19 response. That same month three Indian nationals working at the Kuwait National Petroleum Corporation were arrested for insulting Islam and Muslims. Also in March the Criminal Court began hearing the case against former MPs and professor Abdullah al-Nefisi for insulting the UAE on Twitter.

In March social media influencer Fouz al-Fahd was arrested for promoting an “unlicensed” COVID-19 test kit over Snapchat. In May former MP and constitutional law professor Obaid al-Wasmi was arrested and interrogated by the Public Prosecutor over a Ministry of Health complaint that he posted tweets alleging financial irregularities in the ministry's purchase of COVID-19-related medical equipment. He was later released on bail and the case was referred to the courts. The Ministry of Health filed a similar complaint against former MP Dr. Hassan Johar over his tweets regarding alleged corruption in the ministry's contracts for COVID-19 supplies. Both al-Wasmi and Johar were later acquitted of all charges. The Public Prosecutor also interrogated television anchor Ahmed al-Fadhi in June at the request of the Ministry of Health over an interview in which he alleged corruption in the ministry.

The government filtered the internet primarily to block pornography and lesbian, gay, bisexual, transgender, and intersex (LGBTI) material (to include health, advocacy, and legal information), and sites critical of Islam. As of November the Communication and Information Technology Regulatory Authority (CITRA) was reported to have blocked 490 websites out of 4,500 websites operating from the country. According to CITRA, websites are blocked upon receipt of a request from the Public Prosecution or security authorities.



## **KUWAIT**

### **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 it considered politically or morally inappropriate.

### **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 residents are prohibited from demonstrating. Citizens must receive permission from authorities in order to peacefully assemble and associate.

Bidoon activists reported that if they tried to assemble peacefully or organize campaigns to gain equal rights, authorities regularly harassed them. Some Bidoon activists indicated they were detained for questioning by authorities each time they planned campaigns or protests. During the year authorities sentenced three of 17 Bidoon activists who had participated in peaceful protests in 2019 on numerous charges, including organizing and participating in gatherings and rallies without a license, which the government would not issue to Bidoon residents. In January the Criminal Court found 12 of the Bidoon activists innocent of all charges, with the exception of participating in an unlicensed rally or demonstration. In June the remaining two activists who participated in the protests were found innocent of all charges by the Court of Appeals, with the exception of participating in an unlicensed rally or demonstration. All acquitted defendants signed pledges promising “good conduct” for two years, preventing their participation in future rallies or demonstrations.

## KUWAIT

### **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.

The government used its power to register associations as a means of political influence and to limit public engagement on controversial topics or proscribed activities. The Ministry of Social Affairs can reject an NGO's application if it deems the NGO does not provide a public service. Most instances in which the government closed a charity resulted from the charity improperly reporting 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.

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 in 2019 set 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**

## KUWAIT

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 workers rather than migrants.

**Foreign Travel:** Bidoon residents and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of many Bidoon residents to travel abroad by not issuing travel documents, although it permitted some Bidoon residents to travel overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj. The Ministry of Interior issued Article 17 passports (temporary documents that do not confer nationality) to some Bidoon for these purposes as long as they held valid identification documents issued by the Central Agency for Illegal Residents and did not have security restrictions placed on their file.

In July the Ministry of Interior revealed that approximately 17,000 Bidoon had paid 3,000 dinars (\$9,770) each in bribes between 2014 and 2018 to obtain Article 17 passports. As part of the investigation into the crimes, Assistant Undersecretary of the Ministry of Interior General Sheikh Mazen al-Jarrah was arrested for accepting bribes. In November the Ministry of Defense announced that it was requiring all Bidoon military personnel to turn in their passports by the end of the month. Those who wish to reapply for a passport would need to provide a justification for travel, identity documentation, and pass a medical exam. Press reports estimated the number of Bidoon residents in the military to be 3,500.

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. Human rights activists reported being banned from travel in order to prevent them from participating in overseas events. They claim the government told them they were put under a travel ban for failing to pay parking tickets or other small fines. The Ministry of Justice announced in July 2019 that it would not impose travel bans on those who owed “small amounts” (defined as 300 dinars or

## KUWAIT

\$977). As of November the government had banned 18,603 citizens and foreign nationals from traveling outside of the country.

In July the Ministry of Interior announced travel bans against 14 citizens over corruption, money laundering, and embezzlement. Press reported that among the 14 were members of the ruling family, two former ministers, and four sitting deputy ministers.

