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2012 International Religious Freedom Report - Kuwait

Executive Summary

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions. The constitution states that Islam is the state religion and that Sharia (Islamic law) is a main source of legislation. The trend in the government's respect for religious freedom did not change significantly during the year. There were negative developments, such as municipal authorities obstructing private, unofficial religious gatherings and the emir issuing an emergency decree that expands the laws that prohibit insulting religious groups. The Council of Ministers rejected amendments passed by the parliament that would have made blasphemy a capital crime for Muslims. Courts sentenced several individuals to time in prison for blasphemy and denigrating religious sects. Religious minorities experienced discrimination as a result of government policies.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. In general, citizens were open and tolerant of other religious groups, although vocal minorities opposed the presence of non-Muslim groups in the country and rejected the legitimacy of Shia Islam. Church representatives reported societal pressure on schools to stop allowing churches to gather in their facilities, and members of unrecognized religious groups reported pressure from landlords to stop meeting in unlicensed facilities. Regional events, including the conflict in Syria and public protests in Bahrain, contributed to increased sectarian tensions between Sunnis and Shia.

The U.S. ambassador and other embassy officers actively encouraged the government to address the persistent and growing concerns of religious leaders, including overcrowded and inadequate worship facilities, and their inability to receive approval to construct or purchase new facilities. The U.S. ambassador and embassy officers met frequently with recognized Sunni, Shia, and Christian groups, as well as with representatives of various unrecognized religious groups and nongovernmental organizations (NGOs) that deal with religious freedom concerns.

Section I. Religious Demography

According to the Public Authority for Civil Information, there are 1.2 million citizens and 2.6 million non-citizens. The national census does not distinguish between Shia and Sunni Muslims. Estimates derived from voting records and personal status documents indicate that approximately 70 percent of citizens, including the ruling family, adhere to the Sunni branch of Islam. Most of the remaining 30 percent of citizens are Shia Muslims. There are approximately 150-200 Christian citizens and a small number of Bahai citizens. An estimated

150,000 noncitizen residents are Shia. While some areas have relatively high concentrations of either Sunnis or Shia, most areas are religiously well integrated.

There are an estimated 600,000 non-citizen Hindus. The largely non−citizen Christian population is estimated to be more than 450,000. The government-recognized Christian churches include the Roman Catholic Church, the Coptic Orthodox Church, the National Evangelical (Protestant) Church, the Armenian Orthodox Church, the Greek Orthodox Church (referred to in Arabic as the Roman Orthodox Church), the Greek Catholic (Melkite) Church, and the Anglican Church. There are also many unrecognized Christian religious groups with smaller populations. There are an estimated 100,000 Buddhists, 10,000 Sikhs, and 400 Bahais, the majority of whom are non-citizens.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom. The constitution provides for “absolute freedom” of belief and for freedom of religious practice in accordance with established customs, provided that it does not conflict with public order or morals. The constitution states that Islam is the state religion.

The law prohibits the naturalization of non-Muslims but allows male Christian citizens to transmit citizenship to their descendents.

There are laws against blasphemy, apostasy, and proselytizing, and the government actively enforces them. The government financially supports Sunni Muslims who proselytize foreign residents.

The law requires jail terms for journalists convicted of defaming any religion and prohibits denigration of Islam or Islamic and Judeo-Christian religious figures, including the Prophet Muhammad and Jesus. The law prohibits publications that the government deems could create hatred, spread dissension among the public, or incite persons to commit crimes. The law provides that any citizen may file criminal charges against an author if the citizen believes that the author has defamed Islam or the ruling family, or harmed public morals.

On October 21, the emir issued an emergency decree called the National Unity Law. The law criminalizes publishing and broadcasting content that could be deemed offensive to religious “sects” or groups and expands existing law by explicitly including social media. The National Unity Law greatly increases penalties for those convicted, allowing for fines ranging from 10,000 Kuwaiti dinars (KD) ($36,000) to KD 200,000 ($720,000), and as many as seven years in prison.

