



Freedom in the World 2015 - Kuwait

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 5

OVERVIEW

The political upheaval that has characterized Kuwait over the past six years subsided in 2014. However, the government continued to restrict free speech and criticism of the regime. Several people were targeted for insulting the emir, including three former legislators whom the Supreme Court sentenced to three years in prison. Throughout the year, the government increasingly resorted to stripping citizenship from its harshest domestic critics. Abdullah Fairuz Abdullah Abd al-Kareem, a member of Kuwait's Human Rights Society, was sentenced to five years in prison in January and stripped of his citizenship for insulting the emir; he will be exiled after completing his sentence.

Following the release of a video allegedly showing former senior officials plotting a coup in May, authorities ordered a news blackout on the incident. The government temporarily shuttered two newspapers and several television stations for defying the order. In May, the parliament passed a telecommunications law that stipulates the establishment of the Commission for Mass Communications and Information Technology, a body with sweeping powers that include the authority to grant or rescind licenses to telecommunications companies and to block online content.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 14 / 40 (-2)

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; members of most security forces are barred from voting.

Electoral changes pronounced by the emir in 2012 changed the system under which citizens cast four votes to a simple system of one vote per person. Because districts are not always clearly demarcated and may have more than one representative, opposition parties argued that this change decreases the likelihood of building coalitions among the opposition and is a form of gerrymandering.

After the emir dissolved the National Assembly in December 2011, opposition candidates gained a majority of seats in February 2012 elections. The dissolution, which occurred amid allegations by Kuwaiti lawmakers of corruption within the cabinet and the al-Sabah family, was ruled unconstitutional by Kuwait's Constitutional Court, which nullified the electoral results. Tens of thousands of Kuwaitis responded by holding regular protests in which hundreds were injured by a harsh security response. 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. Although opposition leaders continued to boycott and criticize the government, public protests largely subsided by mid-2013. The country held its third round of parliamentary elections in 16 months in July 2013. Although there was no parliamentary crisis in 2014, the tensions that fueled past crises remain.

B. Political Pluralism and Participation: 7 / 16 (-2)

Formal political parties are banned, but political 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 the opposition's boycott 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, a practice that continued in 2014. The government has impeded the activities of opposition parliamentary blocs through harassment and arrests. Former legislator Musallam al-Barrak was detained in June 2014 for allegedly insulting the judiciary. He was released on bail 10 days later.

The government increasingly uses the stripping of citizenship as a political tool against its critics. In July, without a court order, the government stripped the citizenship of Ahmad Jabr al-Shammari, a pro-opposition figure and owner of the television station al-Yawm and the *Alam al-Yawm* newspaper. Dozens of others, including opposition figure Abdullah Barghash and leading human rights activist Abdullah Fairuz Abdullah Abd al-Kareem, were also stripped of citizenship for criticizing the government.

In the 2013 elections, Shiites lost more than half of their seats gained in the December 2012 elections, 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 moved slowly in 2014. In November, 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, foreign nationals can be more easily deported than stateless residents. *Bidoon* and other human rights activists have rejected this process, arguing that it is an attempt by the Kuwaiti government to relieve itself of its responsibilities to its *bidoon* population.

C. Functioning of Government: 5 / 12

Charges of government corruption were at the heart of the 2012 political crisis. The opposition continues to pressure the government to address it, but the government has obstructed parliamentary efforts to investigate. In June 2014, allegations emerged regarding the embezzlement of \$17 million of public funds by government representatives. Kuwait ranked 67 out of 175 countries and territories in Transparency International's 2014 Corruption Perceptions Index. Transparency in government spending and operations is inadequate and exacerbated by the weakness of the 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 to block certain sites for political or moral reasons. In May 2014, the National Assembly passed a new telecommunications law that will allow authorities to monitor, block, and censor online material through a new body, the Commission for Mass Communications and Information Technology. Critics worry that the law will formalize the existing practice of punishing critical content published online. The regulatory framework needed for the implementation of the law was not fully established at year's end.

Several journalists and newspapers continued to face harassment for their coverage of the regime. After banning media coverage of an alleged coup plot in April, the regime suspended the publication of two newspapers, *Alam al-Yawm* and *al-Watan*, in both April and June for defying the ban. In October, 13 Kuwaitis were sentenced to two years in prison each for publicly reading a 2012 speech by leading oppositionist Musallam al-Barrak in which he criticized the emir.

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 2003 outbreak of hostilities in Iraq and the 2011 uprising in Bahrain.

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 Shia 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 websites 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 authorities 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; defiance by tens of thousands of demonstrators in 2012 and 2013 led to violent clashes with authorities. In October 2014, 67 bidoon accused of assaulting police during 2012 protests were acquitted. In the same month, human rights activist Sulaiman bin Jasim was sentenced to one month in prison for having participated in a demonstration in 2013. Bin Jasim reported that he was an observer to the protest and was assaulted by police.

In June, demonstrators filled central Kuwait City to protest against governmental corruption. Mass demonstrations in July calling for the release of prominent opposition leader Musallam al-Barrak from detention turned violent when police fired tear gas and stun grenades to disperse the protesters.

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. The regime claims that it has increased monitoring of the country's charities over concerns about financial support for extremist militants in Syria and Iraq originating in Kuwait.

Private sector workers 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.

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. Minister of Justice and Islamic Affairs Nayif al-Ajmi resigned in May 2014 following accusations by a U.S. official that he was involved in the promotion of and fundraising for al-Qaeda in Syria – a crime in Kuwait since 2013.

The government permits visits by human rights activists to prisons, where overcrowding remains a problem. In April 2014, authorities determined that police can no longer deport expatriate workers without the approval of the Ministry of Interior.

In 2012, the government announced that it would deport bidoon who participated in demonstrations, discarding their citizenship applications, and dismiss those serving in the army if they or their family members participated in demonstrations. Dozens of stateless people were arrested for protesting their status in January and February 2014; allegations of torture while in custody have surfaced following the arrests. In September, Abd Al-Karim al-Fadhli, a pro-bidoon human rights activist, was found guilty of insulting a police officer and sentenced to six months in prison; he had been arrested in July while participating in a peaceful protest.

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. Transgender women reportedly face abuse from officials and are subject to prosecution under a 2007 law that 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 to 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. Women comprise more than 60 percent of the student body at several leading universities. Kuwaiti women have the right to vote and hold public office. In May 2014, the sole remaining female elected member of the National Assembly resigned, and no women were elected in the June by-election. One woman was appointed to the Cabinet of Kuwait in January and, along with the rest of the Cabinet, serves as an ex officio member of the National Assembly. 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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