In August the government reopened the airport at 30 percent capacity but announced a ban on commercial flights from 31 “high risk” locations to curb the spread of COVID-19, including Egypt, India, and the Philippines. This ban precluded the admission into the country of noncitizens directly from these 31 locations, including those previously resident in the country, although they could enter the country after spending 14 days in a country without a ban. The government later clarified that citizens, their domestic workers, and immediate relatives were permitted to return to the country at any time, even if they were traveling from one of the banned locations, provided they carried proof of a negative COVID-19 test.

**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. 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.” As of November government sources announced that no one was naturalized nor had their citizenship revoked during the year. In 2018 the Court of Cassation, the country’s highest court, 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.

On occasion some persons had their citizenship revoked. If a person loses citizenship, all family members whose status was derived from that person also lose their citizenship and all associated rights and 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.

## KUWAIT

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 resident based on security or criminal violations committed by the individual’s family members.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

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

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 or the 1967 protocols. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. As of November, UNHCR officially recognized 2,004 persons of concern in the country. Of these individuals, 1,122 were Iraqi, 170 were Syrian, and 712 were other nationalities. The constitution prohibits the extradition of political refugees.

**Employment:** Most asylum seekers and refugees were from Iraq, Somalia, and Syria, and many were assisted by nongovernmental organizations pending determination of their refugee status and resettlement applications by UNHCR. Many reported being increasingly fearful of losing their job, residence status, or both. With COVID-19 many lost their jobs and associated residence permits, putting them at risk of deportation.

**Access to Basic Services:** The government enacted policies making public healthcare more expensive for foreign workers but has put a cap on education fees. UNHCR received feedback from persons of concern that healthcare expenses were beyond their reach. They also had challenges in enrolling their children in schools,

## KUWAIT

particularly those who did not have valid residency permits. Support for children with special needs was limited and often inaccessible for foreigners.

### **g. Stateless Persons**

Bidoon residents are stateless Arabs who are considered illegal residents by authorities and not granted citizenship. According to press, figures there were approximately 88,000 Bidoon residents in the country. Human Rights Watch and Amnesty International estimated the Bidoon resident population at more than 100,000. The law does not provide stateless persons, including Bidoon persons, a clear path to acquire citizenship. As of November government sources announced no Bidoon or foreigners had been naturalized during the year. 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.

The Central Agency for Illegal Residents oversees Bidoon resident affairs. In November the Council of Ministers issued a resolution extending the agency's expired term by one additional year. Bidoon residents, Bidoon rights advocates, MPs, and human rights activists protested the decision, arguing that the Agency had not been effective in resolving matters pertaining to the Bidoon. They argued that conditions for Bidoon residents had dramatically deteriorated under the agency's leadership. They pointed to dozens of Bidoon community members, especially youth, who had committed suicide in recent years due to dire social and economic conditions. The agency received tens of thousands of citizenship requests by Bidoon residents for review since its establishment in 2010.

According to Bidoon advocates and government officials, many Bidoon residents were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. Since the government considers Bidoon illegal residents, many lacked identification cards, which prevented them from engaging in legal employment or obtaining travel documents.

Although Bidoon residents are by law entitled to government benefits including free healthcare and education, and ration cards, community members have alleged it was often difficult for them to access those services due to bureaucratic red tape.

## KUWAIT

Some Bidoon residents and international NGOs reported that the government did not uniformly provide government services and benefits to Bidoon residents. Like other noncitizens, Bidoon do not have the right to own real estate. Since citizen children were given priority to attend public school, a small minority of Bidoon children whose families could afford it enrolled in substandard private schools. Some activists alleged that they or their family members have been deprived of access to education, healthcare, and jobs for advocating on behalf of the Bidoon. Press reports indicated that in March the Central Bank of Kuwait had directed banks to remove the ban on banking for Bidoon with expired IDs.

The government alleged that the vast majority of Bidoon residents 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, and the ability to obtain a driver’s license. In 2018 approximately 12,700 Bidoon 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. In March the Court of Cassation ruled that all decisions issued by the Central Agency for Illegal Residents fall under the jurisdiction of the judiciary and as a result are challengeable in the courts. The Central Agency is tasked with granting or revoking government identification, birth, death, or marriage certificates, recommendations for employment, and other official documentation, whereas the Supreme Committee for the Verification of Citizenship at the Ministry of Interior manages all citizenship revocations and naturalizations. Nonetheless, many Bidoon and activists on their behalf continued to accuse the Agency of not complying with the law and failing to implement court rulings requiring it to register Bidoon residents and issue them required documents.

