

NOW LIVE: Freedom on the Net 2023



FREEDOM IN THE WORLD 2023

Kuwait

PARTLY FREE

37
/100

<u>Political Rights</u>	14 /40
<u>Civil Liberties</u>	23 /60

LAST YEAR’S SCORE & STATUS

37 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Kuwait is a constitutional emirate ruled by the Sabah family. While the monarchy holds executive power and dominates most state institutions, the elected parliament plays an influential role, often challenging the government. State authorities impose some constraints on civil liberties, including speech and assembly, and the country’s large population of noncitizen workers faces particular disadvantages.

Key Developments in 2022

- In April, the cabinet resigned as the prime minister faced an imminent vote of no confidence from lawmakers. The parliament was then dissolved in June, setting the stage for early elections.
- Parliamentary elections were held in September, and 28 of the legislature’s 50 elected seats went to opposition figures. Two women candidates won seats, up from zero in the 2020 elections.
- In November, seven people who had been convicted of murder were put to death, marking the first executions in the country since 2017.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0 / 4
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The hereditary emir holds extensive executive powers. Sheikh Nawaf al-Ahmad al-Jaber al-Sabah, who succeeded his half-brother as emir in 2020, appointed another half-brother, Sheikh Meshaal al-Ahmad al-Jaber al-Sabah, as crown prince. The parliament, which must approve the choice of heir by majority vote, did so

unanimously. The emir delegated many of his powers to Sheikh Meshaal in late 2021, and the crown prince continued to exercise them during 2022.

The emir chooses the prime minister and appoints cabinet ministers on the prime minister's recommendation. At least one minister must be an elected member of parliament. All prime ministers and most senior ministers have been members of the ruling family.

Prime Minister Sabah al-Khalid al-Sabah, first appointed in 2019, resigned along with his cabinet in April 2022 in advance of a no-confidence vote from the parliament. As the crown prince prepared to form a new cabinet, lawmakers mounted sit-ins to demand early elections, which were ultimately announced in June and held in September. In July, the crown prince named Sheikh Ahmad Nawaf al-Ahmad al-Sabah, the emir's eldest son, as prime minister. After a series of disagreements with lawmakers, a new cabinet was appointed in October, featuring two women and two elected members, and it remained in place at year's end.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2 / 4

The 50-member National Assembly is popularly elected on a formally nonpartisan basis, as political parties are illegal. As many as 15 appointed cabinet ministers may sit as additional ex officio members but cannot take part in confidence votes.

The parliament serves terms of up to four years. The emir and the Constitutional Court, which lacks full independence, have the power to dissolve the legislature, and the executive can thereby determine the timing of elections to suit its political priorities. This has occurred several times since 2011, usually after lawmakers clashed with senior ministers from the ruling family.

Elections were held in September 2022, more than two years ahead of schedule, with a reported voter turnout of about 50 percent. Opposition candidates won a total of 28 seats, and 20 incumbents, including three former ministers, lost their seats. Two candidates won seats while in detention on charges related to their participation in technically illegal tribal primary elections. Shiite candidates took nine seats, while Sunni Islamists, including figures associated with the Muslim

Brotherhood and the Salafist movement, took at least eight. Ahmad al-Saadoun, a veteran politician from the secular opposition, was elected speaker in October 2022. In addition to the crackdown on informal primary voting, authorities attempted to combat vote-buying, for which seven people were arrested in mid-September.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	1 / 4
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Elections are administered by the Interior Ministry rather than an independent institution, and the electoral system lacks transparency. Elections are nevertheless competitive by regional standards. Corruption in campaigns remains a concern.

The emir has implemented changes to electoral laws in close proximity to elections. A decree issued two months ahead of elections in 2012 reduced the number of candidates a voter can choose in a given multimember district from four to one, a change which opposition movements have tried to challenge since its implementation. In advance of the 2022 elections, passive voter registration was introduced, meaning all eligible Kuwaiti citizens with civil identification cards were automatically registered to vote; voters were also required for the first time to present their civil identification cards as a means of ensuring election integrity.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	2 / 4
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Formal political parties are banned, which significantly constrains political organization, although loose parliamentary blocs exist in practice. Politicians have

some space to criticize the government, but those who seriously challenge the emir's authority have faced criminal charges.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

2 / 4

The constitutional system does not allow democratic transfers of power at the executive level. Candidates aligned with the opposition won 28 parliamentary seats in 2022. They included several members of the local affiliate of the Muslim Brotherhood, a Sunni Islamist group that is banned in most other Persian Gulf monarchies.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2 / 4

The hereditary emir and the ruling family frequently interfere in political processes, including through the harassment of political and media figures, and the government impedes the activities of opposition parliamentary blocs. Senior members of the ruling family allegedly provide economic resources to favored politicians and journalists to exert political influence.

In the absence of political parties, major tribes hold their own informal and technically illegal primary elections to unite members behind certain parliamentary candidates, who then typically use their public office to generate economic benefits for members of their tribe. The government has worked to stop such coordination on the grounds that it is unfair, and more than two dozen people were arrested on charges of participating in tribal primaries ahead of the 2022 elections. Of the two who won seats while in detention, one was released on bail and the other had his two-year prison sentence confirmed in October.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political

1 / 4

rights and electoral opportunities?

The electorate consists of men and women over age 21 who have been citizens for at least 20 years and have a Kuwaiti father. Most members of state security agencies are barred from voting.

Access to citizenship is tightly restricted. About 70 percent of the country's residents are noncitizens, primarily from South Asian or other Arab countries, who have no right to vote even if they are lifelong residents. Naturalization is extremely rare for people born abroad or without a Kuwaiti father, and it is not permitted for non-Muslims. Individuals have had their Kuwaiti citizenship revoked for political reasons.

More than 100,000 residents, known as bidoon, are stateless; many bidoon claim Kuwaiti nationality and descent, but official processes to verify their eligibility for citizenship are slow, opaque, and largely ineffective. In November 2022, the speaker of the newly elected parliament proposed a bill to reform Kuwait's nationality law and resolve the status of the bidoon.

The Shiite Muslim community makes up about a third of the citizen population but is not well represented in the political system. Shiite candidates won nine seats in the 2022 elections, compared with six in the 2016 and 2020 polls.

Women have had the right to vote and run for office since 2005, and some have been elected to the parliament. Two women won seats in 2022, up from zero in 2020, and two women were appointed as cabinet ministers in October. Entrenched societal attitudes hamper more active participation by women in the political process, although civil society groups like Mudhawi's List have emerged in recent years to support women running for elected positions.

Societal and legal discrimination against LGBT+ people prevents them from playing any open role in political affairs.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1/4

While elected members of parliament can initiate legislation, policymaking authority is concentrated in the hands of the hereditary emir and his appointed government. The emir has repeatedly used his power to dissolve the National Assembly when it imposes checks on the executive. He can also veto legislation and issue executive decrees when the assembly is not in session.

Cabinet ministers, including members of the ruling family, are subject to questioning by the parliament, often leading to tension between the two branches of government. In February 2022, the interior and defense ministers resigned in protest, accusing lawmakers of abusing their oversight powers. The impending vote of no confidence that triggered the cabinet's resignation in April 2022 was driven in part by the prime minister's repeated refusal to submit to questioning over the previous year, though he did appear in late March.

Interactions between the executive and legislature are affected by succession-related rivalries within the ruling family. Powerful members of the family are able to put pressure on rivals in ministerial roles by cultivating parliamentary allies who can question them and scrutinize their performance.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption is pervasive. While an Anti-Corruption Authority (Nazaha) has operated since 2015, its activities appear insufficient. Allegations of malfeasance lodged by lawmakers against ministers have been at the heart of the country's recurring political crises.

In March 2022, former prime minister Sheikh Jaber al-Mubarak al-Sabah and former minister Sheikh Khalid al-Jarrah al-Sabah were acquitted of the alleged embezzlement of over KD240 million (\$780 million) in public funds.

C3 0-4 pts

Does the government operate with openness and transparency?	2 / 4
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Transparency on government spending is inadequate, and there are few mechanisms that encourage officials to disclose information about government operations. Kuwait does not have any legislation guaranteeing the right to access public information. The State Audit Bureau provides some oversight on revenue and expenditures, reporting to both the government and the National Assembly, though not necessarily to the public. Defense spending is particularly opaque, with no detailed breakdown available to the parliament.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	1 / 4
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Kuwaiti law assigns penalties for the publication of material that insults Islam, criticizes the emir, discloses information considered secret or private, or calls for the regime’s overthrow. Journalists also risk imprisonment under the restrictive 2016 Cyber Crimes Law, which criminalizes the dissemination of similar content online. In June 2022, the authorities withdrew the licenses of 90 news websites and referred 73 media outlets to state prosecutors for alleged legal violations, including the publication of false news.

Thousands of books have been banned in the country for political or moral reasons, though a 2020 legal amendment requires a judicial order—rather than a government decision—to enforce such a ban.

The media regulator, the Commission for Mass Communications and Information Technology, has sweeping powers to monitor, block, and censor online material.

The government can seek the revocation of a media outlet's license via the judiciary. Foreign media outlets operate relatively freely in Kuwait. In September 2022, Kuwait's government joined the other five members of the Gulf Cooperation Council in demanding that Netflix remove "offensive content" from its video-streaming service, citing material that "violates Islamic and societal values and principles."

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2 / 4

Islam is the state religion, and blasphemy is a punishable offense. Defamation of Islam, Christianity, and Judaism is prohibited. The government appoints Sunni imams and oversees their sermons. Shiite Muslims have their own religious institutions, including Sharia (Islamic law) courts, though the government does not permit training of Shiite clerics in the country. Several Christian churches are officially registered. Members of other non-Muslim minority groups are generally permitted to practice their faiths in private but are effectively forbidden from proselytizing.

In April 2022, a Kuwaiti citizen accused of posting blasphemous comments on social media was convicted of atheism and sentenced to two months in prison and a fine of KD10,000 (\$33,000).

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2 / 4

Academic freedom is impeded by self-censorship on politically sensitive topics, as well as by broader legal restrictions on freedom of expression, including the prohibitions on insulting the emir and defaming religion. The National Union of Kuwaiti Students is not officially registered as a nongovernmental organization (NGO) but is nevertheless considered influential.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	1 / 4
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Freedom of personal expression is curtailed by state surveillance and the criminalization of some forms of critical speech. The Cyber Crimes Law imposes prison sentences of up to 10 years as well as fines for online speech that criticizes the emir, judicial officials, religious figures, or foreign leaders. Users who criticize the government on social media tend to be harassed by online trolls and automated “bot” accounts, some of which may be state sponsored.

Activists and other individuals are occasionally summoned for questioning over their online comments, and some have been prosecuted. In June 2022, Twitter user Salman al-Khalidi was sentenced to five years in prison for allegedly insulting Saudi Arabia and spreading false news. Also that month, a Kuwaiti singer was sentenced to three years in prison on charges that she had criticized the emir and spread false news through her Twitter account.

In November, the emir pardoned an unspecified number of political prisoners who had been arrested between 2011 and 2021 and jailed for alleged actions such as spreading false news, questioning the emir’s rights and powers, and defaming him or the judiciary.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1 / 4
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Freedom of assembly is constrained by law and in practice. Organizers must notify officials of a public meeting or protest, and those who participate in unauthorized

protests are subject to imprisonment or, for noncitizens, deportation. Peaceful protests are sometimes allowed without a permit.

In August 2022, several bidoon rights activists were arrested for participating in an unlawful assembly. Some gatherings linked to the parliamentary elections were allowed, but assemblies associated with tribal primaries were disrupted up by security forces.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

2 / 4

The government restricts the registration and licensing of NGOs, forcing many groups to operate without legal standing. Representatives of licensed NGOs must obtain government permission to attend foreign conferences, and critical groups may be subject to harassment.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

1 / 4

Private-sector workers who are Kuwaiti citizens have the right to join labor unions and bargain collectively and have a limited right to strike. However, labor laws allow for only one national union federation. Noncitizen migrant workers do not enjoy these rights and can face dismissal and deportation for engaging in union or strike activity. In 2019, the Kuwait Trade Union Federation opened an office to provide migrant workers with advice on legal disputes. Civil servants and household workers are also denied union rights; most citizen workers are public employees and do not have the right to strike.

