



Freedom in the World 2016 - Kuwait

Publisher [Freedom House](#)

Publication Date 14 July 2016

Freedom Status: Partly Free

Aggregate Score: 36

Freedom Rating: 5.0

Political Rights: 5

Civil Liberties: 5

Quick Facts

Capital: Kuwait City

Population: 3,837,700

GDP/capita: \$48,926.50

Press Freedom Status: Partly Free

Net Freedom Status: N/A

OVERVIEW

While Kuwait's often contentious parliamentary politics remained stable in 2015, the government intensified its crackdown on opposition figures and those most critical of the regime. Prominent dissidents, including former parliamentarian Musallam al-Barak and activist Saleh al-Saeed, were sentenced to prison during the year over their criticism of the government. Others, such as legislator Abdulhamid Dahsti, were threatened with prosecution. The authorities also continued harassing critical media, including the newspaper *Al-Watan* and a number of associated entities.

In July, the Kuwaiti parliament approved a budget that would run a nearly \$30 billion deficit in the new fiscal year, a function of declining revenues amid a global fall in the price of oil. In October, the Finance Ministry announced plans to develop a taxation system for the country. In December, in conjunction with the other members of the Gulf Cooperation Council, Kuwaiti officials announced that the new system would include value-added tax.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 13 / 40 (-1)

A. Electoral Process: 2 / 12

The emir, the hereditary head of state, appoints the prime minister and approves the cabinet that the prime minister appoints. The emir shares legislative power with the 50-member National Assembly, which is elected to four-year terms by popular vote. The emir has the authority to dissolve the National Assembly at will but must call elections within 60 days. The National Assembly can overturn decrees issued by the emir while it is not in session. It can veto the appointment of the prime minister, but it then must choose from among three alternatives of the emir's choosing. The National Assembly also has the power to remove government ministers with a majority vote. The electorate consists of men and women over 21 years of age who have been citizens for at least 20 years; most members of state security agencies are barred from voting.

Electoral changes promulgated by the emir in 2012 changed the system under which citizens voted for up to four legislators to a new system under which they only vote for one. Opposition forces argued that this change decreased the likelihood of building parliamentary coalitions by making legislators unable to pledge the electoral support of their constituencies to other members in exchange for mutual support.

After the emir dissolved the National Assembly in December 2011, opposition candidates gained a majority of seats in February 2012 elections. However, the dissolution was later ruled unconstitutional by Kuwait's Constitutional Court, which nullified the electoral results. Tens of thousands of Kuwaitis responded by holding regular protests, which security forces met with force. The opposition boycotted the subsequent December 2012 elections, leading progovernment candidates to capture the majority of seats. In 2013, the Constitutional Court ordered the dissolution of the National Assembly after opposition challenges to the new electoral laws were dismissed, leading to new parliamentary elections in July 2013, which was also boycotted by the opposition.

B. Political Pluralism and Participation: 7 / 16

Formal political parties are banned, but groupings like parliamentary blocs have been allowed to emerge. Opposition members claim that the 2012 electoral changes were designed to limit their power. While opposition candidates have the right to run for office, the country's long-standing political crisis and boycotts of elections have left them underrepresented in the National Assembly.

The royal family frequently interferes in the political process, including through the harassment of political and media figures, and the government impedes the activities of opposition parliamentary blocs. In March 2015, the leader of the Civil Democratic Movement, a liberal political group, was arrested for criticizing the government of Saudi Arabia on Twitter.

The government uses the stripping of citizenship as a political tool against opponents and dissidents. In 2014, about three dozen people, including journalists, activists, and clerics, were stripped of citizenship for criticizing the government.

In the 2013 elections, Shiites lost more than half of the seats they gained in December 2012, winning only 8 seats.

Kuwait's more than 100,000 stateless residents, known as *bidoon*, are considered illegal residents, do not have full citizenship rights, and often live in poor conditions. Efforts to grant citizenship to 4,000 of the country's stateless residents through a 2013 law have stalled. In 2014, the government announced that tens of thousands of *bidoon* would be offered a chance to apply for citizenship in

Comoros, which would receive direct investment from the Kuwaiti government in exchange. Comoros passport holders could then receive Kuwaiti residence permits. However, bidoon and other human rights activists have rejected this process, calling it an attempt by the Kuwaiti government to relieve itself of its responsibilities, and noting that foreign nationals can be deported more easily than stateless residents. There was little progress on the measure in 2015. In November, the government announced that more than 7,000 bidoon had regularized their status between since 2011 by declaring a foreign national origin and receiving residency permits.

C. Functioning of Government: 4 / 12 (-1)

Charges of government corruption were at the heart of the 2012 political crisis. The opposition has repeatedly called for the government to address the problem, but authorities have continuously obstructed parliamentary efforts to investigate.

In March 2015, the government unveiled the implementing regulations for the Public Anti-Corruption Authority (PACA), allowing the body to begin its work. However, in December, Constitutional Court ruled the 2012 decree that established PACA to be unconstitutional, finding that the decree was inappropriately rushed and issued without consultation with the National Assembly. Later that month, the cabinet approved legislation that would reestablish the body; the draft was under consideration by the National Assembly at year's end. Separately, in September, Electricity, Water, and Public Works Minister Ahmad al-Jassar and 14 other state officials were sentenced to two years in prison in connection with the secret acquisition of faulty electricity generators in 2007. Kuwait ranked 55 out of 168 countries and territories in Transparency International's 2015 Corruption Perceptions Index.

Transparency in government spending and operations is inadequate and exacerbated by the weakness of rule of law.

Civil Liberties: 23 / 60

D. Freedom of Expression and Belief: 6 / 16

Authorities continue to limit press freedom. Kuwaiti law punishes the publication of material that insults Islam, criticizes the emir or the government, discloses secret or private information, or calls for the regime's overthrow.

More than 10 private daily and weekly Arabic newspapers and two private English-language dailies operate in Kuwait alongside a number of private broadcast outlets, including the satellite television station Al-Rai. The state owns four television stations and nine radio stations. Foreign media outlets generally operate relatively freely. Kuwaitis enjoy access to the internet, though the government has instructed internet service providers (ISPs) to block certain sites for political or moral reasons. In 2014, the National Assembly passed a new telecommunications law allowing authorities to monitor, block, and censor online material through a new body, the Commission for Mass Communications and Information Technology. Officials made a number of changes to the law in 2015; some amendments were aimed at regulating the commission members' relationships with the private sector, and others granted the commission greater technical powers to pursue its mandate.

Several journalists and media outlets faced harassment for their coverage of the regime in 2015. In January, the critical newspaper *Al-Watan* was forced to suspend printing after the government revoked the business license of its publishing house as well as the paper's own publishing license. In June, authorities canceled the licenses of three affiliated television stations. In November, the Court of Cassation – the highest court in Kuwait – upheld the government's decision to shutter the paper.

Freedom of expression is also frequently curtailed among critical internet users and rights activists. In January, the Court of Cassation sentenced Saqr al-Hashash to 20 months in jail for insulting the emir on Twitter. Also in January, authorities detained Saad bin Tefla, the country's former information minister and operator of the website Alaan News, and forced him to serve a one-week prison sentence issued in absentia in 2012 in connection to an article critical of government spending. In March, activist Nawaf al-Hendal was arrested and banned from traveling abroad after speaking about rights violations in Kuwait at a UN Human Rights Council meeting in Geneva.

Islam is the state religion, but religious minorities are generally permitted to practice their faiths in private. Shiite Muslims, who comprise about a third of the population, enjoy full political rights but have experienced increased harassment in recent years. In June, a suicide bombing by the Islamic State (IS) militant group at a Shiite mosque in Kuwait City killed 26 people and injured more than 200. In September, five men were sentenced to death and eight others to lengthy prison terms for involvement in the attack.

Academic freedom is impeded by self-censorship on politically sensitive topics as well as by larger restrictions on freedom of expression, including the illegality of offending the emir or challenging Islam. Traditional gatherings (*diwaniyat*) are venues for vibrant private discussion. However, they typically only include men and are likewise affected by restrictions on sensitive topics. The government has prosecuted individuals for views expressed on social-media platforms in the past.