According to international observers, some Bidoon residents underwent DNA testing purportedly to “prove” their Kuwaiti nationality by virtue of blood relation

## KUWAIT

to a citizen. Bidoon residents 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 citizen mothers are typically rendered stateless, as the law does not allow women to transmit nationality.

The government previously amended the existing law on military service to allow the Bidoon sons of soldiers who served in the military for 30 years and the Bidoon sons of soldiers killed or missing in action to be eligible to join the military. According to a 2019 statement from the head of the Interior and Defense Parliamentary Committee, as a result more than 27,000 Bidoons were awaiting enlistment.

In January the Court of Appeals upheld a three-year prison sentence with labor for Bidoon activist Mohammad Khodhair al-Enezi for taking part in an illegal rally in 2019, and encouraging the murder of employees of the Central Agency for Illegal Residents.

In February, several MPs announced they would work to stop a Public Authority for Manpower (PAM) proposal that all Bidoon working in the private sector be registered with the PAM. The MPs noted that Bidoon must sign affidavits confessing they hold citizenship with other countries as part of this registration, which the Bidoon argued was inhuman and coercive.

In 2019 the KSS arrested 15 Bidoon activists (and charged one in absentia) on numerous charges including: joining a banned organization aimed at undermining political, economic, and social systems of the country and overthrowing the regime; spreading false news; organizing and participating in gatherings and rallies without a license (which the government would not grant to Bidoon residents); and incitement to murder. All defendants denied the charges. In January the Criminal Court announced its verdicts in the case. Muhammad Wali received a life sentence in absentia. Humoud Rabah and Ridha Thamir were both sentenced to 10 years for calling for the overthrow of the regime and joining a banned organization. Abdulkhakim al-Fadhli and 11 other defendants were released on suspended sentences under a pledge of “good conduct” for two years. Five of the 12, including al-Fadhli, were also required to pay bail. In July the Court of Appeals



## KUWAIT

overturned the 10-year prison sentence for Humoud Rabah and Ridha Thamir and acquitted them of attempting to overthrow the government, but sentenced them to two years imprisonment for participating in and calling for unlicensed gatherings. However, the court released them both on suspended sentences and after paying in bail. They were also required to sign a “good conduct” pledge for two years. The defendants have appealed the case to the Court of Cassation in an attempt to get all fines and charges fully overturned.

### **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 December parliamentary election free and fair, and reported no serious procedural problems. In November the Interior Ministry announced that 34 of the 395 candidates had been disqualified without explanation, although 20 were later reinstated. One of these candidates was elected to the Parliament. The election was characterized by a short campaign period and a ban on in-person events due to COVID-19 health concerns.

Opposition MPs took 24 of the National Assembly’s 50 seats, an increase of 16 seats from the last parliament. Thirty candidates younger than age 45 were elected, while none of the 33 women candidates won seats. There were 13 percent fewer candidates during the year than in the last election in 2016.

**Political Parties and Political Participation:** The government did not recognize political parties or allow their formation, although no formal law bans political

## KUWAIT

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 2019 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 may 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. In February reports revealed that the Ministries of Interior and Justice were working together to purge from voter registration lists the names of those convicted of insulting the amir. Cases must reach a final verdict before names can be removed.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups 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. The one appointed woman cabinet member can vote with the country's 50-seat parliament. Although 33 women candidates ran in the December Parliamentary election, no women were ultimately elected. To explain the results, analysts pointed to widespread public opinion, which does not support women in leadership roles, and an electoral system, which minimizes the likelihood of voters allocating their one vote per slate of 10 district candidates to a female candidate. In July the Public Prosecutor appointed eight female judges for the first time in the country's history.

### **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

## KUWAIT

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 November the ACA had received 424 corruption reports (109 reports were administratively closed, 261 were pending reviewing by the Reports Reception Department, and 54 were under investigation). The ACA referred eight reports to the Public Prosecutor during the same period.

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.

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. In January the Minister of State for Assembly Affairs Mubarak al-Harees announced that the cabinet issued a resolution urging all governmental bodies to establish auditing and inspection departments and to monitor closely financial and administrative affairs in order to protect public funds.

In January former minister of health Dr. Ali al-Obaidi and two undersecretaries at the ministry were removed from their positions, sentenced to seven years' imprisonment with hard labor, ordered to refund \$81 million, and fined them double that sum.

