

# KUWAIT 2022 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 in September 2022.

Police have sole responsibility for the enforcement of laws not related to national security, while the Kuwait State Security oversees national security matters. Both police and Kuwait State Security personnel report to the Ministry of Interior, as does the Coast Guard. The Kuwait National Guard is independent of the Ministry of Interior and the Ministry of Defense. The Kuwait National Guard reports to the prime minister and the Amir. 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 credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by government agents; arbitrary arrest; political prisoners and detainees; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations (NGOs) and civil society organizations; restrictions on freedom of movement including the right to leave the country; serious government corruption; government harassment of domestic human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic or intimate partner violence; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and the existence and use of laws criminalizing consensual same-sex sexual conduct between adults.

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 and trafficking in persons cases.

## **Section 1. Respect for the Integrity of the Person**

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

There was one report that the government or its agents committed an arbitrary or unlawful killing. In July media reported that Kuwaiti citizen Walid Saud al-Sulaili died while in custody in unclear circumstances. According to a Kuwait Society for Human Rights report, al-Sulaili died during his arrest. Initial information indicated he was beaten in the “Jahra Stables” area and later died in Jahra Hospital.

Activists alleged on Twitter that he had died of a cerebral hemorrhage and there were signs of torture on his body. Media reported some members of parliament (MPs) called on the minister of interior to investigate and that the Ministry of Interior referred the case to the Public Prosecutor’s Office for investigation.

### **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 by media and NGOs of torture and mistreatment by police and security forces.

Several noncitizens claimed police or Kuwaiti State Security (KSS) force members beat them at police checkpoints or in detention. At least five foreign nationals reported credible cases of abuse or mistreatment during arrest or interrogation by law enforcement, including the Ministry of Interior’s Drug Enforcement General Directorate (DEGD).

There were credible indications that police, KSS force members, and the DEGD abused prisoners during arrest or interrogation. In January family members of detained citizens protested outside of the Public Prosecutor's Office over claims that their relatives were tortured and abused in prison. Media outlets and the Kuwait Society for Human Rights reported that a Ministry of Interior officer was arbitrarily arrested and physically tortured by State Security Bureau officers in January. Sources reported that in his complaint, the officer alleged that he was detained for a day and a half in a cold room with no chair or bed, forcing him to sleep on the ground in cold temperatures. He claimed to have fainted, after which he was transferred to a hospital. The Ministry of Interior suspended the four officers involved in the incident, and media reported the Public Prosecutor's Office had charged them with kidnapping and torture. In September a court hearing by the Criminal Court acquitted the four KSS officers of the torture charges and dismissed the civil lawsuit.

According to Kuwaiti newspaper *Al-Jarida*, in June, Kuwaiti citizen Abdullah al-Tami accused detectives from the Ministry of Interior's Criminal Investigations General Department of having tortured and injured him after he was arrested in late May for the use of an unlicensed weapon. According to a Kuwait Society for Human Rights report, he was transferred to an intensive care unit. Activists published a medical report stating that he had lost consciousness and suffered from weakness and hemorrhaging due to his injuries. In June Kuwait's quasi-governmental National Diwan for Human Rights visited al-Tami in the hospital, where he told the Diwan officials that he had filed a complaint with the Public Prosecutor's Office. Then Minister of the Interior Sheikh Ahmed al-Nawaf Al Sabah announced on June 7 that the ministry was conducting an internal investigation into the torture allegations.

Numerous activists representing stateless persons of Arab heritage – 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 unlawful detention and physical and verbal abuse in police centers and State Security detention centers. Multiple transgender individuals reported cases of rape and physical and verbal abuse by police and prison officials.

The government investigated complaints against police and took disciplinary

action when the government determined it was warranted. As of October, the Ministry of Interior referred 19 complaints against ministry staff to the Public Prosecutor's Office and took disciplinary action in another 44 cases.

In April the minister of interior referred the Assistant Undersecretary of Criminal Security and the Director of the Cybercrime Department for investigation for not properly following inspection procedures when detaining an individual for their social media posts. The government did not make public its investigative findings or administrative punishments.

Although government investigations do not often lead to compensation for victims, the victim can use government reports and results of internal disciplinary actions to seek compensation via civil courts.

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

Prison conditions were harsh due to overcrowding.

**Abusive Physical Conditions:** Prison overcrowding continued to be a significant problem. The Ministry of Interior holds men and women in separate prisons within the prison complex in Sulaibiya, while the Ministry of Social Affairs is responsible for juveniles and holds them at the Juvenile Welfare Department in Sulaibikhat. Within the prison complex, pretrial prisoners and misdemeanors are held in the Public Prison, and convicted prisoners are held in the Central Prison. According to the Ministry of Interior, the capacity of the Central Prison is 2,709 inmates, and there were 3,069 inmates as of October. If a woman gives birth while imprisoned, she has the right to decide to keep her child with her in the Women's Prison.

The Ministry of Interior reported no overcrowding at the deportation center as of October and stated the average period of detention at the center prior to deportation was no more than three days. Local NGOs reported overcrowding at the deportation center throughout the year.

Access to and quality of food, potable water, sanitation, heating, ventilation, lighting, and medical care were adequate. The Ministry of Interior reported there was a hospital and several specialized clinics in the prison complex run by the

Ministry of Health. More serious medical cases were referred to hospitals outside of the prison complex. Only Muslims and Christians are permitted to pray and possess religious literature while detained. According to the government, 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. As of October, there were four deaths by natural causes, in addition to a suicide case. None of the deaths in prisons, jails, pretrial detention, or other detention centers was attributed to prison conditions.

Narcotics continued to be a major problem inside prisons. In August local media reported that a woman prisoner was sent to the hospital for a drug overdose. *Arab Times* reported that prison officers conducted surprise searches and seized mobile phones, narcotics, and other contraband.

The current number of complaints of sexual or physical violence reported by prisoners was unavailable, as was data on any employees terminated.

**Administration:** There were some reports of corruption and lack of supervision by the administration of the prison and detention center system. Inmates lodged 35 complaints against prison officials and 53 complaints against other inmates. Authorities allowed Muslim imams and Christian clergy access to prisoners and detainees for religious observance, but other religions did not have this privilege.

**Independent Monitoring:** The Ministry of Interior permitted independent monitoring of prison conditions by some nongovernmental observers and international human rights groups, although required written approval for visits by local NGOs. Authorities permitted staff from the Kuwait Red Crescent Society, the International Committee of the Red Cross, the UN High Commission for Refugees (UNHCR), the Evangelical Church, the Kuwait Bar Association, and the Human Rights Diwan to visit prisons and detention centers during the year.

**Improvements:** In March Amir Sheikh Nawaf al-Ahmad al-Jaber Al Sabah issued a decree pardoning 1,080 prisoners for various misdemeanors and felonies, such as failure to pay off outstanding debt. Of those pardoned, 530 prisoners had their fines forgiven and 200 were released immediately, including 70 citizens and 130

noncitizens. In May the Ministry of Justice launched new remote hearing procedures for prisoners located at prisons, so they were no longer required to wait to travel to the Palace of Justice for hearings. Observers indicated that sanitation and facilities maintenance had generally improved from previous years.

#### **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, except when related to questions of citizenship or residency status. There were numerous reports of police arresting and detaining noncitizens without a warrant and there were several reports of arbitrary arrest, including of citizens.

Questions of citizenship or residency status are not subject to judicial review, so noncitizens arrested for unlawful residency (or those whose residency is canceled due to an arrest) have no access to the courts. In October the Constitutional Court's Challenges Examination Committee rejected three appeals against legal articles which ban courts from looking into nationality, foreigners' residency, and deportation cases.

The law allows government authorities to administratively deport a person without judicial review, but the law requires the person to be a threat to 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 deportations. In July the Kuwait Environment Public Authority announced that any expatriate committing a serious environmental violation, such as unlawful fishing or disposing trash in nondesignated areas, would be immediately deported.

In October security sources told media that approximately 23,000 expatriates had been deported since January, most for violating various laws. The *Kuwait Times* later reported that the Ministry of Interior had deported 30,000 expatriates during 2022, of whom 660 were deported judicially, with the majority deported administratively. Sources indicated that expatriates were deported for "drug use, fighting, theft, brewing alcohol, and expired residencies".

Foreign workers administratively deported generally lacked access to labor dispute mechanisms, judicial review of their deportation, or screening for trafficking in

persons indicators.

Noncitizens charged in criminal cases face legal deportation, which they can challenge in court.

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

Police 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 by NGOs of police arresting and detaining noncitizens without a warrant, seemingly as part of the government's effort to deport unlawful residents. Authorities generally informed detainees promptly of the charges against them and allowed access to family members and a lawyer of their choice. For defendants without a lawyer, one is provided by the state. The courts usually do not accept cases without a warrant issued prior to arrest. In some detention cases, authorities permitted lawyers to attend legal proceedings, but did not allow them 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, some detainees, especially those held for drug and state security crimes, were detained for periods of one to two weeks without notification 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, to question the suspect and investigate the case. Prosecutors also may obtain court orders to extend detention for another 15 days, up to a maximum of four months' detention pending trial. There is a functioning bail system for defendants awaiting trial.

**Arbitrary Arrest:** There were several reports of arbitrary arrest, including of

citizens. In February, the Court of Appeals upheld poet Jamal al-Sayer's November 2021 acquittal by the Criminal Court. In July 2021, authorities arrested Jamal al-Sayer after they raided his home and charged him with insulting the Amir and spreading false news on Twitter. Al-Sayer had posted poems on social media alleging government corruption and directly addressed the Amir on his social media accounts.