E. Associational and Organizational Rights: 4 / 12

Freedoms of assembly and association are guaranteed by law but constrained in practice. Kuwaitis must notify officials of a public meeting or protest, though some peaceful protests have been allowed without a permit. In 2012, the government declared public assemblies of more than 20 people to be illegal. In February 2015, a Kuwaiti court sentenced stateless activist Abdullah al-Enezi to five years in prison in absentia for his 2014 participation in demonstrations supporting the bidoon. Days earlier, six other stateless activists were sentenced to one year each for participating in unauthorized protests, with options granted to five of them to pay a fine and avoid imprisonment.

There were some opposition-led public protests in 2015. In March, police in Kuwait City forcibly dispersed more than 800 demonstrators protesting state abuses and detained more than a dozen, threatening them with criminal charges. In June, more than 50 people were fined for their participation in a high-profile protest march in 2012.

The government routinely restricts the registration and licensing of nongovernmental organizations (NGOs), forcing dozens of groups to operate without legal standing or state assistance. Representatives of licensed NGOs must obtain government permission to attend foreign conferences, and critical groups may be subject to harassment. In June 2015, the government dismissed the directors on the board of the Kuwait chapter of Transparency International, replacing them with government appointees who subsequently dismantled the group's assets. The regime

claims that it has increased monitoring of NGOs over concerns about financial support for extremist militants abroad.

Private sector workers who are citizens have the right to join labor unions and bargain collectively, but labor laws allow for only one union per occupational trade and one national union federation, the Kuwait Trade Union Federation. Noncitizen migrant workers do not enjoy these rights; however, hundreds of migrants participated in risky illegal labor actions in 2015 to protest nonpayment of wages and other abuses.

F. Rule of Law: 7 / 16

Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch approves judicial promotions.

Authorities may detain suspects for four days without charge. Detainees, especially bidoon, have been subjected to torture in the past. The government permits visits by human rights activists to prisons, where overcrowding remains a problem.

In July 2015, the National Assembly approved new counterterrorism legislation that requires all citizens and residents to provide genetic samples to the government, making it the only country in the world to institute such a universal obligation.

Migrant workers are subject to frequent abuse and exploitation. They are often confined to slums, lack access to public services, and are forced to work in dangerous conditions for inadequate pay. Inadequate safety measures plague many large construction projects and led to multiple worker deaths in 2015. In June, the National Assembly passed legislation expanding the rights of domestic workers, including by requiring mandatory leave and regular bonuses. However, critics decried the lack of enforcement mechanisms in the law.

Same-sex sexual activity is illegal and punishable by up to seven years in prison. In 2013, officials from the Health Ministry called for clinical tests to be held at Kuwait's ports of entry in an attempt to identify and bar LGBT (lesbian, gay, bisexual, and transgender) people from entering Kuwait or any of the other Gulf Cooperation Council countries. A 2007 law criminalizes "imitating the opposite sex."

G. Personal Autonomy and Individual Rights: 6 / 16

As of 2009, married women have the right to obtain passports and travel without their husband's permission. Migrant workers often face de facto restrictions on freedom of travel and residence.

The 1962 constitution provides men and women with equal rights, but this idea is not enforced in practice. Women comprise more than 60 percent of the student body at several leading universities, but the government enforces gender segregation in educational institutions. In December 2015, the Constitutional Court rejected a legal challenge to the policy. Kuwaiti women have the right to vote and hold public office. There are no elected female members in the National Assembly; the country's sole female minister, along with the rest of the prime minister's cabinet, serves as an ex officio member. Despite some legal protections from discrimination and abuse, women remain underrepresented in the workforce and face unequal treatment in several areas of law and society.

They must have a male guardian in order to marry, are only permitted to seek a divorce when deserted or subjected to domestic violence, and are not treated equally in inheritance matters. Domestic abuse and sexual harassment are not specifically prohibited by law. Foreign domestic servants and migrant workers enjoy limited legal protections against mistreatment and remain particularly vulnerable to abuse and sexual assault.

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