In January the Public Prosecutor referred the case of a multibillion dollar Eurofighter Typhoon aircraft deal to the investigation committee of a special court

## KUWAIT

that investigates ministerial-level crimes. The case involved kickbacks from the inflated costs of the purchase of 28 aircraft. In July, Sheikh Sabah Jaber al-Mubarak al-Sabah, the son of a former prime minister, and his reported business partner Hamad al-Wazzan were arrested and released on bail over money laundering related to the 1Malaysia Development Berhad (1MDB) scandal, according to Kuwaiti and UK news outlets. In July the Court of Cassation upheld a Court of Appeals ruling sentencing a colonel at the Ministry of Interior to 15 years imprisonment with hard labor, and several foreign residents to jail terms ranging between seven and 10 years, after they were convicted of misappropriation and laundering funds from the Police Cooperative Society. In September the ACA stated it had received more than 300 reports of corruption and referred 40 cases to the Public Prosecution since its inception in 2016.

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 and fraud. In July several high-ranking Ministry of Interior officials were implicated in a scandal involving forged higher education degree certificates.

**Financial Disclosure:** As of November the ACA announced that 9,605 government officials were required by law to present financial disclosures. Of those, 8,351 had submitted their disclosures. Between January 1 and March 12, a total of 430 officials were referred to the Public Prosecutor for failure to submit their disclosures. The government implemented a forgiveness period starting March 12 for those who could prove their submissions were delayed due to COVID-19.

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

The government imposed 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

## KUWAIT

continued to deny registration to some. To be registered, NGOs are required to demonstrate that their existence is in the public interest, they are expected to conduct business beneficial to the country, and their work does not 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.

In June a delegation from the semigovernmental Human Rights Bureau, which commenced public activities in 2019, visited the Central Prison to review the government's steps to prevent the spread of COVID-19 in the prisons. The delegation praised the Ministry of Interior's preparedness to combat the virus. The Bureau consists of 11 voting members and five nonvoting governmental observers, and reports to the Council of Ministers.

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

## KUWAIT

### 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. Authorities did not effectively enforce laws against rape. Violence against women continued to be a problem. The law 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 sexual assault and domestic violence, which service providers stated contributes to a culture of underreporting by survivors.

When reported, police typically arrested perpetrators and investigated allegations of rape and, in a limited number of cases, prosecuted the accused. For example, in January police arrested a Bangladeshi national for kidnapping and raping a foreign resident woman. In February, three men were arrested and referred to the Public Prosecutor after abducting, raping, and holding a teenage girl captive in an apartment. In August a man was arrested after stabbing his aunt several times in her sleep, reportedly with the intent to kill her. In September a woman was killed by her second brother while recovering in the hospital after an initial attempt on her life by another brother over “family disputes.” Press reports indicated the brothers intended to kill their sister because they did not approve of her marriage. Both brothers were detained by police. In December a man was arrested for stabbing his sister to death. He was charged with premeditated murder and his case was referred to the Public Prosecutor.

Although the government does not regularly publish statistics on domestic violence, domestic violence cases against women were regularly reported by local NGOs. Service providers observed that domestic violence was significantly underreported to authorities but press publicized some high profile cases. In July the Court of Cassation upheld a death penalty sentence for a citizen who was charged with killing his pregnant Saudi wife three years ago. In March a man was arrested for murdering his wife and burying her body in the desert.

Women’s rights activists documented numerous stories of citizen and women foreign workers seeking help to leave an abusive situation who faced obstacles

## KUWAIT

because no shelters for victims of domestic violence existed. 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, since for any type of physical assault, 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. 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.

In August the National Assembly approved the country's first-ever domestic violence law. The law criminalizes domestic violence and provides victims with legal, medical, and rehabilitation services. It defines domestic violence as any form of physical, psychological, sexual, or financial mistreatment done by one family member against another. The law also calls for the establishment of a domestic violence shelter, and requires the Ministry of Social Affairs to begin compiling statistics on domestic violence in the country. The Ministry of Social Affairs was expected also to establish special teams to investigate domestic violence claims.

In January press reported that a foreign resident woman had filed rape charges against the Ambassador of her home country for an incident dating back to 2018. Reports indicated police refused to file the charges because the Ambassador maintained diplomatic immunity and the location of the alleged crime--the Ambassador's residence--was outside their jurisdiction.

In February the Criminal Court sentenced a security officer at Kuwait International Airport to seven years imprisonment for rape in an airport inspection room. He was also ordered to pay compensation.

As of November there were 34 rape cases registered at the courts. Final verdicts were issued in four of these cases. Final and appealable rulings for convicted cases included death penalty and jail terms from five years up to 15 years and life imprisonment.

## KUWAIT

As of November there were 420 cases of violence against women registered at the courts. Final verdicts were issued in 46 of these cases. Final and appealable rulings for convicted cases included jail terms from five years up to 15 years and life imprisonment.

**Other Harmful Traditional Practices:** Officials did not report any so-called honor killings during the year. In February the Criminal Court confirmed that honor killings as described in article 153 of the penal code would henceforth be treated as cases of premeditated murder, rather than as misdemeanors. In February the Criminal Court issued the death penalty against a man who alleged he had killed his daughter because he had suspicions regarding her “honor.” In the ruling, the judge clarified that the honor killing section of the law was not applicable in this case because the father had not caught his daughter “in the act.”

**Sexual Harassment:** Human rights groups characterized sexual harassment in the workplace as a pervasive and mostly 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.

**Reproductive Rights:** The government restricted some aspects of couples’ and individuals’ rights to decide the number, spacing, and timing of their children. Laws, criminal penalties, and social and cultural attitudes did not prevent unmarried women from seeking out information on reproductive health, yet some physicians were reluctant to administer certain procedures, such as pap smears, to unmarried women despite there being no law against it. Skilled attendance during prenatal care, essential obstetric care, childbirth, and postpartum care was available free of charge but not without significant penalties for unmarried individuals. Many stateless Bidoon and unmarried women reportedly had difficulty accessing nonemergency care.

Contraceptives were available without prescription regardless of nationality or age, but some doctors were reluctant to provide advice or information on contraceptives



## KUWAIT

to unmarried women. Cultural stigmas discouraged unmarried women from accessing contraceptives.

A mother who gives birth out of wedlock can be imprisoned along with her child. If an unmarried Kuwaiti woman is pregnant, authorities have been known to summon her partner and request a marriage certificate that is backdated nine months in order for the mother and father to avoid arrest. Families are known to pressure unmarried pregnant women to claim falsely they have been raped in order to avoid jail time and the stigma associated with sexual relations prior to marriage.

The government provided access to sexual and reproductive health services for survivors of sexual violence, but these services were largely inadequate. A large percentage of survivors of sexual violence had little access to health services. Expatriate survivors of sexual violence often had even less access to such services, particularly if they were illegal residents or their employer did not provide adequate medical coverage.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The law does not provide women the same legal status, rights, and inheritance provisions as men. Women experienced discrimination in most aspects of family law, including divorce and child custody, as well as in the basic rights of citizenship, the workplace, and in certain circumstances, the value of their testimony in 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 reported cases of official or private sector discrimination in accessing credit, owning or managing a business, or securing housing, but no official government system exists to track this issue.

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 the testimony of men and women equally, but in sharia courts the testimony of a woman equals half that of a man. A July study released by the Kuwait Society for Human Rights found that, while the constitution

## KUWAIT

provides for equal rights for women, its implementation often falls short and many laws contradict its equal protection provisions.

The Kuwaiti Family Law Code allows marriage between Muslim men and non-Muslim women (of Abrahamic religious groups 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.

Women do not enjoy equal citizenship rights as men. Female citizens are unable to transmit citizenship to their noncitizen husbands or to children. Failure to provide equal citizenship rights to women subjects their children to statelessness when a woman is married to a stateless Bidoon resident. In exceptional cases some children of widowed or divorced female citizens were granted citizenship by amiri decree, although this was a discretionary act. Individuals can petition the Ministry of Interior to include their name on a list of naturalizations, to be reviewed by the Council of Ministers. If approved, the names go to the amir for signature and are published in the national gazette. Male citizens married to female noncitizens do not face such discrimination, and their children are accorded the full legal protections of citizenship.

In August the General Administration of Residency Affairs rescinded its ban on allowing foreign worker mothers to sponsor their children's residence visas. The previous rule stated that a foreign worker mother could only sponsor her child if she was divorced or a widow. In July the National Assembly approved an amendment that would allow women to sign off on surgical procedures for family

## KUWAIT

members. Previously, women needed a male guardian's consent to authorize such procedures, including for their own children.

The law requires segregation by gender of classes at all public universities and secondary schools, although it was not always enforced.