**Pretrial Detention:** Arbitrary and lengthy pretrial detention sometimes occurred. Authorities held some detainees beyond the maximum pretrial detention period of six months. The length of pretrial detention did not equal or exceed the maximum sentence for the crime. 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. In 2021 the government amended its freedom of speech laws to prohibit pretrial detention for defendants in freedom of expression cases. Prolonged detention at the government-run Talha Deportation Center was also a problem, particularly when a foreign worker detainee allegedly owed money to a citizen or lacked in-country diplomatic representation able to facilitate exit documents. International organizations stated that these cases could take up to one month to resolve. The government stated that most deportation cases were resolved within three days. There were 523 individuals held in pretrial detention as of October.

According to Kuwaiti newspaper *Al-Qabas*, in September, the Public Prosecutor's Office issued a decision to detain 14 stateless Arab residents of Kuwait (Bidoon) in pretrial detention for 21 days for participating in an unlicensed gathering. All those detained have been released and their case is under review with the Criminal Court as of December.

### **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 are Kuwaiti citizens receive lifetime appointments until they reach mandatory retirement age. Noncitizen judges held one- to three-year renewable contracts. The Supreme Judicial Council



may remove judges for cause. The government continued implementing a “Kuwaitization” initiative launched in 2021 to recruit more of its own citizens for public sector employment, including in the judiciary. Generally, the judiciary was independent; however, 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 workers – were detained and deported without recourse to the courts.

## **Trial Procedures**

The constitution provides for the right to a fair and public trial, and the independent judiciary generally enforced this right. The law forbids physical and psychological abuse of the accused. Defendants have the right to a presumption of innocence, to be present at their trial, and to receive prompt, detailed information on the charges against them. The Ministry of Justice is required to pay for and provide defendants with an interpreter for the entire judicial process. If an interpreter is not available during an ongoing investigation, the Ministry of Justice is required to postpone the investigation until an interpreter is available. However, NGOs claimed that in some cases, defendants who did not speak or understand Arabic learned of charges against them after their trial began, because an interpreter was not provided when charges were presented.

Criminal trials are public unless a court decides that the “maintenance of public order” or the “preservation of public morals” necessitates closed proceedings. Defendants generally have the right to communicate with an attorney of their choice. 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.

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.

Under domestic labor law, domestic workers are exempted from litigation fees. If foreign workers had no legal representation, the public prosecutor sometimes 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 reports of persons detained for expressing their political views. These individuals were given the same protections as other detainees and the government permitted human rights groups to visit them. Throughout the year the government continued to arrest individuals on charges such as insulting the Amir, leaders of neighboring countries, or the judiciary; or “spreading false news.” The courts issued final verdicts for seven cases and 28 nonfinal rulings in cases of individuals charged with insulting the Amir. Some defendants were acquitted, while others received jail sentences ranging from one to 15 years. Sentences for organizing public demonstrations amongst the Bidoon, participating in unlicensed or illegal demonstrations against the country’s ruling system, spreading false news, or 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 opinions and ideas critical of the government.

According to *Al-Rai*, following a June 10 demonstration against an Indian politician’s tweets disparaging the Prophet Mohammad, Kuwaiti authorities announced plans to arrest and deport expatriates who participated in the protests because they violated Kuwaiti laws which bar non-Kuwaitis from participating in public protests. Kuwait lodged an official complaint to the Indian ambassador over the same comments.

In September the Gulf Centre for Human Rights and local media reported that authorities arrested Abdullah Fayrouz, a human rights activist and Bidoon rights advocate, for participating in an unlicensed gathering calling for equal rights for Bidoon and for the abolition of the Central Agency for Illegal Residents. Fayrouz

was detained at the Central Prison with at least 20 other Kuwaiti and Bidoon activists. Those holding Kuwaiti citizenship were released the same day as their detention. Three days later, a judge ordered the release of the Bidoon detainees, as well as Fayrouz, on bail of approximately 300 Kuwaiti dinars (\$990); the case remained pending as of November. In September 2021 authorities released Fayrouz from prison after serving eight years for insulting the Amir on Twitter. Fayrouz, who claims that he is a citizen but that the government has treated him as a Bidoon, had also been sentenced to exile, but was never deported because no country has accepted him. The Ministry of Interior withdrew his Kuwaiti passport in 2008. In a final 2013 ruling, the Court of Cassation issued declared that the Ministry of Interior should return his passport, but the ministry has yet to do so as of the end of the year.

### **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 requirements for political reasons. Authorities frequently used administrative punishments, such as travel bans or deportation, in civil matters. As of October, the government had issued 6,112 travel bans for citizens, and 6,090 for noncitizens, for reasons including pending court cases, personal status cases, and outstanding financial claims. In most cases of labor law abuses, victims can go to the Public Authority of Manpower or the Domestic Workers Employment Department to reach a negotiated civil settlement outside of court. For cases of physical or sexual abuse, workers can file criminal complaints at police stations or through the Public Prosecutor's Office. For other labor related complaints, workers can file complaints with the Public Authority of Manpower or the Domestic Workers Employment Department, and if unsuccessful, can pursue their cases in labor courts.

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

The constitution and the law prohibit interference with privacy, family, home, or correspondence, and there were no reports that the government failed to respect these prohibitions. Cybercrime agents within the Ministry of Interior regularly

monitored publicly accessible social media sites, however, and sought information regarding owners of accounts, although foreign-owned social media companies denied some requests for information.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media; however, there were serious restrictions on free expression and media, including censorship and the existence of criminal libel laws. The law also imposes penalties on persons who create or send “immoral” messages or spread false news. The law gives the Public Prosecutor’s Office the power to order the suspension of communication services on national security grounds. The number of individuals convicted for expressing their opinions was not available at year’s end.

**Freedom of Expression:** The law bans certain issues for publication and public discussion. Topics banned for publication include insulting religion, in particular Islam; criticizing the Amir; endangering relations between Kuwait and friendly countries; insulting members of the judiciary or displaying disdain for the constitution; compromising classified information; sorcery; and publishing information that could lead to a devaluation of the currency or create false economic worries. In general, local activists, academics, journalists, and opposition political figures reported they were sometimes contacted by KSS, Ministry of Information, and Public Prosecutor’s Office officials after they had published opinions deemed contrary to government positions. Government authorities did not always take immediate action against citizens’ overseas social media posts, but it reserved the right to do so once the author returns to the country. Government officials have broad latitude to interpret what constitutes a crime when criticizing the Amir or the government, and activists can face up to seven years in prison for each count.

According to the *Arab Times*, in January the Public Prosecutor’s Office released former MP Faisal al-Muslim on bail after questioning him over tweets considered

offensive per a formal complaint filed by former National Assembly Speaker Marzouq al-Ghanim. The courts continued to sentence political activists to harsh prison sentences for charges of criticizing the Amir, the government, religion, or friendly neighboring states.

According to local media, in August the Administrative Court rejected former opposition MP Bader al-Dahoum's appeal after he was excluded from a list of eligible candidates for the September parliamentary elections due to his 2014 conviction over insulting the Amir. Al-Dahoum challenged the verdict at the Court of Cassation after a previous ruling by the same court had allowed him to run in the December 2020 elections. The Court of Cassation rejected his appeal in September.

In September the Constitutional Court upheld a 2016 amended clause in the election law that prevents those convicted of criticizing the Amir, God, and prophets from voting, running in elections, or holding public positions for life.

On November 5, the Interior Minister announced the removal of “security restrictions” on approximately 15,000 Kuwaiti citizens. The minister said the decision was intended to “support freedom of expression,” and align with the constitution, which states, “freedom of opinion is guaranteed.” The ministry had reportedly placed unspecified restrictions on certain citizens without obtaining court orders, such as barring them from entry into military colleges or from holding public sector leadership positions. Several National Assembly MPs told local media they supported the minister’s decision. On November 7, the Interior Minister announced the establishment of a governmental petition committee for citizens to report unwarranted security restrictions and any other related grievances by emailing a general address at the ministry, or by petitioning through the existing unified government application for electronic services (“Sahl”).

**Censorship or Content Restrictions for Members of the Press and Other 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 Information may request that the Ministry of Commerce and Industry ban any media organization; media organizations can challenge media bans in the administrative courts. Newspaper publishers must obtain an operating license from the Ministry of Information. Both government and privately owned broadcast media are subject to the same laws as print media. In June, the minister of information ordered the ministry to revoke the licenses of 90 electronic news services and referred 73 media outlets to the Public Prosecutor's Office for violating press and publication, audiovisual, and electronic media laws. In July, the Ministry of Information announced it had referred 62 media outlets to the Public Prosecutor's Office for violating the electronic media law and publishing false news regarding the Cabinet. In September, an assistant undersecretary of the Ministry of Information told local press that the ministry had referred 38 media outlets to the Public Prosecutor's Office for violating the law in covering the ongoing parliamentary elections.

In 2021 amendments to the Press and Publications Law came into effect which dismantled the Ministry of Information's oversight committee for imported publications, mainly books. Publishers are no longer required to obtain prior permission from the Ministry of Information to import books; they are required to provide a copy of the book to the ministry, and to report the book title, author's name, and number of copies to be imported. Publishers remain liable for legal action if the courts receive an official complaint from the public. Additional new amendments to the Press and Publications Law prohibit publishing any content that "stirs up sectarianism or tribal strife" or racist ideas. According to the Ministry of Information, the Ministry of Endowments and Islamic Affairs reviewed books of a religious nature.

Media outlets exhibited a range of opinions on topics relating to social problems, but all appeared to self-censor, avoiding critical discussion on topics such as the Amir and religion. Media outlets also self-censored discussions of certain sensitive topics, such as sex. Authorities such as the Ministries of Education and Information 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 the news media. Widely available satellite dishes and virtual private networks allowed unfiltered media access.

**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. The constitution states the Amir is “immune and inviolable” and the penal code and press and publications law criminalize defamation and criticism of the Amir.

