

Local

US State Department highlights human rights issues in Kuwait

Govt took significant steps forward, but cases of abuse remain

KUWAIT: The US Department of State released the 2020 Country Reports on Human Rights Practices in Kuwait, which highlights some "significant human rights issues" including 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; among others.

The report indicates that the Kuwaiti 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, however impunity was still a problem in corruption cases. Furthermore, it charges that there continued to be reports of torture and mistreatment by police and security forces against detained members of minority groups and noncitizens, the report notes.

Several noncitizens claimed police or Kuwaiti State Security (KSS) force members beat them at police checkpoints or in detention. Numerous activists representing a particular group of stateless persons known as "Bedoon" reported mistreatment at the hands of authorities while in detention. There continued to be allegations from individuals that they were subjected to unlawful detention and physical and verbal abuse inside police centers and State Security detention centers.

Prison 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.

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.

Freedom of speech

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.

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. Also in March the Criminal Court began hearing the case against former MPs and professor Abdullah Al-Nefisi for insulting the UAE on Twitter.

Freedom of movement

Bedoon residents and foreign workers faced problems with, or restrictions on, foreign travel. The government restricted the ability of many Bedoon residents to travel abroad by not issuing travel documents, although it permitted some Bedoon 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 Bedoon 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 Bedoon 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 Bedoon 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 Bedoon residents in the military to be 3,500. 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.

Stateless persons

According to press figures, there were approximately 88,000 Bedoon residents in the country. Human Rights Watch and Amnesty International estimated the Bedoon resident population at more than 100,000. The law does not provide stateless persons, including Bedoon persons, a clear path to acquire citizenship. As of November government sources announced no Bedoon 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 Bedoon with no access to the judiciary to present evidence and plead their case for citizenship.

The Central Agency for Illegal Residents oversees Bedoon resident affairs. In November the Council of Ministers issued a resolution extending the agency's expired term by one additional year. Bedoon residents, Bedoon rights advocates, MPs, and human rights activists protested the decision, arguing that the Agency had not been effective in resolving matters pertaining to the Bedoon. They argued that conditions for Bedoon residents had dramatically deteriorated under the agency's leadership. They pointed to dozens of Bedoon 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 Bedoon residents for review since its establishment in 2010.

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

Although Bedoon 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.

The government alleged that the vast majority of Bedoon residents concealed their "true" nationalities and were not actually stateless. Agency officials have extended incentive benefits to Bedoon who disclose an alternate nationality, including priority employment, and the ability to obtain a driver's license. In 2018 approximately 12,700 Bedoon admitted having a claim on another nationality.

Bedoon leaders alleged that when some members of the Bedoon 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 Bedoon agreed to sign a blank piece of paper. Later, Bedoon reported, the agency would write a letter on the signed paper purportedly "confessing" the Bedoon's "true" nationality, which rendered them ineligible for recognition or benefits as Bedoon. 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 Bedoon 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 Bedoon residents and issue them required documents.

According to international observers, some Bedoon residents underwent DNA testing purportedly to "prove" their Kuwaiti nationality by virtue of blood relation to a citizen. Bedoon 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 Bedoon fathers and citizen mothers are typically rendered stateless, as the law does not allow women to transmit nationality.

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 stab-

bing 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 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.

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.

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."

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.

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. 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.

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

Forced Labor

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 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.

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

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 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.