### Children

**Birth Registration:** Birth registration is generally available to all citizens and foreign residents as long as the parents have a recognized marriage certificate dated at least seven months prior to the birth date of their child. Citizenship is transmitted exclusively by the father (see section 6, Discrimination). The government designates the father's religious group on birth certificates. The government often granted citizenship to orphaned or abandoned infants, including Bidoon infants. Bidoon parents, and in a few cases citizen women married to Bidoon or foreigners, but they were sometimes unable to obtain birth certificates for their children even after completing extensive administrative procedures. 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 public education to Bidoon has not been implemented fully. Lack of identification documents sometimes prevented Bidoon resident access to education even at private schools. The Education Ministry sets annual quotas for the number of Bidoon residents who can attend public schools, most of whom have citizen mothers. The others must attend private schools and pay fees. Charitable organizations offer tuition support to some but not all of these students.

**Medical Care:** Lack of identification papers restricted Bidoon residents' access to free medical care. In July the Ministry of Health announced that parents or legal guardians who do not vaccinate their children would be fined or jailed up to six months.

## KUWAIT

**Child, 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.

Most abuses occurred within the family. The new domestic violence law passed during the year provides protection for women and also covers children, in addition to protection provided by existing law. The Child Protection Office of the Ministry of Health 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. The Child Protection Office of the Ministry of Health 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 had not been staffed and the number had 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 Ministry of Health. 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 could expose them to sexual predators.

In January a foreign worker was arrested and sentenced to five years in jail for sexually assaulting a minor girl. In February a man was arrested for kidnapping and raping an eight-year-old boy.

The Ministry of Health's child protection office announced in January that it had received 2,139 complaints regarding abuse of children between 2015 and 2019. Complaints included physical violence, neglect, and sexual assault. The office received 650 complaints in 2019 compared to 100 in 2015.

## KUWAIT

**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 citizens and an estimated few dozen Jewish foreign resident workers. Anti-Semitic rhetoric generally originated from self-proclaimed Islamists or conservative opinion writers. There were reported cases of clerics and others making statements that perpetuated 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, included transporting Israeli passport holders on the country's national airline. In January, Yusuf Mehanna claimed that his citizenship had been revoked after he gave a public interview noting his intention to convert to Judaism.

### **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,

## KUWAIT

housing, and social welfare costs. The government had not fully implemented social and workplace programs to assist persons with physical and, in particular, vision disabilities.

The government continued to reserve 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 2019 the Public Authority for the Disabled announced it would start providing university scholarships for students with disabilities.

Authorities did not provide noncitizens with disabilities the same educational opportunities as citizens. Noncitizen students attended private schools only, which generally lacked accessible materials and reasonable accommodations.

Most citizen children with disabilities attended public school. The government supervised and contributed to schools and job training programs oriented to persons with disabilities. In August the Ministry of Education announced it would suspend in-person classes for students with disabilities until further notice because of COVID-19. The ministry reported that there were more than 52,000 persons with disabilities registered with the government, including thousands of school-aged children.

### **Members of National/Racial/Ethnic Minority Groups**

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 was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care (see sections 2.g, and 7.d.). The Ministry of Interior used 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, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

## KUWAIT

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 criminalizes and imposes a fine and imprisonment for one-to-three years for persons imitating the appearance of the opposite sex in public. These penalties were enforced. Transgender persons reported cases of repeated harassment, detention, abuse, and rape by police, who blackmailed and raped them without fear of reprisal.

In June transgender woman Maha al-Mutairi claimed via social media that she was detained by police due to her gender identity and jailed in a men's prison, where she was sexually assaulted and raped by police officers. Al-Mutairi was ordered to pay a fine for "cross dressing and imitating the opposite sex" and released without charges after widespread outcry from local and international LGBTI organizations. Al-Mutairi did not formally press charges and the alleged perpetrators were not investigated or prosecuted by authorities.

Societal discrimination and harassment based on sexual orientation and gender identity occurred. Officials 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.

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. Since 2016 authorities deported hundreds of foreign residents with HIV/AIDS. In February the government announced that some of the 42 officials found to be HIV

## KUWAIT

positive in the Ministries of Interior and Defense, as well as the National Guard, would be sent into retirement as a result of their diagnosis.

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

Unmarried persons, particularly foreign workers, continued to face housing discrimination and eviction based on their marital status and income. For example, authorities frequently raided apartment blocks housing foreign worker “bachelors,” and reportedly shut off water and electricity to force single male workers out of accommodations. Single foreign workers faced eviction due to a decision by the municipality to enforce this prohibition and remove them from residences allocated for citizen families, citing the presence of single men as the reason for increased crime, a burden on services, and worsening traffic.