**National Security:** The law forbids the 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 Publications Law, and the National Security Law. The government generally restricted freedom of speech in instances purportedly related to national security, including glorifying Saddam Hussein and references to the “Arabian Gulf” as the “Persian Gulf.”

In March the Criminal Court sentenced a Twitter user to 10 years in prison with hard labor for defaming the Amir and insulting Saudi Arabia. In May the Public Prosecutor’s Office ordered state security forces to arrest ruling family member Sheikh Fahd Salem Al-Ali for posting a tweet allegedly criticizing the Amir.

## **Internet Freedom**

The law criminalizes certain online activities, including unauthorized access to information technology systems and confidential information; blackmail; use of the internet for terrorist activity; money laundering; and utilizing the internet for human trafficking. The cybercrime department at the Ministry of Interior received 1,936 cybercrime-related complaints including 83 complaints filed by state agencies against organizations and individuals.

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. As of October, the Ministry of Information had

licensed 435 e-media outlets and accepted 61 new licensing requests. Information was unavailable on the number of new registration applications, rejected applications, existing registered sites, and fines issued.

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, including by email and social media, based on laws related to libel, national unity, and national security. The government prosecuted some online bloggers under the Printing and Publications Law and the National Security Law.

In June the Court of Appeals upheld a ruling sentencing a Kuwaiti citizen and a Syrian man to three years in prison for insulting the Amir, spreading false news, and publishing offensive tweets on fake accounts. In July the Ministry of Interior’s Cybercrime department arrested the administrator of a fake social media account with more than 200,000 followers and referred him to the Public Prosecutor’s Office for investigation. The government filtered the internet primarily to block pornography; lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) material (to include advocacy and legal information); and sites critical of Islam. The Communication and Information Technology Regulatory Authority (CITRA) blocked 43 websites as of the second quarter of 2022. CITRA reported that the blocked websites included content considered offensive to the state and harmful to public morals, in addition to fraud and intellectual copyright violations. According to CITRA, websites are blocked upon receipt of a request from the Public Prosecutor’s Office or KSS.

### **Restrictions on 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 current and previous Amirs or Islam. The government censored academic curricula for topics relating to the Holocaust, sex, gender studies, and other sensitive subjects. In June Kuwait University closed the Women’s and Gender



Studies Unit, which primarily held seminars and discussions featuring academics from Kuwait and the Arab region. The university did so after facing criticism on social media from several MPs and public leaders for discussing such topics. The government restricted artistic presentations and theatrical performances perceived to damage public morals.

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**

The government limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Noncitizens and Bidoon are prohibited from demonstrating. The government requires citizens to obtain permits for public gatherings of more than 20 persons. 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.

In February more than 150 persons organized a peaceful protest in front of the National Assembly in response to growing concerns over violations of women's rights and freedoms. The protest was organized soon after several MPs and social media users denounced a women's yoga retreat as "immoral." The retreat allegedly was postponed after authorities required organizers to obtain a permit. Protestors also objected to a Ministry of Endowments and Islamic Affairs Fatwa Committee's nonbinding recommendation to limit a woman's ability to join the military, including requiring her male guardian or husband's consent for her to enlist. Media reported that one Bidoon activist participating in the protest was arrested.

Several Bidoon launched a sit-in campaign in early August to advocate for Bidoon rights and the abolition of the Central Agency for Resolving the Situation of Illegal Residents ("Central Agency"), which oversees Bidoon issues. On the twenty-second day of the sit-in, several hundred Bidoon and Kuwaiti activists gathered in

Freedom Square. Several days after the gathering, 14 Bidoon and seven Kuwaiti activists were summoned for questioning. Media claimed the Public Prosecutor's Office ordered the detention of all 21 activists, then released the seven Kuwaitis on bail and banned them from travel. The 14 Bidoon residents were ordered to pretrial detention for 21 days and referred to the Central Prison on charges of participating in an unlicensed gathering. Three days later, a judge ordered the release of the Bidoon detainees on bail of approximately 300 Kuwaiti dinars (\$970). As of December, the case remained pending with the Criminal Court.

### **Freedom of Association**

The constitution provides for freedom of association, but the government placed restrictions on this right. The law prohibits officially registered NGOs 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. As of October, the ministry had approved only five of 47 new applications for NGO registration. The ministry continued to reject some new license requests, contending established NGOs already provided services like those the petitioners proposed. Due to government restrictions, dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status, and many chose not to register due to bureaucratic inconvenience, including inability to meet the minimum 50-citizen member threshold. Members of licensed NGOs must also obtain permission from the ministry to attend international conferences as official representatives of their organization. Following the submission of many applications from inactive NGOs to take part in activities abroad, the ministry's NGOs Department in 2019 set regulations for NGO members to take part in conferences, lectures, and seminars held outside the country. These regulations included limiting the maximum number of participants to two per NGO, ensuring the conference theme was part of the goals of the concerned organization's establishment, and requiring that the ministry be notified at least one month in advance. Several NGOs reported that NGOs registered after 2003 were ineligible to receive any financial support from the government.

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

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

### **d. Freedom of Movement and the Right to Leave the Country**

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

With limited paths 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 them 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, if they held valid security cards issued by the Central Agency for Illegal Residents and did not have security restrictions placed on their file. In February the Director of the Passports Department at the Ministry of Interior clarified that only children of Kuwaiti mothers, wives of Kuwaiti citizens, students studying abroad, and sick individuals with a valid security card issued by the Central Agency were eligible to apply for Article 17 passports. The Director stated that no passports could be issued to Bidoon individuals unless they belonged to the aforementioned groups. Foreign workers who obtain emergency travel documents from their home country embassy are required to obtain permission from the Public Authority of Manpower and the Ministry of Interior to exit the country.

The law also permits travel bans on citizens and noncitizens accused or suspected of violating the law, including for debt nonpayment, and allows citizens to petition authorities to impose a travel ban on others. This provision was sometimes imposed arbitrarily, resulting in delays and difficulties for citizens and foreigners leaving the country. Human rights activists reported being banned from travel to

prevent them from participating in overseas events for minor infractions, such as failing to pay parking tickets.

**Citizenship:** By law the government is prohibited from revoking the citizenship of those born a citizen unless an individual takes a second nationality. The government can revoke the citizenship of naturalized citizens for cause and can subsequently deport them. Justifications for such revocations include felony conviction for “honor-related and honesty-related crimes,” obtaining citizenship dishonestly, and threatening to “undermine the economic or social structure of the country.” In 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. In April, however, the Court of Cassation’s Judicial Principles Unification department ruled that no court at any level had jurisdiction over citizenship disputes for either native-born or naturalized citizens. The court noted in its decision that citizenship issues fell under sovereign acts not subject to judicial review based on Decree Law No. 20 of 1981. Previously, some courts had reviewed citizenship issues based on Article 166 of the Constitution, which states all persons have the right to litigation.

On occasion the government revokes citizenship. The Supreme Committee for the Verification of Kuwaiti Citizenship reported that as of October, it had naturalized 12 persons and revoked the citizenship of six citizens. If a person loses citizenship, all family members whose status was derived from that person also lose their citizenship and all associated rights. Absent holding another nationality, those impacted would become stateless. Authorities can seize the passports and civil identification cards of persons who lose their citizenship and enter a “block” on their names in government databases. This “block” prevents former citizens from traveling with Kuwaiti passports, accessing free health care, or using 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 based on security or criminal violations committed by the individual’s family members.

## **e. Protection of Refugees**

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protections to refugees. The country is not a party to the 1951 Refugee Convention or the 1967 protocols. While the government did not grant refugee status or asylum, as of October, UNHCR officially recognized 2,085 “persons of concern” in the country. These persons of concern were legally in the country under employment contracts and were seeking resettlement in a third country. Of these individuals, 1,131 were Iraqi, 224 were Syrian, and 730 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.

**Access to Basic Services:** Government policies made public health care more expensive for foreign workers but placed a cap on education fees. UNHCR received feedback from persons of concern that healthcare expenses were beyond their financial means. They also had challenges enrolling their children in schools, particularly those who did not have valid residency permits. Support for children with disabilities was limited for foreigners and often inaccessible.

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

Not applicable.

## **g. Stateless Persons**

UNHCR estimated there were 92,000 stateless persons in the country in 2020, including Bidoon residents considered illegal residents by authorities and not

granted citizenship. Human Rights Watch, Amnesty International, and the media estimated the Bidoon resident population alone at more than 100,000, while the government reported the Bidoon population to be approximately 88,000. In October, the Central Agency for Illegal Residents announced that it had modified the status of 18,427 Bidoon between 2011 and the end of September. The agency did not clarify what new status they received. The Director of the Status Adjustment Department said 9,372 “illegal residents” had adjusted their status and obtained legal residence in the country between 2011 and the end of September.

The law does not provide stateless persons, including Bidoon persons, a clear path to acquire citizenship. The judicial system’s lack of authority to rule on the status of Bidoon residents 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 government contributed to statelessness through discrimination against women in nationality laws. Citizen women are not allowed to transmit nationality to their child or spouse. If a citizen woman marries a Bidoon man, their children and subsequent descendants become stateless and likely will have difficulty accessing basic education and medical services.

The Central Agency for Illegal Residents oversees Bidoon resident affairs. In 2021, the Council of Ministers issued two resolutions that extended the agency’s expired term by two additional years and reappointed the head of the agency. Bidoon residents, Bidoon rights advocates, members of parliament, and human rights activists protested the decision, arguing that the agency had not been effective in resolving matters pertaining to the Bidoon, and that conditions for Bidoon residents had dramatically deteriorated under the agency’s leadership.

In August the Council of Ministers instructed all government agencies to abide by the Central Agency’s directives and to prohibit any transactions involving Bidoon without valid security cards. The Council of Ministers specifically directed the Ministry of Education to consult with the Central Agency prior to taking any unilateral measures related to Bidoon.

