



Freedom in the World 2013 - Kuwait

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2013 Scores

Status: Partly Free
Freedom Rating: 5.0
Civil Liberties: 5
Political Rights: 5

Ratings Change

Kuwait's political rights rating declined from 4 to 5 due to a parliamentary crisis and the government's attempts to undermine the political opposition by revising the electoral law.

Overview

Kuwait's political crisis worsened in 2012, as the emir dissolved the results of the February elections in June and decreed a new electoral law in October, resulting in protests by tens of thousands of Kuwaitis and an opposition boycott of the December elections. Hundreds of demonstrators were injured and prominent opposition figures were arrested during the year for criticizing the government. Meanwhile, opposition media outlets were shut down and bloggers charged with insulting the emir.

For more than 200 years, the al-Sabah dynasty has played a role in ruling Kuwait. A year after the country gained its independence from Britain in 1961, a new constitution gave broad powers to the emir and created the National Assembly. Iraqi forces invaded in August 1990, but a military coalition led by the United States liberated the country in February 1991.

Emirs suspended the National Assembly from 1976 to 1981 and from 1986 to 1992. After its restoration in 1992, the parliament played an active role in monitoring the emir and the government, often forcing cabinet ministers out of office and blocking legislation proposed by the ruling family. However, the legislature also served as an impediment to progressive political change by rejecting measures on women's rights and economic reform.

After 28 years of rule, Sheikh Jaber al-Ahmad al-Sabah died in 2006. The cabinet and parliament removed his heir for health reasons and elevated Sheikh Sabah al-Ahmad al-Sabah, the half-brother of the previous emir, as the new emir. In parliamentary elections that year, a coalition of liberals, Islamists, and nationalists campaigning against corruption captured a majority of seats.

In March 2009, the government resigned amid calls by parliament to question cabinet members over the misuse of public funds, prompting the emir to dissolve the parliament two days later. Parliamentary elections were held again in May with Sunni Islamists, Shiites, liberals, and tribal representatives all winning seats. The prime minister went before the parliament in December to answer to allegations of corruption and survived a subsequent vote of confidence.

Tensions between the government and the public persisted throughout 2011, sparking regular demonstrations demanding the prime minister's resignation and the eradication of systemic corruption. Protests continued into November, leading to two dozen arrests as well as the cabinet's resignation. The emir dissolved parliament in December, setting the stage for new elections in 2012.

In the February 2012 parliamentary elections, opposition candidates gained a majority of seats. A parliamentary commission formed in March claimed that it had uncovered evidence of graft and sought to question the premier. Parliamentary efforts to question government ministers led the emir to suspend parliament for a month in June. That same month, the Constitutional Court declared that the emir's 2011 dissolution of the parliament was unconstitutional, tossed out the results of the February elections, and resealed the 2009 progovernment parliament. The Court's decision prompted large-scale protests in June, with tens of thousands of people demonstrating and calling for new elections. Their efforts were bolstered when the re-seated 2009 parliament failed twice to establish a quorum.

The government exacerbated the political crisis in August when it referred Kuwait's 2006 electoral law to the Constitutional Court for review. The move, which aimed to reduce the number of electoral districts and limit opposition support, prompted more demonstrations. In September, the court rejected the government's attempt, forcing the emir to dissolve parliament and set new elections for December.

In October, the emir issued a royal decree reducing the number of candidates elected in each district from four to one, a move designed to limit the power of the opposition. Tens of thousands of Kuwaitis responded by holding regular protests in October and November, with hundreds being injured by the harsh security response. The opposition boycotted the December 1 elections, leading progovernment candidates to capture the majority of seats. Voter turnout was around 40 percent, the lowest in Kuwait's history. Opposition protests continued through the end of the year.

Political Rights and Civil Liberties

Kuwait is not an electoral democracy. The emir appoints the prime minister and cabinet and 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 parliament can overturn decrees issued by the emir while it is not in session. It can also veto the appointment of the country's prime minister, but it then must choose from among three alternates put forward by the emir. The parliament 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; members of most security forces are barred from voting.

Formal political parties are banned. While political groupings, such as parliamentary blocs, have been allowed to emerge, the government has impeded their activities through harassment and arrests.

Corruption remains a dominant political issue, and lawmakers continue to pressure the government to address this problem. In August 2011, allegations emerged that up to 18 members of parliament received large cash deposits into their personal bank accounts. The transactions have widely been interpreted as evidence of government bribery and fueled protests in the fall of 2011.

that spilled over into 2012. Parliamentary efforts to investigate corruption have been obstructed by the government. In May 2012, a commission established by the government concluded its investigation into the August case after claiming it found no evidence of fraud. In October, the public prosecutor formally ended the state's inquiry, also citing lack of evidence. Kuwait was ranked 66 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Kuwaiti authorities continue to limit press freedom. While press offenses have been decriminalized, offenders still face steep fines. Kuwaiti law punishes the publication of material that insults Islam, criticizes the emir, discloses secret or private information, or calls for the regime's overthrow. In March 2012, authorities shuttered the newspaper *al-Dar* for three months on charges that it was inciting sectarianism. Abdul Hussein al-Sultan, the newspaper's editor, was fined and sentenced to six months in prison. In April, parliament passed a new law criminalizing blasphemy, making insulting the prophet a capital offense, though the law was rejected by the emir. In April, police arrested blogger Hamad al-Naqi on charges that he had blasphemed the prophet as well as the leaders of Kuwait and Saudi Arabia on the social media site Twitter; he was sentenced to 10 years in prison in June. Other prominent figures were detained for criticizing the government, including several royal family members and the former member of parliament Musallam al-Barak, who was arrested on charges of having "undermined the status of the emir" in an October speech. He was held for 10 days, and his trial was postponed through the end of the year. In January, journalist Ayyad al-Harbi was arrested for insulting the emir in comments he posted on the social media site, Twitter; his trial was pending at year's end.

Kuwait has more than 10 daily and weekly Arabic newspapers and two English-language dailies. The state owns four television stations and nine radio stations, but there are also a number of private outlets, including the satellite television station Al-Rai. Foreign media outlets have generally operated relatively freely in Kuwait. Kuwaitis enjoy access to the internet, though the government has instructed internet service providers to block certain sites for political or moral reasons.

Islam is the state religion, but religious minorities are generally permitted to practice their faiths in private. Shiite Muslims, who make up around a third of the population, enjoy full political rights but have experienced a rise in harassment in the aftermath of the Iraq war and the uprising in Bahrain. Kuwaiti Salafis and Sunni Islamists have criticized the country's Shiites for alleged links to Iran. Academic freedom is generally respected. Kuwait allows relatively open and free private discussion, often conducted in traditional gatherings (*diwaniyat*) that typically include only men.

Freedoms of assembly and association are guaranteed by law, though the government constrains these rights in practice. Kuwaitis must notify authorities of a public meeting or protest, but do not need a permit. Peaceful demonstrations were held throughout 2012, mostly in response to charges of government corruption and the parliamentary crisis. In October 2012, the government declared that public assemblies of more than 20 people were illegal. Tens of thousands of demonstrators routinely defied the new restrictions, prompting police to respond with tear gas and violence to disperse crowds; hundreds were injured. Members of Kuwait's more than 100,000 stateless residents, known as *bidoon*, have also staged regular protests over the last two years calling for greater rights. They are considered illegal residents, do not have full citizenship rights, and often live in wretched conditions. In January 2012, the government announced that it would deport *bidoon* who participated in protests, and throw out their citizenship applications, and dismiss those serving in the army if they or their family members were determined to have participated in demonstrations. 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. Workers have the right to join labor unions, but Kuwait's labor law mandates that there be only one union per occupational trade. Migrant workers enjoy limited legal protections against mistreatment or abuse by employers.

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 2011, police arrested a Kuwaiti citizen, Mohammed al-Mutairi, for alcohol possession, which is illegal in Kuwait. A parliamentary investigation revealed that authorities tortured al-Mutairi for six days before killing him and then engaged in a cover-up. Controversy surrounding the case forced the resignation of Minister of the Interior Sheikh Jaber al-Khaled al-Sabah in February 2011, and 16 police officers were brought up on charges. In January 2012, two of the officers were sentenced to life in prison while four others received sentences of 15 to 16 years. Three other officers received smaller sentences ranging from two years in prison to fines, while the remaining officers were acquitted. The government permits visits by human rights activists to prisons, where overcrowding remains a problem.

The 1962 constitution provides men and women with equal rights. Kuwaiti women have the right to vote and run as candidates in parliamentary and local elections. For the first time in Kuwait's history, four women won seats in the 2009 parliamentary elections. While no women were elected in the February elections, 3 were victorious in the December vote. Women also comprise more than 60 percent of the student body at several leading Kuwaiti universities. Nevertheless, women face discrimination in several areas of law and society and remain underrepresented in the workforce. Women are offered some legal protections from abuse and discrimination, but they are only permitted to seek a divorce in cases where they have been deserted or subject to domestic violence. Women must have a male guardian in order to marry and are eligible for only one half of their brother's inheritance. As of 2009, married women have the right to obtain passports and to travel without their husband's permission. Domestic abuse and sexual harassment are not specifically prohibited by law, and foreign domestic servants remain particularly vulnerable to abuse and sexual assault.

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