The spread of COVID-19 in the early part of the year was followed by a strong upsurge in xenophobic rhetoric. A poll released in August showed that 65 percent of citizens believed foreign workers were mainly to blame for the spread of COVID-19 in the country. In July a Kuwaiti national was arrested for assaulting a migrant worker at a grocery store. On June 24, civil society organizations released a letter decrying the upsurge of hate speech during the pandemic.

### **Section 7. Worker Rights**

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

The law protects the right of citizen workers to form and join trade unions, bargain collectively, and conduct legal strikes, with significant restrictions. The government generally enforced applicable laws which were commensurate with those for other laws involving denial of civil rights, such as discrimination.

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. The law also stipulates any new union must include at least 100 workers and that at least 15 must be citizens.



## KUWAIT

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 August the National Assembly approved amendments to the private sector labor law that would provide full end-of-service benefits for workers. The indemnity covers a full end-of-service benefits package without deducting the employer's contribution to the Social Insurance Institution during the employee's period of employment.

In January, several vocational rehabilitation employees at the Public Authority for Disabled Affairs organized a sit-in protest of the suspension of their shift allowance. In July approximately 200 workers of a restaurant chain protested three months' worth of unpaid salaries during COVID-19-related lockdowns.

In March due to the COVID-19 pandemic, the Ministry of Interior established the "Leave Safely" campaign, which aimed to deport approximately 200,000 residence violators. The program granted violators an amnesty period through April 30, waiving all penalties and fees. The government also provided free tickets back to violators' home countries. In May unrest was reported at two migrant worker shelters for Egyptian nationals awaiting repatriation. Residents were barred from leaving the shelters due to authorities' fear the workers would transmit coronavirus to the general population, despite reports of limited access to water and electricity inside the facility. Kuwaiti Special Forces dispersed the crowds with tear gas and arrested several Egyptian laborers.

According to the PAM, as of November only 4.8 percent of the total workforce in the private sector were citizens. Most citizens (81.5 percent) worked in the public sector where they constituted 76.8 percent of the total workforce, in part because

## KUWAIT

the government provided lucrative benefits to citizens, including generous retirement.

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. Although the law prohibits withholding of workers’ passports, the practice remained common among sponsors and employers of foreign workers, particularly domestic employees in the home, and the government demonstrated no consistent efforts to enforce this prohibition. The government did not effectively enforce the law. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

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 January a group of foreign workers employed at a company contracted by the Ministry of Communications filed a complaint with the PAM over four months of unpaid salaries for 200 employees. The group also alleged that the company

## KUWAIT

forced them to pay an illegal fee of 900 dinars (\$2,930) for their residence permits under threat of expelling them from their housing. In July the Ministry of Education announced it was moving to suspend the licenses of six private schools for not paying teachers' wages.

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 foreign 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. As of November private sector and domestic labor employers filed approximately 15,000 reports claiming that employees "absconded." Domestic workers filed approximately 425 complaints against their employers in accordance with the domestic labor law. As of November, PAM statistics indicated that 2634 domestic helper-related complaints had been filed. 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. In July the PAM announced it would no longer accept private sector complaints over absenteeism, after reports some employers were filing them maliciously as a pretext to violate labor laws.

In September the PAM, the Supreme Council for Planning and Development, the United Nations Development Program and the International Organization for Migration launched the "Tamkeen Initiative" to implement the International Recruitment Integrity System to promote ethical recruitment of migrant workers.

The PAM operated a shelter for abused domestic workers. As of November according to a government source, the shelter had a capacity of 500 and housed 461 female domestic workers, victims of abuses or persons who were otherwise

## KUWAIT

unwilling to continue to work for their employers and preferred to leave the country.

A government-owned recruiting company designed to mitigate abuses against domestic workers (“Al-Durra”) 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. Al-Durra’s services included worker insurance, a 24/7 abuse hotline, and follow-up on allegations of labor rights violations. As of November the company announced that it helped bring into the country 205 domestic workers from the Philippines, 354 from India, 978 from Sri Lanka and four from Burkina Faso. 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 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 August a female citizen was detained for torturing an elderly Sri Lankan maid by burning various parts of her body. Her three underage sons were also involved. Security forces freed the Sri Lankan migrant woman and transferred her to the Sri Lankan embassy to complete legal procedures. The case was pending as of November. In September the government announced it was opening an investigation into the death and alleged torture of a separate Sri Lankan domestic worker. The sponsor and his wife were under investigation.