Several Bidoon community members died by suicide in recent years, and contacts

pointed to dire social and economic conditions as a contributing factor. In February social media accounts claimed a young Bidoon man committed suicide after he was unable to help pay for his family's rent and find a job because of his Bidoon status. The Central Agency received tens of thousands of citizenship requests by Bidoon residents for review since its establishment in 2010. Data on the number of requests accepted by the Central Agency was unavailable.

In February approximately 200 Bidoon and citizen activists organized a peaceful sit-in at Jahra's Freedom Square, calling for the government to grant citizenship to the Bidoon community, dissolve the Central Agency, and abolish all security restrictions affecting stateless children. The activists stated that they would continue their sit-in every Friday until the government offered a solution. Many activists expressed frustration on social media after the National Assembly repeatedly delayed discussion of Bidoon and citizenship issues.

In March several Bidoon activists set up a temporary camp outside a police station and started a sit-in and hunger strike. Bidoon activists told the media that the local authorities told them to disband the camp, or they would forcibly remove it due to a lack of permits. In April, three weeks after the start of the hunger strike, the protestors agreed to suspend the hunger strike to give the government an opportunity to address their demands. Several Bidoon again launched a sit-in campaign in early August.

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 security cards which essentially serve as identification documents, impeding access to education and medical services, and preventing them from engaging in legal employment or obtaining travel documents.

Bidoon residents required security cards to obtain access to basic services. Although Bidoon residents are by law entitled to government benefits – including free healthcare, education, and ration cards – community members have alleged it was often difficult for them to access those services due to bureaucratic red tape. 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. Children of citizen women married to noncitizen men, such as Bidoon, likewise cannot inherit their mother's property, including the family home. They are forced to sell their home upon their mother's death, or otherwise be disinherited.

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. In 2021 the Central Agency announced in a press statement that 33,700 Bidoon students had enrolled in public and private school for the 2020-21 academic year, with expenses paid through a government charitable fund. 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. Citizen mothers married to Bidoon husbands, and Bidoon mothers alike, report that they are unable to access medical care easily or reliably for their children.

The government alleged that most Bidoon residents concealed their "true" nationalities and were not actually stateless. Central 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 February, the Central Agency announced that 18,217 Bidoon "revealed" their true nationalities from 2011 to 2021. The Central Agency indicated that of these individuals, 8,068 persons claimed Iraqi nationality, 6,583 claimed Saudi nationality, 309 claimed to Iranian nationality, 115 claimed Jordanian nationality, and 2,009 claimed other nationalities. The Central Agency stated it was currently following up on 9,090 additional cases for which it had identified other nationalities. In a statement to Kuwait's official news agency, the Central Agency's Director of Status Adjustment stated that the agency determines nationality based on verified documents such as passports, birth certificates, identity cards, and old government documents. In February, local media claimed that Bidoon members of the army were pressured to obtain security cards from the Central Agency which assigned them random nationalities. Media reported that about 2,000 Bidoon members of the army who did not accept a security card had their bank accounts suspended and driver's licenses withdrawn.

Bidoon leaders alleged that when some members of the Bidoon community attempted to obtain government services from the Central Agency, officials



required Bidoon individuals to sign a blank piece of paper to receive the necessary paperwork. Later, Bidoon activists reported the agency would write a letter on the signed paper purportedly stating they held another nationality. In November, the Central Agency announced it launched an electronic renewal service for security cards on its website. The agency stated that other services had been available online since February including health insurance, marriage, divorce, and inheritance certificates. However, Bidoon reported that while they were able to obtain an electronic security card, the Central Agency still required them to sign a blank paper prior to receiving the card. The Court of Cassation has ruled that 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, excluding those related to citizenship status. The Central Agency was 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 Kuwaiti Citizenship at the Ministry of Interior managed all citizenship revocations and naturalizations. Nonetheless, many Bidoon and activists on their behalf continued to accuse the Central Agency of not complying with the law and failing to implement court rulings requiring it to register Bidoon residents and issue them required documents.

The government allowed the Bidoon sons of soldiers who were either killed, missing in action, or served in the military for 30 years to be eligible to join the military. No information was available on the number of Bidoon in the Kuwaiti military.

### **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 approve the Amir's choice of crown prince by majority vote conducted by secret ballot. According to the Succession Law, the crown prince must be a male descendant of Sheikh Mubarak Al Sabah and 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 were not met.

## **Elections and Political Participation**

**Recent Elections:** Observers generally considered the September parliamentary election free and fair, and reported no serious procedural problems. Turnover among incumbents was 54 percent, slightly below the historical average of around 60 percent. Two women won seats, marking the end of a two-year gap without any female lawmakers. The Administrative Court rejected the appeals of 35 individuals barred from running for elections for unspecified reasons.

**Political Parties and Political Participation:** Although no law formally bans political parties, the government did not recognize political parties or allow their formation in practice. National Assembly candidates must nominate themselves as individuals. Well-organized, unofficial blocs operated as political groupings inside the National Assembly, and members of parliament formed loose alliances. Those convicted of any felony, serious crime, or insulting the Amir and Islam are banned from running for elected office. In 2019, the Court of Cassation issued a verdict that found citizens convicted of calling for or participating in unregistered demonstrations or protest rallies or resisting security operatives could not vote or stand for public office.

In September local media reported the Ministry of Interior's Election Affairs Department disqualified 15 registered candidates from running in the September elections due to prior criminal convictions, such as criticizing the Amir. Some of those disqualified included former MPs and activists convicted for sharing on social media a controversial speech given by former opposition figure MP Musallam Al-Barrak in 2012. Eight of the disqualified candidates challenged the ban in administrative court, but the court upheld their disqualification. The candidates then challenged the verdict at the Court of Appeals, which referred the case to the Constitutional Court. In September the Constitutional Court ruled the law constitutional. As a result, all persons convicted of insulting the Amir have been barred for life from voting or running for office.

In August the Ministry of Interior announced that for the September elections all Kuwaitis who were 21 by election day were eligible to vote without prior registration, using their citizenship document and civil ID card listing their place of residence. As a result, the number of eligible voters increased by 40 percent to

approximately 800,000 voters. Previously, voters had to register to vote and present their citizenship document. Many Kuwaitis praised this change and alleged the previous system enabled some candidates to illegally entice citizens to vote in districts where they did not reside. In November, the National Assembly approved amendments to the election law that made this change permanent. Despite these new amendments, it remains unclear if new voters are still required to register in February every year or not.

Prosecutors and judges from the Ministry of Justice supervise election stations. Women prosecutors served as supervisors for the first time during the 2016 elections. Annually the Ministries of Interior and Justice work together to purge from voter registration lists the names of those convicted of felonies, serious crimes, or insulting the Amir. Cases must reach a final verdict before names are removed. The election law criminalizes informal tribal primary elections for member of parliament candidates. According to the law, violators could face a prison term of up to five years. Over the reporting period, several citizens were arrested, prosecuted, and sentenced for participating in illegal tribal primary elections prior to the 2020 elections. In March, the Court of Appeals upheld the sentence of two former MPs for two years in prison for participating in tribal primary elections.

In August the Court of Cassation ordered that 27 defendants, including MP candidates Hamid al-Bathali and Marzouq al-Khalifa, remain in detention pending ongoing cases for alleged involvement in tribal primaries. The two MP candidates were permitted to run in the elections from prison, and both won seats in the National Assembly in September. On October 10, the Court of Cassation upheld a two-year sentence for al-Khalifa, former MP Sultan al-Lughaisam, and 27 other defendants on charges of participating in illegal tribal primaries prior to the 2020 parliamentary elections. Al-Bathali was released on bail and sworn in as an MP. As of December, al-Khalifa was serving his term under house arrest and has not yet been sworn in as an MP. A Kuwaiti citizen submitted a challenge to the Constitutional Court questioning al-Khalifa's eligibility to serve as an MP.

In September the Public Prosecutor's Office referred 112 defendants from the second electoral district to the Criminal Court for organizing tribal primary elections. All defendants except for six were released on bail while the

investigation continued.

In September the Ministry of Interior announced it entered a candidate's home where vote buying was occurring and arrested an unspecified number of individuals. The ministry announced it confiscated a large amount of money intended to be used to buy votes.

In September the Council of Ministers authorized three local NGOs to monitor the 2022 parliamentary elections, the Kuwait Transparency Society, the Kuwait National Integrity Society, and the Kuwait Journalists Society.

**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. Religious minority groups can freely participate in the political process, vote, and run for the National Assembly. LGBTQI+ individuals have not run for the National Assembly while openly acknowledging their orientation (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics). Although women gained the right to vote and run for office in 2005, they continue to face cultural, social, and financial barriers to full political participation. For example, some tribal leaders excluded women from running for office by banning them from being considered as candidates for or attending unofficial but illegal tribal primaries. Cultural norms often led to the exclusion of women from local gatherings, called *diwanias*, which candidates attend to lobby for support from influential leaders and voters. The two appointed female cabinet members can vote within the country's 50-seat parliament. Twenty-six female candidates ran in the September parliamentary election, including for the first time, one woman from a traditional tribal region. Two women from Kuwait's urban districts were elected as MPs. Analysts attributed this outcome to widespread discomfort with women in leadership roles, female candidates' exclusion from financing and the traditional male-dominated social gatherings where much political campaigning takes places, and an electoral system that minimized the likelihood of voters allocating their one vote per slate of 10 district candidates to a female candidate.

According to the Ministry of Justice, there were a total of 532 prosecutors and 967

judges, including 72 female prosecutors and 8 female judges. A total of 17 new female prosecutors and judges were appointed in 2022. Following a December 2021 decision, the Ministry of Defense permitted women to enlist in the military. The ministry reported 260 women enlisted within the first two days. In January the Ministry of Endowments and Islamic Affairs' Fatwa Committee issued a nonbinding opinion outlining regulations for women to join the military. The restrictions included a requirement for female troops to secure a male guardian's approval to join the military and to follow a sharia-compliant dress code. The decision also prohibited women from carrying weapons and limited their career fields to medical or administrative positions.

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

The law provides criminal penalties for corruption by officials; the government generally did not implement the law effectively. There were numerous reports of government corruption during the year. Civil society organizations and other observers believed officials engaged in corrupt practices with impunity. The Anticorruption Authority, known as Nazaha (“integrity”), 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. Nazaha generally lacked legal authority to carry out robust anticorruption actions, according to legal experts and several NGOs. Nazaha cannot conduct covert surveillance, execute search warrants, arrest suspects, or enforce compliance with investigatory demands. In 2022, Nazaha referred 857 reports of corruption to the Public Prosecutor's Office, which in turn referred 41 of these cases for criminal trial.

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. There were numerous allegations in the media that police favored citizens over noncitizens. There were several reports of corruption in the procurement and bidding processes for lucrative government contracts. In January, Nazaha referred a Kuwait Army Major General and Colonel to the Public Prosecutor's Office for

allegedly misusing public funds in a Eurofighter jet deal. In April, Ministry of Interior senior officials, including an assistant undersecretary, were referred to the Public Prosecutor's Office for wasting public funds. In July, the Ministry of Interior's General Administration of Residency Affairs arrested two Residency Affairs department employees for accepting bribes.

In 2021 a new law on the public's right to access information came into effect. The law allows Kuwaiti nationals to request information, decisions, and documents from government entities.

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

**Corruption:** Numerous cases of serious corruption, including government corruption, occurred. Nazaha continued to refer government officials involved in corrupt practices to the Public Prosecutor's Office, including officers of the Ministries of Interior and Defense. Investigations uncovered widespread use of false academic credentials by citizens and foreign residents in the public and private sectors, exposing fraud and a lack of transparency in official hirings and promotions.

In July the Criminal Court sentenced a Ministry of Communications employee to seven years in prison, fined him 18 million dinars (\$58 million) for embezzling over 6 million dinars (\$19 million), and dismissed him from public office for five years. In August, the State Audit Bureau's 2021-2022 fiscal year report indicated that the Ministry of Endowments and Islamic Affairs had committed financial and administrative violations amounting to several million dollars. The report noted that supervisors in the public sector sometimes employed their own relatives. In September, the Criminal Court sentenced a firefighter to 15 years in prison and fined him approximately 4 million dinars (\$13 million) for embezzling over 2 million dinars (\$6 million).

In 2021 the Court of Ministers ordered the pretrial detention of former prime minister and ruling family member, Sheikh Jaber al-Mubarak Al Sabah, for embezzling approximately 242 million dinars (\$800 million) in military funds. The Public Prosecutor issued a gag order in 2020 on the publication or circulation

of any information related to this case. In 2021 Sheikh Jaber Al Sabah was released on 10,000 dinars (\$33,000) bail and appealed his case. In March, the Court of Ministers acquitted Sheikh Jaber Al Sabah and other defendants charged in this case, including a former minister of interior, and former undersecretary of defense. Several days later, the Public Prosecutor's Office appealed the Court of Minister's decision before the Court of Appeals. In July the Court of Appeals temporarily suspended the investigation, pending review of the defendants' request to recuse the court bench.

In August the State Audit Bureau ordered the termination of the CITRA Board of Directors, based on reports that members were wasting public funds. CITRA was ordered to replace the board with new management and refer all violations to Nazaha.

In May 2021, the Public Prosecutor's Office referred eight judges, three lawyers, and six administrators from the Plenary and Appeal Courts to the Criminal Court, on charges of bribery, forgery, and money laundering in connection with a 2020 money laundering case. In December 2021, the Criminal Court convicted six of the eight judges of bribery and money laundering and sentenced them to seven to 15 years in prison. The court acquitted two judges. In April the Disciplinary Council of Judges dismissed the judges from their positions for their crimes. In October, the Court of Appeals upheld the jail sentences against the six judges and convicted one more and ordered their dismissal from office and the confiscation of gifted vehicles.

In August the Public Prosecutor's Office resumed working on the Malaysian Fund case, often referred to as the "1MDB scandal", which was suspended for two years due to the government's inability to obtain information from international bodies. The Public Prosecutor's Office referred the case to the Criminal Court in August. Defendants in the case, including the son of a former Kuwaiti prime minister, face money laundering charges exceeding one billion dinars (\$3.2 billion).

In September the Court of Appeals sentenced the former head of the Ministry of Interior's Public Relations and Security Media Department, Adel al-Hashash, to 15 years in prison with hard labor and a fine of 113 million Kuwaiti dinars (\$365 million) for forgery and money laundering. The government charged 24 persons in

this case with forgery, money laundering, and negligence. As of November, the Court of Cassation had not issued a final ruling in this case.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The government imposed limits on the operations of domestic and international human rights groups, although officials were somewhat cooperative and responsive to their views. The law permits the existence of NGOs, but the government continued to deny registration to some, and imposed arduous registration requirements for all. To register, NGOs are required to demonstrate that they advance the public interest, conduct business beneficial to the country, have at least 50 citizen members, a board comprised entirely of citizens, and do 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. Most 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, and some suffered from a lack of government cooperation. A few dozen local unregistered human rights groups also operated discreetly but ran the risk of legal sanction if they were too vocal in publicizing alleged abuses. The government and various National Assembly committees met occasionally with local NGOs and generally responded to their inquiries.

In March, the Criminal Court acquitted Safaa Zaman, president of the Kuwait Association for Information Security (KAIS), of three counts of allegedly broadcasting false news, disturbing the public order, and threatening Kuwait's relationship with a friendly country, Egypt. In September, the Court of Appeals upheld Zaman's acquittal.

**Retribution against Human Rights Defenders (HRDs):** Human rights defenders (HRDs) exercising their civil and political rights are sometimes targeted and face



systematic violations. Online activists are targeted on ambiguous grounds, most often under the claim that their public statements constitute insults to the Amir or the judiciary. HRDs working offline face similar reprisals, most often including travel restrictions, detention without charges, and judicial harassment (see sections 2.a., 2.b., and 2.g. for cases).

**Government Human Rights Bodies:** The National Assembly's Human Rights Committee is a parliamentary body which operates independently of the government. The committee primarily hears individual complaints of human rights abuses and works with plaintiffs and relevant stakeholders to reach a mutual settlement. The committee had adequate resources and was considered effective. The number of grievances received by the committee was unavailable.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape, but not spousal rape. The law covers rape for men and women. Rape carries a maximum penalty of death, which the courts occasionally imposed for the crime. The court separates cases of rape and sexual assault.

As of October, the courts issued 36 final rulings and 164 nonfinal rulings for sexual assault cases. Rulings ranged from imprisonment for one year up to life imprisonment, in addition to acquittals and refraining from pronouncing punishment.

The courts issued final rulings for 10 cases and nonfinal rulings for 36 cases of rape. Some defendants were acquitted, while others received jail sentences from five to 20 years. Authorities did not effectively enforce laws against rape. The law allows a rapist to avoid punishment on the condition that he marry his victim and the victim and her male guardian consent that the perpetrator not be punished. When reported, police typically arrested perpetrators and investigated allegations of rape, and in a limited number of cases, prosecuted the accused. There were reports alleging that some police stations did not take seriously reports of sexual assault and domestic violence by both citizens and noncitizens, which service

providers stated contributes to a culture of underreporting by rape and domestic violence survivors.

Violence against women continued to be a problem. The 2020 domestic violence law does not include separate criminal penalties for domestic violence, and instead refers to criminal penalties available under the penal code.

As of October, the Ministry of Justice issued 969 nonfinal rulings on cases of violence against women registered with the courts and 40 final rulings. Some defendants were acquitted, while others received jail sentences ranging from one-year imprisonment to the death penalty. Although the government does not regularly publish statistics on domestic violence, local NGOs regularly reported cases of domestic violence against women. In August, media reported that the Public Prosecutor's Office registers approximately 1,100 cases of violence against women each year. In November, the Kuwait Society for Human Rights announced it had received 860 complaints of violence against women since the beginning of the year. Press stated that Kuwaiti and expatriate women filed 80 percent of the domestic violence cases filed with the Public Prosecutor's Office last year. Some defendants were acquitted, others received jail sentences ranging from six months to 20 years, and some were sentenced to the death penalty. Service providers observed that domestic violence was significantly underreported to authorities, but press publicized some high-profile cases.

In January the Criminal Court sentenced several Kuwaiti citizens accused of kidnapping and torturing their sister for more than nine years and forcing her to sign documents to share her inheritance. The Criminal Court sentenced the victim's half brother and her ex-husband to 10 years in prison, and her brother and sister to seven years in prison. The court ordered the defendants to pay a fine of 5,000 dinars (\$16,000). In March, the Criminal Court sentenced a Kuwaiti man to death for killing his sister and her unborn child inside a hospital. The Criminal Court also sentenced his brother to life in prison for shooting their sister with intent to kill. In March, an Egyptian national allegedly murdered his Filipina wife and fled to Egypt with their two of their children. In November, the Court of Cassation sentenced a Kuwaiti man to death for killing his sister.

In December the Court of Cassation upheld the Criminal Court's verdict in a final

ruling that sentenced a Kuwaiti citizen to death by hanging for the premeditated murder of the Kuwaiti woman Farah Akbar in 2021. In July the Criminal Court sentenced a Kuwaiti citizen to death for the premeditated murder of his wife. The court rejected his attorney's request to reduce the sentence to premeditated murder because of his mental health history. In August the Court of Appeals acquitted four brothers of forcibly entering their sister's home, beating her, and attempting to force her to divorce her husband.

In 2021 the Ministry of Social Affairs assigned a building for a domestic violence shelter with capacity for up to 41 women and children. In 2022, the ministry hired at least 22 staff to work at the shelter in a very limited capacity. The shelter reported it housed 21 women and children in 2022. In August the National Diwan for Human Rights conducted a visit to the shelter and noted in a public statement that the shelter faced challenges, including a lack of professionally qualified staff to support children and women resident there. The Diwan said there was an urgent need for security for the shelter staff and residents. NGO members reported that shelter staff applied coercive measures to residents and lacked adequate training to appropriately support domestic violence victims. Advocates continued to call for full implementation of the 2020 domestic violence law, to allow the shelter to improve its operations in line with international best practices.

A woman may petition for divorce based on injury from spousal abuse, but the law does not provide a clear legal standard regarding what constitutes injury. In domestic violence cases, a woman must produce a report from a government hospital to document her injuries, in addition to having at least two male witnesses (or a male witness and two female witnesses) attest to the abuse. Advocates reported that women who reach out to police rarely get help because officers are not adequately trained to deal with domestic violence cases. Victims were generally sent back to their male guardians, who in some instances were their abusers. Information on the number of cases and final and appealable sentences issued for rape and domestic violence was unavailable.

In July, MP Muhannad al-Sayer asked the Minister of Health to investigate ongoing reports that families were forcibly admitting female citizens to psychiatric hospitals without any diagnosed illness, in violation of the law. Al-Sayer also noted reports of hospital staff committing violence, torture, and beatings.

**Female Genital Mutilation/Cutting (FGM/C):** While FGM/C is illegal, it is not specifically criminalized by law outside of the penal code provisions prohibiting physical violence and abuse. NGOs have reported its practice in some expatriate communities. Parents and doctors found to be participating in FGM/C can be fined.

**Other Forms of Gender-based Violence:** The law provided reduced penalties for a man who murders a woman who allegedly engaged in an adulterous act, which NGOs have asserted legalizes honor killings. The government reported the Ministry of Justice does not track cases of honor killings or publish data on honor killings.

**Sexual Harassment:** Human rights groups characterized sexual harassment in the workplace as a pervasive and mostly unreported problem. The penal code criminalizes sexual harassment, but many activists, legal experts, and members of parliament have stated they are not satisfied with the sanctions available under the penal code. In September 2021, the government declared sexual harassment prohibited specifically in private sector workplaces and designated the Public Authority of Manpower as responsible for referring cases of sexual harassment and discrimination to the Ministry of Interior and Public Prosecutor's Office. The prohibition also includes "all forms and means of harassment and discrimination," including online, and discrimination based on gender, age, pregnancy, or social status. The Public Authority for Manpower has not announced any implementation procedures to report violations. The law criminalizes "encroachment on honor," which encompasses everything from touching persons against their 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:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There were no reports of government interference in the right of married couples to decide freely the number, spacing, and timing of children. There were no reports of government interference in the ability to access information on reproductive

health. Social and cultural attitudes, however, prevented unmarried women from seeking out reproductive health information, and some physicians were reluctant to administer certain procedures, such as pap smears, to unmarried women despite there being no law against it. The information and means to make decisions, as well as skilled attendance during prenatal care, essential obstetric care, childbirth, and postpartum care, were freely available to married citizens and foreign residents with valid identification documents. Many stateless Bidoon and unmarried women reportedly had difficulty accessing nonemergency reproductive health care.

While the government did not provide any formal family planning programs, contraceptives were available without prescription regardless of nationality, age, or marital status. Clinics were prohibited from providing any advice on contraceptives to unmarried women, however. Cultural stigmas discouraged unmarried women from accessing contraceptives. It is illegal to give birth out of wedlock, and a mother who gives birth out of wedlock can be imprisoned along with her child. Fathers of children born out of wedlock can also be imprisoned. If an unmarried woman was pregnant, authorities have at times summoned her partner for interviewing, requested the suspected father submit to a paternity test, and asked for a marriage certificate backdated nine months for the mother and father to avoid arrest. Mothers giving birth out of wedlock in public or government-run hospitals often faced issues obtaining identity documents for their children. NGOs and medical professionals reported families pressured unmarried pregnant women to claim falsely they have been raped to avoid jail time and the stigma associated with sexual relations prior to marriage.

The government provided some access to sexual and reproductive health services for survivors of sexual violence, but these services were largely inadequate. Emergency contraception was available. A large percentage of survivors of sexual violence had little access to health services. According to the Ministry of Health, rape kits were provided only by the Ministry of Interior's forensic medical department, which handles cases of sexual assault. The Ministry of Health reported it cooperates with a specialized team in the Department of Forensic Medicine within the Ministry of Interior mandated to handle such cases, take samples, and preserve physical evidence for laboratory analysis. The Ministry of Health said it provides medical treatment and services to all victims of sexual

assault, whether Kuwaiti, non-Kuwaiti, or Bidoon. Publicly available information was limited on the required procedures needed to request a rape kit. 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.

**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 courts have jurisdiction over personal status and family law cases for Sunni and Shia Muslims. As implemented in Kuwait, 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.

Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women (see section 7.d.). In January, media reported the Administrative Court of Appeals ruled gender discrimination for scholarships illegal. The court ruled that a female citizen on a scholarship to study abroad was entitled to financial benefits for her children and her non-Kuwaiti husband, commensurate with benefits provided to male citizen students with accompanying family members.

Secular courts allow any person to testify and consider the testimony of men and women equally, but in sharia courts, the testimony of a women equals half that of a man. A study released by the Kuwait Society for Human Rights in 2020 found that while the constitution provides for equal rights for women, implementation often fell short, and many laws contradicted its equal protection provisions.

The law 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 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 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. Female citizens could sponsor residency permits for their noncitizen husbands and children only if the husband and children were unemployed and not naturalized citizens.

Male citizens married to female noncitizens do not face such discrimination and their children are accorded the full legal protections of citizenship. Individuals can petition the Ministry of Interior to include their name on a list of proposed 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.

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

## **Systemic Racial or Ethnic Violence and Discrimination**

The law states that all forms of expression that promote hatred against any category of society, incite sectarian strife, or call for the supremacy of any one ethnic or religious group are prohibited. The law prohibits employers from discriminating based on gender, age, pregnancy, or social status in the oil and private sectors but its implementation in practice is unclear (see section 7.d.). According to the Public Authority for Civil Information, approximately 70 percent of Kuwait's residents are noncitizens as of August 2022, 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.

In October local media reported that an order was issued to administratively deport 13 Turkish expatriates and permanently ban them from re-entering Kuwait after they threatened to throw themselves from a high-rise building to protest unpaid wages. A media source added that legal action would be taken against the contracting company that employed the workers for illegally issuing them commercial visas that did not entitle them to work in Kuwait.

Local media reported that according to sources at the Ministry of Interior, around 30,000 expatriates, “17,000 men and 13,000 women” were deported in 2022. Media reported 660 as judicial deportations, while the rest were administrative deportations. Sources indicated foreign workers from India, Egypt, and Bangladesh topped the male deportee list, while foreign workers from the Philippines, Sri Lanka, and Ethiopia topped the female list. Sources added that the Interior and Health ministries planned to respond to parliamentary requests to cancel the residency permits and deport approximately 9,272 expatriates being treated at psychiatric hospitals. Mass deportations of workers who may have fallen out of legal status are seen as part of the country’s efforts to reduce the number of expatriates and correct what the sources called a “population imbalance.”

There were credible indications of unequal treatment of persons based on race, religion, and citizenship during arrest procedures and investigations by the Ministry of Interior.

## **Children**

**Birth Registration:** Birth registration is generally available to all citizens and foreign residents, provided 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.a.). The government designates



the father's religious group on birth certificates as either Muslim, Christian, or other. 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, were sometimes unable to obtain birth certificates for their children even after completing extensive administrative procedures. Lack of a birth certificate prevented Bidoon children from obtaining security cards 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. Credible reports estimate hundreds of children are unable to attend school as a result. The 2011 Council of Ministers decree which extended public education to Bidoon residents has still not been fully implemented. Lack of security cards 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, with priority given to those with citizen mothers. Other stateless children must attend private schools for which their families must pay fees. Charitable organizations offer tuition support to some but not all these students.

In September, the Council of Ministers announced a decision to exempt Bidoon from the requirement to have a valid security card to complete transactions with the Ministries of Health, Education, and Higher Education for a period of three months.

**Medical Care:** Citizen boys and girls have equal access to state-provided medical care. Lack of security cards restricted Bidoon children's access to free medical care.

**Child Abuse:** The law establishes protections for abused children, including noncitizen children. The Child Protection Office of the Ministry of Health, established in 2014, has made significant efforts in monitoring and following cases of child abuse. The office manages a child abuse hotline, which received 402 reports of abuse as of August, 62 of which were referred to the Ministry of Interior and 92 referred to specialized child protection teams. Most abuses occurred within the family, and cases were approximately split evenly among boys and girls. In

instances of reported child abuse, children are admitted to a hospital and assessed by medical professionals pending legal proceedings.

In May the Public Prosecutor's Office detained a lawyer for 21 days for forcing a child to take medication inside his office and charged him with assaulting the child. In June, a video went viral on social media of a girl being beaten and removed from her school by her father, without any outside intervention. In July, the Ministry of Interior stated it identified a deceased child, whom media claimed his mother had killed and buried.

**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 is no minimum age for consensual sex. There are no laws specific to child pornography because all pornography is illegal. There is no statutory rape law. Premarital sexual relations are illegal. The law prohibits commercial sexual exploitation, sale, grooming, and offering or procuring children for prostitution. The authorities generally enforced the law. The Child Protection Office handles cases of sexual assault of children and provides medical, social, and psychological services for such cases, whether the child is Kuwaiti, non-Kuwaiti, or Bidoon.