The government requires Islamic religious instruction in public schools for all students. The government also requires Islamic religious instruction in private schools that have one or more Muslim students (regardless of whether the student is a citizen or not). Non-Muslim students are not required to attend these classes. High school Islamic education textbooks are based largely on the Sunni interpretation of Islam. Some text books from the ninth-grade Islamic studies curriculum refer to certain Shia religious beliefs and practices as heretical. The law prohibits organized religious education for faiths other than Islam. Informal religious instruction occurs inside private homes and on church compounds without government interference.

The government does not designate religion on passports or national identity documents, with the exception of birth certificates. On birth certificates issued to Muslims, the government does not differentiate between Sunnis and Shia.

The Ministry of Awqaf and Islamic Affairs is officially responsible for overseeing religious groups. The procedures for registering and licensing religious groups are similar to those for NGOs.

There are seven officially recognized churches: the National Evangelical, Catholic, Coptic Orthodox, Armenian Orthodox, Greek Orthodox, Greek Catholic, and Anglican churches. They work with a variety of government entities in conducting their affairs. These include the Ministry of Social Affairs and Labor for visas and residence permits for clergy and other staff, the Ministry of Foreign Affairs and Municipality of Kuwait for building permits and land concerns, and the Ministry of Interior for security and police protection of places of worship. The government imposes quotas on the number of clergy and staff officially recognized religious groups can bring into the country.

The government does not recognize religious groups not sanctioned in the Quran, such as the Bahais, Buddhists, Hindus, and Sikhs. Members of unrecognized religious groups are unable to apply for visas and residence permits for clergy and other staff, build places of worship or other religious facilities, or request security and police protection for a place of worship.

The Amiri Diwan's Higher Advisory Committee on Completion of the Application of Islamic Sharia Provisions is tasked with preparing society for the full implementation of Islamic law in all fields. The committee makes recommendations to the emir on ways in which laws can be brought into better conformity with Islamic law, but it has no authority to enforce such changes.

Religious courts administer personal status law. The government permits Shia to follow their own jurisprudence in matters of personal status and family law at the first instance and appellate levels. In 2003 the government approved a Shia request to establish a court of cassation (equivalent to a supreme court) to oversee Shia personal status issues. The court is not yet established. An independent Shia Waqf administers Shia religious endowments.

Eating, drinking, and smoking in public are prohibited during Ramadan between sunrise and sunset, even for non-Muslims, with a prescribed maximum penalty of up to KD 100 ($360) and/or one month's imprisonment. Other practices deemed inconsistent with Islamic law are prohibited, including sorcery and black magic.

The government observes the following religious holidays as national holidays: Islamic New Year, Birth of the Prophet Muhammad, Ascension of the Prophet, Eid al-Fitr, and Eid al-Adha. Private employers can decide whether to give their non−Muslim employees time off for non-Muslim holidays.

Government Practices

There were reports of abuses of religious freedom, including reports of imprisonment and detention. Government restrictions primarily affected non-Sunni citizens and residents. Municipal authorities became more active in obstructing religious gatherings at unofficial, private spaces. Courts sentenced several individuals to time in prison for religious offenses and there were reports of religious bias and discrimination against religious groups in the issuances of legal verdicts.

On February 13, police arrested writer Mohammed Al-Mulaifi on charges that included denigrating Shia doctrine. On April 9, the Court of First Instance sentenced Al-Mulaifi to seven years in prison. On May 31, the Court of Appeals reduced Al-Mulaifi's sentence from seven years to six months, and he was released on October 9 after completing his sentence.

On March 27, police arrested Hamad Al-Naqi, a Shia, for posting comments to his Twitter account considered blasphemous and insulting to Sunni Gulf rulers. On June 4, the Court of First Instance sentenced Al-Naqi to 10 years in prison. Al-Naqi remained in prison at year's end pending a decision from the court of appeals. Largely in response to this case, parliament voted to make blasphemy a capital crime for Muslims; however, the Council of Ministers rejected this amendment to the criminal code.

The media reported multiple incidents of individuals being detained for practicing black magic and sorcery, which are considered inconsistent with Islamic law, or for possessing items used in those practices. In one such case, a man was sentenced to 10 years' imprisonment with hard labor followed by deportation.