Migrant workers sometimes participate in risky illegal labor actions such as sit-ins and walkouts to protest nonpayment of wages and other abuses.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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Kuwait lacks an independent judiciary. The emir has the final say on judicial appointments, which are proposed by a Supreme Judicial Council that includes senior judges, the attorney general, and the deputy justice minister. The executive branch approves judicial promotions. Judges who are Kuwaiti citizens are appointed for life, while noncitizens receive contracts for up to three years, reflecting a wider tendency to keep noncitizens employed on precarious short-term contracts. The courts frequently rule in favor of the government in cases related to politics.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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Arbitrary arrests and detentions sometimes occur despite legal safeguards. Authorities may detain suspects for four days without charge. However, a group of individuals accused of providing financial support for the Lebanese Shiite militant group Hezbollah were held for weeks without charge after security forces detained them in November 2021; their closed-door trial began in May 2022. Noncitizens arrested for minor offenses are subject to detention and deportation without due process or access to the courts.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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Kuwait is generally free from armed conflict, no major terrorist attacks have been reported since 2015, and there are relatively low levels of criminal violence. Constitutional protections against torture and other forms of cruel and unusual punishment are not always upheld. Detainees, especially bidoon, continue to

experience torture and beatings in custody. Overcrowding and unsanitary conditions are significant problems at prisons and deportation centers.

Human Rights Watch has reported violations of due process in capital cases. In November 2022, authorities executed seven people who had been convicted of murder, marking the first use of capital punishment in the country since 2017.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	2 / 4
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Despite some legal protections from bias and abuse, women remain underrepresented in the workforce and face unequal treatment in several areas of law and society. Women, especially foreign women, face public harassment. Women account for a majority of university students, but the government enforces gender segregation in educational institutions. In January 2022, the government specified that women can join the military if they wear a hijab and have approval from their husband or other male guardian; they are apparently limited to medical and support roles.

LGBT+ people face societal discrimination, and the penal code prescribes prison sentences for sex between men.

Officials consider bidoon to be illegal residents, and they often live in poor conditions and have difficulty accessing public services and obtaining formal employment. Noncitizen migrant workers are also excluded from many of the legal protections granted to citizens.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2 / 4
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Kuwait generally does not constrain citizens' movement, but migrant workers often face de facto restrictions on travel and place of residence. The labor sponsorship system limits migrant workers' freedom to change jobs without permission from their existing employer.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1 / 4
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Kuwaiti law allows citizens and foreign nationals, but not bidoon, to own private property. Although the law permits the establishment of businesses, bureaucratic obstacles sometimes slow the process, and fair competition can be impaired by nepotism or corruption. Companies are legally prohibited from conducting business with citizens of Israel.

Sharia-based inheritance rules, particularly those pertaining to Sunni families, put women at a disadvantage.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	2 / 4
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Personal status laws favor men over women in matters of marriage, divorce, and child custody. For example, Sunni women must have the approval of a male guardian to marry and are only permitted to seek a divorce when deserted or subjected to domestic violence. Domestic abuse and spousal rape are not specifically prohibited by law, and rapists can avoid punishment if they marry their victims.

Article 153 of the penal code classifies crimes in which a man kills a close female relative whom he has caught in "an unsavory sexual act" as misdemeanors, punishable by at most three years in prison. Such incidents are rare but not entirely unknown; a local civil society campaign seeks to eliminate the penal code provision.

A 2020 law designed to combat domestic violence provides for shelters, restraining orders, and legal assistance for victims, among other components. However, it does not criminalize domestic violence or cover gender-based violence outside the immediate household.

In February 2022, the Constitutional Court found Article 198 of the penal code, which criminalizes “imitating the opposite sex,” to be unconstitutional. Despite this positive step, transgender people still experience discrimination based on their appearance, and several Islamist members of parliament have called for a new law to replace Article 198.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

Foreign household workers and other migrant workers are highly vulnerable to abuse and exploitation, often forced to live and work in poor or dangerous conditions for low pay. Despite some legal protections designed to prevent mistreatment, many employers reportedly confiscate their household workers' passports, subject them to excessive working hours, and restrict their movements outside the home. Recruiting agents are known to hold female migrant workers for ransom, demanding money from their families before they could return home. Other migrant workers have been repatriated by the state labor bureau after being refused payment or otherwise harassed or abused by their employers.



On Kuwait

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Country Facts

Global Freedom Score

37/100 **Partly Free**

Other Years

2022

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