A Child Protection Office 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.

## **Antisemitism**

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Antisemitic 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 the Jewish religion. 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.

In August *Arab Times* reported the Ministry of Commerce and Industry ordered the closure of a shop on August 28 for “violating the public order” by selling “accessories bearing Jewish slogans.” *Arab Times* reported the shop owner would face “legal measures.”

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Consensual same-sex sexual conduct between men is 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. In November and December, several MPs submitted draft bills to criminalize “imitating the opposite sex” to the National Assembly’s Values and Combatting Negative Phenomena Committee for its review. According to the proposed bills, the penalty for violating the law would be imprisonment for up to one year or a fine not exceeding 1,000 Kuwaiti dinars (\$3,200), or both. One bill would place penalties on supervisors in all sectors for not reporting employees who violate the law.

**Violence against LGBTQI+ Persons:** Police incited, perpetrated, condoned, and tolerated violence against LGBTQI+ individuals. Transgender persons reported cases of repeated harassment, detention, abuse, and rape by police, who blackmailed and raped them without fear of reprisal. Persons of the LGBTQI+ community chose not to reveal their gender identity publicly if they believed they would be harassed for their appearance and choice of dress.

**Discrimination:** Societal discrimination and harassment based on sexual orientation and gender identity frequently occurred. Officials practiced such

discrimination, usually upon discovering that a person stopped for a traffic violation did not conform to the expectations of the gender indicated on their identification card.

In June the Ministry of Commerce and Industry published a list of flags and banners banned from public display, such as the rainbow flag and the progress flag, as part of a ban on LGBTQI+ expression in Kuwait. The ministry urged the public to report violations. The ministry's inspectors subsequently confiscated banned items at a phone accessory shop and grocery store. In December at least twenty billboards sponsored by approximately 25 civil society organizations and charities were posted throughout Kuwait City and on major roads, stating, "He is not gay, I am a man, and he is a sexual deviant (derogatory term)" and "She is not gay, I am a woman, and she is a sexual deviant (derogatory term)." In December MP Mohammad Hayef tweeted at the Minister of State for Municipal Affairs to call for a restaurant to remove its "One Love" advertisement from Kuwait, claiming it supported homosexuality. In December several local press agencies reported that the Ministry of Interior deported about 3,000 foreign "impersonators of women" and "homosexuals, crossdressers and transgender" residents of Kuwait throughout the previous 11 months.

**Availability of Legal Gender Recognition:** Legal gender recognition or the option to identify as nonbinary, intersex, or gender nonconforming in official documents is not available. In December 2021, the Court of Cassation ordered the Ministry of Interior compensate a Kuwaiti woman with 4,000 Kuwaiti dinars (\$13,000) for arresting her without evidence for "imitating the opposite sex." The court stated the police officer's actions deviated from their job duties.

In February the Constitutional Court repealed Article 198 of Law 16 of 1960 amended by Law 36 of 2007 of the Penal Code, on narrow technical grounds; that article of law criminalized and imposed a fine and imprisonment for one to three years for persons "imitating the appearance of the opposite sex in public." Nonetheless, LGBTQI+ persons reported continued harassment, primarily verbal abuse and sometimes physical abuse, based on their appearance, especially by police officers.

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** The government does not mandate coercive medical or psychological practices, such as so-called conversion therapy, for LGBTQI+ individuals, but it also does not actively combat these practices. LGBTQI+ individuals reported it was common for families to forcibly send family members to mental health institutions or religious centers to “cure homosexuality.” Some LGBTQI+ individuals reported there were well-known therapists who specialized in conversion therapy practices, used electric shock therapy, prescribed drugs, and forced patients to listen to the Quran.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** No registered NGOs focused on LGBTQI+ matters, although unregistered groups existed. Due to social convention and potential repression, LGBTQI+ organizations neither operated openly nor held LGBTQI+ human rights advocacy events nor Pride marches.

## **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 some of these provisions. Citizens with disabilities have equal access to public health services and transportation. While some forms of public transportation, such as buses, are accessible for persons with disabilities, many roads and sidewalks are not accessible, complicating access to public transportation in practice. The government provides benefits to citizens with disabilities, including monthly allowances, loans, early retirement with full salary, and exemptions from all government fees. The law obligates government agencies to have a workforce that includes at least 4 percent employees with disabilities. Noncitizens with disabilities neither had access to government-operated facilities nor received stipends paid to citizens with disabilities that covered transportation, housing, and social welfare costs. The government has not fully implemented social and workplace programs to assist persons with physical and vision disabilities.

The government reserved a small number of admissions to Kuwait University for citizens with disabilities.

Students with physical disabilities which the government does not consider severe can attend mainstream public schools, whereas students with severe physical disabilities and mental disabilities attend separate public and private schools specifically designed for students with disabilities.

Authorities did not provide noncitizens with disabilities the same educational opportunities as citizens. Citizens can attend public schools that offer some accommodations for children with disabilities, but noncitizen students must pay to attend private school to receive such accommodations. Noncitizen students attended private schools only, which generally lacked accessible materials and reasonable accommodations.

## **Other Societal Violence or Discrimination**

Unmarried persons, particularly foreign workers, continued to face housing discrimination and eviction based on marital status, income, and national origin. 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. Local authorities evicted single foreign male workers to make room for citizen families, citing the presence of single men as the reason for increased crime, a burden on services, and worsening traffic. In January, the head of the Capital Governorate Municipality Branch’s emergency team stated that more than 12,000 “bachelors” had been evicted between September 2020 to January 2022 for violating building regulations.

Many foreign workers, particularly domestic workers and workers earning lower salaries, were unable in practice to access personal banking and financial services. In August, the National Diwan for Human Rights released the findings a study on Kuwait’s suicide rate from 2018 to 2021. The study revealed that 406 persons, mostly men, committed suicide during this time period. The study found 17 children had committed suicide. The report found that 88 percent of the suicides were committed by non-Kuwaiti residents. Local media reported that the government has stated any noncitizen would be deported for attempting suicide.

Local human rights NGOs reported limited accounts of societal violence or discrimination against persons with HIV or AIDS, but persons with HIV or AIDS did not generally disclose their status due to social stigma associated with the disease. Since 2016 authorities have deported thousands of foreign residents with HIV or AIDS (see section 7.d.).

## **Section 7. Worker Rights**

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

The law provides for the right of citizen workers to form and join trade unions, bargain collectively and conduct legal strikes, with significant restrictions. Unions are independent of the government but must register with the Public Authority of Manpower. The government generally does not interfere with or discriminate against worker unions. The law prohibits trade unions from conducting any political activities.

The law stipulates any new union must include at least 100 workers and that at least 15 must be citizens. Union rights are limited for foreign workers, who constituted more than 80 percent of the workforce. They may join unions only as nonvoting members after completing five years of work in the sector the union represents and obtaining a certificate of good conduct and moral standing from the government. They cannot run for seats or vote in board elections. Foreign workers have the right to bargain collectively at their respective workplace, and can participate in unions, but are not permitted to form trade unions and vote or run for union offices. The International Labor Organization and the International Trade Union Confederation criticized the citizenship requirement for discouraging unions in sectors that employ few citizens, such as construction and most other private sector employment.

The labor law does not apply to domestic workers or maritime employees. Separate labor laws set work conditions in the public, private, domestic worker, and oil sectors. The law permits multiple unions within enterprises. Public sector employees are permitted to unionize, but the government authorized only one public sector labor federation, the Kuwait Trade Union Federation.

The law provides for collective bargaining with no minimum number of workers required to form a bargaining unit. There are limits on 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 in practice. The law does not prohibit retaliation against striking workers or prevent the government from interfering in union activities, including the right to strike.

The law prohibits antiunion discrimination and employer interference with union functions. The law provides for reinstatement of workers fired for union activity. Nevertheless, the law empowers the courts to dissolve a union for violating labor laws or for threatening “public order and morals,” although a union can appeal such a court decision. The Public Authority of Manpower can request the Court of First Instance to dissolve a union. Additionally, the Amir may dissolve a union by decree. The government treated union 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.

The government generally enforced freedom of association provisions. Penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination. Complaint proceedings for Kuwaiti citizens were generally not subjected to lengthy delays or appeals. Complaint proceedings for foreign workers generally took longer than for citizens, although the duration also depended on the nature of the complaint.

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

The law prohibits and criminalizes most forms of forced or compulsory labor but permits some exceptions in cases related to “national emergency and with just remuneration.” The law allows for forced prison labor as a punishment. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The law was not effectively enforced.

Some incidents and conditions of forced labor were reported, especially among



foreign domestic servants and minimum wage laborers in agriculture, construction, and sanitation, including nonpayment of wages, long hours, deprivation of food, threats, physical and sexual abuse, and restrictions on movement. Employers confined some domestic and agricultural workers to their workspaces by confiscating their passports and, in the case of some domestic workers, locked them in their work locations, usually a private home. Such abuse was usually in connection with the employer-based sponsorship system (*kafala*) for foreign workers.

In March hundreds of cleaners, mostly working in schools, went on strike over nonpayment of wages for six months, according to local media. In August cleaning companies with public sector contracts alleged that they were experiencing delays in receiving payment from the Kuwait municipality, according to local media.

The government made inconsistent efforts to implement and enforce labor reforms, such as educating households and foreign workers regarding the legal prohibition on passport confiscation and nonpayment of wages. Some employers denied workers their right to a weekly day of rest or to leave their work location. Workers who fled abusive employers faced legal charges for “absconding,” had difficulty retrieving their passports, and were deported in most cases. In March the Constitutional Court eliminated a Kuwait Civil Service Commission condition that required expatriates working in the public sector to present a departure notification from the Ministry of Interior to access their end-of-service payment.