In March 2011 the Ministry of Information announced it was filing charges against Al-Adalah satellite channel and the newspaper *Al-Dar*, which refers to itself as the "voice of the Shia," for referring to the Saudi-led military intervention in Bahrain as an "invasion. " In 2012 the Ministry of Information twice suspended *Al-Dar's* operations. In addition, on March 12 a criminal court convicted *Al-Dar*'s editor-in-chief, Abd al−Hussain al−Sultan, of raising sectarian strife and undermining national security. Al-Sultan received a suspended six-month prison sentence and was fined 1,000 KD ($3,600). On May 14, a court of appeal increased the sentence to a one-year suspended prison sentence. The government temporarily closed other media outlets for similar reasons.

The government did not permit the establishment of non-Sunni religious training institutions for clergy. Shia who wanted to serve as imams had to seek training and education abroad (primarily in Iraq, Iran, and to a lesser degree Syria) due to the lack of Shia jurisprudence courses at Kuwait University's College of Islamic Law, the country's only institution to train imams. There are no Shia professors at the College of Islamic Law at Kuwait University. The government prohibited non-Muslim missionaries from working in the country and prohibited them from proselytizing Muslims; however, they were allowed to serve non-Muslim congregations.

The government imposed quotas on the number of clergy and staff recognized groups could bring into the country. Religious groups found the quotas insufficient for the needs of their congregations, experienced difficulties obtaining visas and residence permits, and found authorities to be unresponsive.

On August 9, the Roman Catholic Church announced that it would move the seat of the Vicariate of Northern Arabia from Kuwait to Bahrain, in part due to the difficulties it faced in obtaining adequate numbers of visas in Kuwait. The Vicariate had been in the country since 1953.

Foreign religious leaders of unrecognized religious groups had to enter the country as non-religious workers, which required them to minister to their congregations outside of their regular non-religious employment.

Churches that applied for licenses to build new places of worship often had to wait for approval for a substantial period of time, sometimes years. In some cases, such applications were denied. Some applications were allegedly refused based on technical grounds. Most of the recognized Christian churches considered their existing facilities inadequate to serve their communities and faced significant problems in obtaining proper approvals from municipal councils to construct new facilities. Members of the Shia community expressed concern over the relative scarcity of Shia mosques due to the government's slowness in approving repairs to existing mosques or the construction of new ones. Since 2001 the government granted licenses and approved the construction of six new Shia mosques. Including these six, there are a total of 35 Shia mosques nationally.

On February 17, Member of Parliament Osama Al-Munawer said that all existing Christian churches in the country should be destroyed. He later revised his comments, claiming that he only advocated curtailing the building of new facilities. The minister of Awqaf and Islamic affairs and members of the ruling family officially condemned the remarks, calling them a violation of constitutionally guaranteed freedoms of religious belief and practice.

The government exercised direct control of Sunni religious institutions. The government appointed Sunni imams, monitored their Friday sermons, and financed construction of Sunni mosques. In some instances, Sunni imams were suspended for delivering sermons whose content the government deemed inflammatory. The government did not exert this control over Shia mosques, which the Shia community, not the government, funded. Some parliamentarians called for the government to regulate the Shia practice of khums (where the faithful pay one-fifth of their profits to their religious authority) and to supervise hussainiyas (Shia community religious gathering places), but no action was taken.

The government allowed Shia worshipers to gather peacefully in public spaces to attend sermons and eulogies during Ashura (the Shia day of mourning for the martyrdom of Hussein) and provided security to Shia neighborhoods. However, the government did not permit public reenactments of the martyrdom of Hussein or public marches in commemoration of Ashura during the year.

While seven Christian churches were legally recognized, others were not, including the Indian Orthodox, Mar Thoma, The Church of Jesus Christ of Latter−day Saints (Mormons), and Seventh-day Adventist Church. These religious groups were allowed to operate in rented villas, private homes, or the facilities of recognized churches. Members of these congregations reported that they were able to worship without government interference provided they did not disturb their neighbors or violate laws regarding assembly and proselytizing. Authorities also prohibited these groups from displaying exterior signs, such as a cross or the congregation's name, and from engaging in public activities.