In January the Philippines imposed a full ban on new workers bound to the country after the death of Filipina domestic worker Jeanelyn Villavende. The Philippine government noted that an autopsy showed Villavende was raped and beaten before

## KUWAIT

she died at the hands of her employers in December. The Public Prosecutor detained because of her death a couple who had employed Villavende and referred the case to the Criminal Court on charges of premeditated murder, which carries the death sentence. The defendants denied the charges in a February court appearance. The government lifted the worker ban in February after coming to agreement over a standardized work contract that gave additional protections to workers. On December 30, the wife was sentenced to death by the Criminal Court and the husband was sentenced to four years for attempting to cover up the crime. Under the law, all death sentences are automatically reviewed by the Appeals Court.

Numerous media reports highlighted the problem of residence permit or visa trading, wherein companies and recruitment agencies collude to “sell” visas fraudulently to prospective workers. Often the jobs and companies attached to these visas do not exist, and workers are vulnerable to exploitation in the black market where they are forced to earn a living and repay the cost of their residence visa. Arrests of traffickers and illegal labor rings occurred almost weekly. In July the Minister of Social Affairs and Minister of State for Economic Affairs announced that the ministry had suspended the licenses of 2,207 companies and institutions in connection with visa trading. In August the PAM stated it had referred more than 400 companies to the Public Prosecutor over visa trading allegations since the beginning of the pandemic. Since workers cannot freely change jobs, many were unwilling to leave their initial job, even if their position existed only “on paper,” or due to low wages, wage nonpayment, or unacceptable working conditions. Workers who left their employers due to abusive treatment, nonpayment of wages or other practices associated with visa trading risked falling into illegal residency status, being accused of “absconding,” and being deported.

The COVID-19 pandemic brought increased public and press attention to visa trading. Civil society groups, press outlets, and MPs called for the government to increase its efforts to protect victims and punish traders and their enablers. In April and May, the Ministry of Interior announced numerous visa-trading investigations into government officials and those with government ties.

## KUWAIT

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 child labor law. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. 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.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **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

## KUWAIT

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. As of November women represented 52.8 percent of the citizen population, but there was a total female workforce participation rate of 55.2 percent in the public sector and 10.4 percent in the private sector. In July the Kuwait Society for Human Rights released a study describing the percentage of women in public sector leadership positions: 13 percent of ministers; 7 percent undersecretaries; 13 percent assistant undersecretaries; 19 percent directors of state bodies, agencies, or institutions; 9 percent deputy directors; 21 percent assistant secretaries general, 2 percent ambassadors; and 42 percent members in the Fatwa and Legislation Department. As of November the government announced 54 women occupied governmental leadership positions versus 294 men (the gender ratio in leadership positions was roughly 15 percent).

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 government generally enforced these provisions. Noncitizens with disabilities had no access to government-operated facilities that covered job training, and the government still had 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

## KUWAIT

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 foreign workers 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 foreign workers calling for strikes with termination and deportation.

Shia continued to report government discrimination based on religious group. For example, Shia were not represented in any branch of the security forces and rarely held leadership positions in the security forces. 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 were not able to bring their families to the country. Employers generally provided some form of housing. In 2019, the country ratified the Convention on the Elimination of Violence and Harassment by Public and Private Employers, which came into effect in July.

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. Penalties were commensurate to laws related to civil rights, such as election interference.

The government issued occupational health and safety standards that were up-to-date and appropriate for the main industries. For example, the law provides that all



## KUWAIT

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. In July the PAM reported that 138 companies had violated the summer heat work ban during its recent inspections.

The law and regulations governing acceptable conditions of work in the private sector do not apply to domestic workers. The PAM has jurisdiction over domestic worker matters and enforces domestic labor working standards.

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

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. In April the PAM announced the establishment of emergency hotlines to track visa trading and labor infraction allegations.

The government did not effectively enforce the private sector labor law. The number of inspectors was not sufficient to deter violations. The PAM 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 Kuwait Trade Union Federation, Kuwait Society for Human Rights, 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 10,498 complaints from workers, of which approximately 2,693 were referred to the courts. These complaints were either regarding contract matters, such as nonpayment of wages, or concerning difficulties transferring work

## KUWAIT

visas to new companies. Most of the complaints were resolved in arbitration, with the remaining cases referred to the courts for resolution.

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.

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 2019 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. The PAM began implementing this system in February.

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

## **KUWAIT**

of domestic worker abuse. Severe cases included those where there were significant, life-threatening injuries or death.