There were numerous media reports throughout the year of sponsors abusing domestic workers or injuring them when they tried to escape, including some incidents which allegedly 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, particularly when raised by source country embassies. The Public Authority of Manpower operated a shelter for 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. The shelter had a 500-bed capacity. The Public Authority of Manpower reported the shelter accommodated a total of 267 occupants.

Al-Durra, a government-owned recruiting company launched in 2017 to mitigate abuses against domestic workers, reported it had recruited 445 new domestic workers from the Philippines, India, and Sri Lanka during the year. Al-Durra's services included worker insurance, a 24/7 abuse hotline, and follow-up on allegations of labor rights violations. The government regularly conducted information awareness campaigns in Arabic, English, and three other languages via media outlets and public events, and otherwise informed employers to encourage compliance by public and private recruiting companies with Kuwaiti labor laws.

Media reports highlighted the problem of fraudulent residency permits or "visa trading," in which companies and recruitment agencies collude to "sell visas" to prospective workers. Often the jobs and companies mentioned in these visas do not exist, and workers are vulnerable to exploitation in the black market or informal sector where they are forced to repay the cost of their fake "visa." Some expatriate workers reportedly told the Public Prosecutor's Office they had paid approximately 1,500 dinars (\$5,000) each to be brought to the country for work. Since workers cannot freely or easily change jobs under the kafala system, many were unwilling to leave their initial job, even if visa traders had misled them regarding their position or employment conditions. Workers who left their employers due to abusive treatment, nonpayment or late payment of wages, or unacceptable working conditions risked being charged with illegal residency status and being deported.

Authorities have attempted to crack down on visa traders who recruit foreign workers and fail to provide them with jobs. In August the Criminal Court sentenced a citizen to five years in prison with hard labor on visa trading charges. In 2020 the Public Authority of Manpower established an emergency hotline to track "visa trading" and labor infraction allegations. In September the Public Authority of Manpower adopted a new mechanism requiring workers to provide their fingerprints on the work permit cancellation form to ensure they would receive their full end-of-service benefits. The government translated the form into five different languages.

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 the worst forms of child labor and employment of persons below the age of 15. The law also limits working hours, provides occupational safety and health (OSH) restrictions for children, and sets a minimum employment age for children working in all sectors. Persons aged 15 to 18 can work under the condition they receive a medical examination and are not employed in sectors considered hazardous or harmful to their health. Persons aged 15 to 18 are permitted to work for a maximum of six hours per day and for no more than four hours straight, followed by a break of at least one hour. This age group cannot work overtime hours, on weekly rest days, on official holidays, or from 7 p.m. to 6 a.m.

The government effectively enforced the child labor law and penalties were commensurate with or less than those for analogous serious crimes. Penalties were regularly applied against violators. There were no confirmed reports of the worst forms of child labor. However, youth aged under 15 are sometimes seen selling food and small gifts at stop lights and other public places throughout the country.

In August the Public Authority of Manpower announced that permits for youth aged 15 to 18 must include information on the type of work and number of hours that will be worked, which should not exceed six hours per day. If employers fail to comply with these regulations, they could be punished with a fine of at least 100 dinars (\$322) and not exceeding 200 dinars (\$644) per worker, a penalty which doubles for repeat violations within three years.

In August as a part of a social media awareness campaign, the Public Authority of Manpower posted on its social media accounts information on the government's ban on employing children under 18 in camel racing competitions.

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

The law prohibits discrimination in employment based on race, gender, and disability in the public and private sectors, but does not prohibit discrimination based on religion, national origin, color, ethnicity, age, sexual orientation, HIV or AIDS status, or refugee or stateless status. Employment advertisements frequently

specify the desired gender and nationality of potential employees. The government immediately deported HIV-positive foreign workers, and there was no protection for workers based on sexual orientation. No laws prohibit labor discrimination based on non-HIV communicable diseases, or social status; there were no reported cases of discrimination in these areas. Discrimination in employment and occupation occurred with respect to both citizen and noncitizen women. Female domestic workers were at particular risk of discrimination or abuse due to the isolated home environment in which they worked.

The law states that a woman should receive “remuneration equal to that of a man provided she does the same work,” although it prohibits women from working in “dangerous industries” in trades “harmful” to health, such as mining, oil drilling, construction, factories, and agriculture, or in those that “violate public morals,” such as professions that provide services exclusively to men. In September, the Public Authority of Manpower amended the regulations to open several new employment fields to women, including the oil sector, provided the position did not require “strenuous physical effort.”

The law prohibits discrimination against persons with permanent physical, sensory, intellectual, and mental disabilities in employment, and imposes penalties on employers who refrain without reasonable cause from hiring persons with disabilities. The government generally enforced these provisions. Penalties were regularly applied against violators. Noncitizens with disabilities had no access to government-operated facilities that covered job training, and the government has not fully implemented social and workplace aides for persons with physical and vision disabilities.

Shia continued to report government discrimination based on religion. Shia 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**

**Wage and Hour Laws:** The law does not provide for a national minimum wage across all sectors of the economy. It sets separate monthly minimum wages for the private, domestic worker, and oil sectors. The minimum monthly salary for the private sector is approximately 75 dinars (\$250) whereas the approximate lowest monthly salary for the public sector is 600 dinars (\$2,000). Starting in March, the minimum monthly salary for domestic workers increased to 75 dinars (\$250).

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 in most cases, but there were gaps in enforcement with respect to low-skilled foreign workers. The law does not allow women to work the same shifts as men and women generally are not permitted to work overnight shifts.

In April the Labor Court of Cassation affirmed that the judiciary has no jurisdiction over decisions issued by companies or employers to terminate the services of employees working in the private sector and rejected a worker's request to be reinstated at his former employment.

**Occupational Safety and Health:** The government issued occupational safety and health (OSH) standards that were up-to-date and appropriate for the main industries. The law provides that all outdoor work stops 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 prohibition termed the "noon work ban". A worker could file a complaint against an employer with Public Authority of Manpower if the worker believed his or her safety and health were at risk. Domestic workers do not have the right to remove themselves from a hazardous workplace without jeopardizing their employment. The Public Authority of Manpower, through its Domestic Workers Employment Department, has jurisdiction over domestic worker matters and enforces domestic labor working standards.

In July observers claimed that there were violations of the noon work ban in almost all governorates and called on the Public Authority of Manpower to toughen enforcement efforts. According to the Public Authority of Manpower, it inspects a work site, issues a warning in case of violations, and then reinspects the work site before finally issuing a penalty notice. The Public Authority of Manpower stated it completed an inspection campaign from June 1 to August 31 and issued warnings to 460 companies, with no repeat violations identified. The Public Authority of Manpower confirmed that companies are sanctioned for violating the noon work ban, not workers. The Public Authority of Manpower said repeat offenders would face legal action and could be charged with fines ranging from 100-200 dinars (\$320 to \$650) per worker.

**Wage, Hour, and OSH Enforcement:** The Public Authority of Manpower was responsible for enforcement of wages, hours, overtime, and occupational safety and health regulations of workers. Labor and OSH 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 safely, and reported violations.

The government did not effectively enforce all OSH laws. Workers were responsible for identifying and reporting unsafe situations to the Public Authority of Manpower. OSH inspectors were required to actively monitor conditions and take appropriate actions when violations occur. The Public Authority of Manpower monitored work sites to inspect for compliance with rules banning summer outdoor work from 11 a.m. to 4 p.m. during June 1 to August 31, 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.

At times, the Public Authority of Manpower 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 employer violations of work contracts. The government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving

domestic workers.

Domestic workers and other low-skilled foreign workers in the private sector frequently worked more than 48 hours a week, with no day of rest. The law required workers to earn an established monthly wage to sponsor their family to live in the country, although certain professions were exempted, including teachers and imams. As a result, most low-wage employees were not able to bring their families to the country.

Although the law prohibits the withholding of workers' passports, the practice remained common among sponsors and employers of foreign workers, particularly domestic employees. The government did not consistently enforce this prohibition. 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. The government then either assisted the worker in finding an alternate sponsor or in obtaining voluntary repatriation.

There were no inspections of private residences, where most of the country's domestic workers were employed. Reports indicated employers forced domestic workers to work overtime without additional compensation. In 2020, the Public Authority of Manpower began implementing a "blacklist" system to prevent domestic workers sponsorship by recruitment offices or employers which have violated workers' rights. The government usually limited punishment for abusive employers to administrative actions, such as fines, shutting employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages.

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' dying or attempting to die by suicide due to desperation over abuse, including sexual violence or poor working conditions. Legal protections for domestic workers include a formal grievance process managed by the Public Authority of Manpower. Workers who were not satisfied with the department's arbitration decision had the right to file a legal case via the labor court.

Several source country embassies with large domestic worker populations experienced varying degrees of success in pressing the government to prosecute serious cases of domestic worker abuse. Severe cases included those in which significant, life-threatening injuries or death occurred.

**Informal Sector:** The law does not establish OSH standards for workers in the informal economy. According to Kuwaiti law, all foreign workers should be legally registered in formal positions with Kuwaiti sponsors, although in practice, foreign workers also worked in the informal sector. Kuwaiti citizens generally did not work in the informal sector, given their significant rights to well-remunerated public sector employment. The government does not publish estimates of the number of workers in the informal sector. Workers in the informal sector are often victims of visa trading or trafficking, in which they were promised a job that did not exist or employment conditions that differed significantly from those agreed, causing the worker to leave their official employer. Some domestic workers and cleaners are known to work additional hours outside of their contract with other households and workplaces, a practice which could either be voluntary or forced. Workers in the informal sector typically work as cleaners, day laborers, food delivery workers, drivers, street vendors, shepherds, and other agricultural workers, and in nail and massage parlors. Workers in the informal sector typically receive very low wages and may work in unsafe conditions, making them vulnerable to abuse and exploitation.