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Freedom in the World 2012 - Kuwait

2012 Scores

Status: Partly Free
Freedom Rating: 4.5
Civil Liberties: 5
Political Rights: 4

Overview

Allegations of corruption by the National Assembly, combined with popular protests against the prime minister and the cabinet, led to the resignation of the cabinet twice, the prime minister once, and the Emir's dissolution of the National Assembly by the end of 2011. In January, police detained and fatally tortured a Kuwaiti citizen, Mohammed al-Mutairi, leading to the resignation of the interior minister and the arrest of 16 police officers. Members of Kuwait's stateless *bidoon* community staged demonstrations demanding expanded rights.

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 have suspended the National Assembly two times, 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 has 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.

The emir dissolved parliament in March 2008, leading to early elections in May. In November, Prime Minister Nasser Mohammed al-Ahmed al-Sabah – the emir's nephew – and the cabinet resigned to avoid questioning by the parliament regarding corruption allegations. In December, the emir accepted the cabinet's resignation but immediately reappointed his nephew as prime minister to demonstrate his displeasure with the legislature.

A new cabinet was finalized in January 2009 and opposition members of the parliament quickly renewed calls to question cabinet members over the misuse of public funds. The government again

resigned in March 2009, prompting the emir to dissolve the parliament two days later. For the third time in three years, parliamentary elections were held 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 the subsequent vote of confidence.

In January 2011, the prime minister narrowly survived another no-confidence vote over corruption charges. Opposition members also accused the prime minister of rolling back the country's political freedoms after his harsh response to a December 2010 public rally. Tensions between the government and the public persisted throughout 2011, sparking regular protests in the country's capital demanding the prime minister's resignation and the eradication of systemic corruption. The cabinet resigned in March rather than have three of its members appear before the National Assembly for questioning about corruption and for their support of the Cooperation Council of the Arabs States of the Gulf intervention in Bahrain. The Emir appointed a new cabinet in May, but retained the controversial Nasser Mohammed al-Ahmed al-Sabah in his post as prime minister. Over 10,000 Kuwaitis demonstrated in opposition to the prime minister and state corruption in October.

Protests at Kuwait's parliament continued into November, leading to two dozen arrests as well as the cabinet's resignation later that month. The Emir swore in a new cabinet in December headed by former Minister of Defense Jaber Al Mubarak Al Sabah, although he reappointed most of those who had resigned the previous month. The Emir also dissolved parliament in December, setting the date for new elections in February 2013.

Political Rights and Civil Liberties

Kuwait is not an electoral democracy. The ruling family sets the policy agenda and dominates political life. The emir has overriding power in the government system and appoints the prime minister and cabinet. Under the constitution, the emir shares legislative power with the 50-member National Assembly, which is elected to four-year terms by popular 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. A 2006 law reduced the number of multimember electoral districts from 25 to 5 in an effort to curb corruption. 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 then it must choose from three alternates put forward by the emir. The parliament also has the power to remove government ministers with a majority vote.

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, disclosed by the National Bank of Kuwait and Kuwait Finance House, have widely been interpreted as evidence of government bribery. The allegations fuelled protests in the fall and have led to demands for all members of parliament and their families to disclose their financial assets; the corruption probe was ongoing at year's end. Kuwait was ranked 54 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

Kuwaiti authorities continue to limit criticism and political debate in the press. While press offenses have been decriminalized, offenders still face steep fines. Kuwaiti law also prohibits and demands prison sentences for the publication of material that insults Islam, criticizes the emir, discloses secret or private information, or calls for the regime's overthrow. In January 2011, Kuwait's Supreme Court overturned the 2010 conviction of Muhammad Abd al-Qader al-Jassem for criticizing the prime minister, freeing him after he had served 62 days of a 3-month prison sentence. In June, authorities arrested the political activist Nasser Abul for criticizing the leaders of Saudi Arabia and Bahrain as well as Salafists on his personal twitter feed. He was accused of threatening state security, damaging relations with Kuwait's foreign allies, and for contempt of religion. He was subsequently acquitted of the state security charges, but was convicted of contempt of religion. He spent 111 days in prison.

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. However, in December 2010, the government shut down the bureau of Al-Jazeera for its coverage of a police crackdown on a political demonstration in the same month. 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 are subject to discrimination and harassment.

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 held throughout 2011, mostly in response to charges of government corruption, have tested the limits of the state's tolerance for public protest. In February, hundreds of members of Kuwait's more than 100,000 stateless residents, known as *bidoon*, protested for greater rights; they are considered illegal residents, do not have full citizenship rights, and often live in wretched conditions. Riot police responded harshly, arresting scores of people and injuring others. Detainees complained of torture while in state detention; at least 50 of the *bidoon* protestors went on trial in December for assaulting police and demonstrating without permission.

The government routinely restricts the registration and licensing of associations and 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 on behalf of their organizations. 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. The Interior Ministry supervises the main internal security forces, including the national police, the Criminal Investigation Division, and Kuwait State Security. In January 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, and 16 police officers were brought up on charges, though they had not been tried or sentenced by year's end. The government permits visits by human rights activists to prisons, where overcrowding remains a problem. In 2010, Kuwait enacted a disability rights act ensuring healthcare, education, and employment rights for the disabled.

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. 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. The country's public schools have remained segregated since 2001. 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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