Municipal authorities obstructed religious gatherings in private spaces and pressured landlords who had leased property to unlicensed churches. One landlord suddenly terminated the lease to a private villa that a congregation had used for worship gatherings for seven years. Another landlord told a congregation it would have to pay an exorbitant fine each month if it continued to use the villa it was renting as a church.

The government did not permit the establishment of non-Islamic religious publishing companies. Several churches published religious materials solely for their congregations' use despite this restriction. The government permitted a private company, the Book House Company Ltd., to import Bibles and other Christian religious materials for use solely by government-recognized church congregations with the stipulation that any content did not insult Islam. The Book House Company Ltd. was the only company licensed to import such materials.

The government barred churches from bringing Bibles and other Christian literature to prisoners in detention facilities. However, some prisoners said they were allowed to read Bibles freely.

School administrators have issued instructions to teachers to expunge English-language textbooks of any references to Israel or the Holocaust. Teachers at British schools were not allowed to teach comparative religion, although this unit is a required part of the British curriculum.

Shia were represented in the police force and some branches of the military/security apparatus, although not in all branches and often not in leadership positions. Some Shia alleged that a "glass ceiling" of discrimination prevented them from obtaining leadership positions in some of these organizations. However, since 2006 the prime minister has appointed two Shia ministers to each cabinet, including the current one. The emir had several senior-level Shia advisors.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuse or discrimination based on religious affiliation, belief, or practice. A vocal minority opposed the presence of non-Muslim groups in the country and rejected the legitimacy of Shia Islam.

Regional events, including the conflict in Syria and public protests in Bahrain, contributed to increased sectarian tensions between Sunnis and Shia during the year.

On July 25, responding to reports that the government had agreed to allow construction of a new church, a group of Salafist clerics proclaimed that churches should not be built in Islamic countries, particularly in the Arabian Peninsula, arguing that it is not permissible under Sharia.

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. These columnists often conflated Israeli actions with those of Jews more broadly. In March television personality and general manager of a satellite television provider, Tareq Sweidan, stated on a Lebanese television interview while discussing the Arab-Israeli conflict that Jews are the “absolute most dangerous thing” facing Muslims and claimed that Jews were the “greatest enemy.” He asserted that on this issue, U.S. politicians were influenced by “money and the media,” both of which he claimed Jews control.

Church officials reported that some Christian domestic workers complained that their employers would not allow them to leave their homes, which prevented them from worshiping with their congregations and regularly practicing their faith. Most domestic workers are allowed only one day off per week, complicating workers’ ability to worship weekly and accomplish all other personal business. Some domestic workers also reported their employers confiscated religious articles such as Bibles and rosary beads, along with nonreligious items.

Some churches without other locations in which to congregate were able to gather in schools on the weekends. Representatives of these churches reported that there was societal pressure on the schools to stop allowing such gatherings.

Many hotels, stores, and other businesses patronized by both citizens and non-citizens openly acknowledged non-Muslim holidays such as Christmas, Easter, and Diwali. During the Christmas season, stores, malls, and homes were decorated with Christmas trees and lights, and Christmas music, including songs with explicitly Christian lyrics, was broadcast in public spaces and on the radio. Christian holiday decorations were widely available for purchase. None of the many stores that had Christmas-themed displays reported negative incidents. The news media regularly printed reports of religious holiday celebrations, including large supplement sections detailing the religious significance of Christmas. In December, several civil society groups condemned calls from some groups and individuals forbidding the celebration of Christmas. Calls to forbid Christmas celebrations were not common.

Section IV. U.S. Government Policy

Intensive engagement on religious freedom matters remained an embassy priority. Embassy officials met frequently with recognized Sunni, Shia, and Christian groups, as well as with representatives of various unrecognized religious groups and NGOs that deal with religious freedom concerns.

The ambassador and other embassy officers actively encouraged the government to address the concerns of religious leaders, such as overcrowding, lack of adequate worship space, lack of access to religious materials, insufficient staffing, and bureaucratic delays in processing routine requests.

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