

Govt policies limited foreigners'

US report says many patients can't afford treatment; laments

Anti-expat sentiments blamed for restrictive policies

WASHINGTON: Populist anti-expatriate sentiments in Kuwait led the government to enact policies making healthcare and education more expensive for foreign workers than for citizens, says a report released by the US Department of State on Wednesday. "Human rights organizations reported the immediate effect of this policy was that many foreign workers and their families receiving medical treatment chose to be discharged from hospitals rather than receive treatment they could no longer afford," the report warned.

Meanwhile, unmarried persons in Kuwait continued to face housing discrimination based solely on marital status, says the 'Country Reports on Human Rights Practices for 2018.' For example, police frequently raided apartment blocks housing bachelors, according to the report. The law prohibits single persons from obtaining accommodation in many urban residential areas. Single noncitizens faced eviction due to a decision by the municipality to enforce this prohibition and remove them from residences allocated for citizens' families, citing the presence of single men as the reason for increased crime, a burden on services, and worsening traffic.

On violence against women, the report indicates that while government does not publish statistics on the matter, a Kuwait University study conducted in 2018 found that 53 percent of Kuwaiti women were victims of domestic violence. "Service providers that assisted women claimed that domestic violence statistics were significantly underreported," the report reads. "Women's rights activists have recounted numerous stories of citizen women trying to get help to leave an abusive situation, but there were no shelters specifically for victims of domestic abuse."

According to the report, a shelter that the government opened for victims of domestic abuse remains empty according to activists familiar with the facility. "Advocates claimed that women who reach out to police rarely get help because officers were not adequately trained to deal with domestic violence cases," the report notes. "Victims were generally sent back to their male guardians, who in some instances may also be their abusers."

On trafficking, the report points out that the Ministry of Social Affairs and Labor indicated in July that approximately 7,200 court rulings were issued against fake companies involved in visa trafficking since 2014. The total amount of fines collected from those companies exceeded 12 million dinars (\$40 million), an average of 1,700 dinars (approximately \$5,600) per company. In August, the Public Authority for Manpower (PAM) reported it had won more than 500 cases against visa traffickers. "These companies were founded solely to sell visas to foreign workers; once the workers were registered to the fake companies, they become unemployed, worked as

marginal workers, or were trafficked," the report explains.

"Numerous media reports highlighted the problem of visa trading, where companies and recruitment agencies work together to sell visas to prospective workers," the report further elaborates. "Often the jobs and companies attached to these visas do not exist, and the workers were left to be exploited and find work in the black market to earn a living and pay the cost of the residency visa. Arrests of visa traffickers and illegal labor rings occurred almost weekly. Since workers cannot freely change jobs, they were sometimes willing to leave their initial job due to low wages or unacceptable working conditions and enter into an illegal residency status with the hope of improved working conditions at another job."

Forced labor

Some incidents of forced labor and conditions indicative of forced labor occurred, especially among foreign domestic and agricultural workers, the report says. Such practices were usually a result of employer abuse of the sponsorship system (kafala) for noncitizen workers. Employers frequently illegally withheld salaries from domestic workers and minimum-wage laborers.

Domestic servitude was the most common type of forced labor, principally involving foreign domestic workers employed under the sponsorship system, but reports of forced labor in the construction and sanitation sectors also existed. As of July employers filed 4,500 'absconding' reports against private sector employees. Domestic workers have filed approximately 240 complaints against their employers in accordance with the domestic labor law, according to the report. Numerous domestic workers who escaped from abusive employers reported waiting several months to regain passports, which employers illegally confiscated when they began their employment. The PAM operated a shelter for abused domestic workers. As of October, according to a government source, the shelter had a capacity of 500 victims. It housed as many as 450 residents in April before the residency amnesty that removed travel bans from workers seeking to return home. According to the latest report, 145 workers were resident at the shelter.

There were numerous media reports throughout the year of sponsors abusing domestic workers or significantly injuring them when they tried to escape; some reports alleged that abuse resulted in workers' deaths. Female domestic workers were particularly vulnerable to sexual abuse. Police and courts were reluctant to prosecute citizens for abuse in private residences but prosecuted serious cases of abuse when reported. According to a high-level government official, authorities prosecuted several cases of domestic worker abuse. In November a local woman was charged with premeditated murder and trafficking in persons for beating

her domestic worker to death.

The report also highlights the case of Joanna Demafelis, a Filipina domestic worker who in February 2018 was killed and left in an apartment freezer by her Syrian and Lebanese employers. The employers of the Filipina domestic worker, who had fled the country, were arrested in February in Syria and Lebanon following an Interpol manhunt and faced extradition to Kuwait. The Criminal Court sentenced the pair in their absence to death by hanging.

Domestic workers had little recourse when employers violated their rights except to seek admittance to the domestic workers shelter where the government mediated between sponsors and workers either to assist the worker in finding an alternate sponsor or to assist in voluntary repatriation. There were no inspections of private residences, the workplace of the majority of the country's domestic workers. Reports indicated employers forced domestic workers to work overtime without additional compensation.

Some domestic workers did not have the ability to remove themselves from an unhealthy or unsafe situation without endangering their employment. There were reports of domestic workers' committing or attempting to commit suicide due to desperation over abuse, including sexual violence or poor working conditions. In 2016 the government implemented the domestic labor law that provides legal protections for domestic workers. The law established a formal grievance process and identified the Domestic Labor Department at the Ministry of Interior as the sole arbitration entity for domestic worker labor disputes. A worker not satisfied with the department's arbitration decision has the right to file a legal case via the labor court. As of September the department conducted more than 2,400 inspections of domestic worker recruiting agencies, shut 15 fake agencies, and closed 30 for failing to meet the requirements of the law.

The report also touches on the topic of anti-Semitism, saying that anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. "These columnists often conflated Israeli government actions or views with those of Jews more broadly," it says. "Reflecting the government's non-recognition of Israel, there are longstanding official instructions to teachers to expunge any references to Israel or the Holocaust from English-language textbooks. The law prohibits local companies from conducting business with Israeli citizens. This included transporting Israeli citizens on the country's national airline."

Torture and Inhumane Treatment

The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment,