



Freedom in the World 2014 - Kuwait

Publisher [Freedom House](#)

Publication Date 1 August 2014

Cite as Freedom House, *Freedom in the World 2014 - Kuwait*, 1 August 2014, available at: <http://www.refworld.org/docid/53df8c731a.html> [accessed 22 October 2014]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2014 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

Kuwait's political tensions and suppression of critical speech continued in 2013 as a result of the country's ongoing parliamentary crisis. In June the country's Constitutional Court threw out the December 2012 elections and in July voters took to the polls for the sixth time in six years. Islamist and liberal candidates won a majority of seats. The country's outspoken opposition boycotted the vote and remains mostly unrepresented in government.

The government continued to deal with criticism harshly throughout the year. Although the number of protests declined in 2013, security forces still forcefully suppressed public gatherings. Authorities also systematically sought to crush any expression of criticism, most notably by continuing to crackdown on dissent on social media platforms like Twitter and Facebook. Dozens of activists were sentenced to lengthy prison terms during the year on charges of criticizing Kuwait's emir, Sheik Sabah al-Ahmed al-Sabah. Included among those charged or imprisoned for criticizing the country's rulers were the journalists Zayed al-Zaid and Ayyad al-Harbi as well as Mussallam al-Barak, a former MP. During Ramadan, the emir issued a blanket pardon for those convicted of criticizing him, although prosecutions of critical speech began again in October.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 16 / 40 (-1)

A. Electoral Process: 2 / 12

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.

Controversy over Kuwait's parliamentary elections sparked widespread protest and unrest in 2012. In the February 2012 parliamentary elections, opposition candidates gained a majority of seats. The emir suspended parliament after Kuwaiti MPs, concerned about government corruption, challenged the authority of the al-Sabah family, and sought to investigate allegations of graft among the emir's cabinet members. In June 2012, Kuwait's Constitutional Court tossed out the results of the February elections ruling the emir's December 2011 dissolution of the government was unconstitutional. Tens of thousands of Kuwaitis responded by holding regular protests, with hundreds being injured by a harsh security response. The opposition boycotted the second 2012 elections, leading progovernment candidates to capture the majority of seats.

The parliamentary crisis spilled over into 2013. In June the Constitutional Court once again ordered the dissolution of the parliament after opposition challenges to new electoral laws were dismissed. Although the country's opposition leaders continued to boycott and criticize the government, the protest movement from the previous fall had largely run out of steam by mid-year. The country held its third round of parliamentary elections in 16 months in July. Over 400 candidates ran for office. Turnout was around 50 percent for the July elections. Only two women were elected. Shiites lost more than half their seats from December, winning only 8 seats. The emir reappointed Jaber Mubarak al Hamad al-Sabah as prime minister and the cabinet was sworn in in August.

B. Political Pluralism and Participation: 9 / 16 (-1)

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. In October 2012, the emir issued a royal decree reducing the number of candidates each voter could vote for from four to one, a move the opposition claims was designed to limit their power. While the opposition has the right to run for office, the country's long-standing political crisis and the opposition's year-long boycott has left them under-represented in parliament.

C. Functioning of Government: 5 / 12

Charges of government corruption were at the heart of the 2012 crisis, and the opposition continues 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 2012, the public prosecutor formally ended the state's inquiry, also citing lack of evidence. Kuwait ranks 69 out of 177 in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 23 / 60 (-1)

D. Freedom of Expression and Belief: 6 / 16 (-1)

Kuwaiti 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. In April the government proposed a new law that called for a \$1 million fine for criticizing the emir. The law remained pending at the end of the year. Several journalists and citizens were prosecuted in 2013 for criticizing the emir, either on Twitter, in the press, or in public speeches. Among the most prominent, the journalist Ayyad al-Harbi from the website Sabr, was sentenced to two years in prison in January for criticizing the

emir. Others sent to prison for using Twitter to criticize the government included Rashed al-Enezi, who received a two-year sentence in January and Muhammad Eid al-Ajmi, who was sentenced to five years. In June, school teacher Huda al-Ajmi was sentenced to 11 years for her criticism of the government on Twitter. Zayed al-Zaid who works for the website Alaan was jailed in February for a month for alleging government corruption. Former MP Musallam al-Barrak, who was arrested in 2012 on charges of having "undermined the status of the emir" was sentenced to five years in April for criticizing the emir, although that charge was overturned in May on appeal. He continued to face other charges and possible imprisonment for leading the 2012 protest movement. Three former MPs, Falah al-Sawagh, Badir al-Dahoom, and Khalid al-Tahoos who were sentenced to three years in jail in February for criticizing the emir at a public rally, had their jail terms thrown out on appeal in July. In late July, during the last week of Ramadan, the emir pardoned all of those convicted of insulting him earlier in the year.

In April 2012, parliament passed a new law criminalizing blasphemy, making insulting the prophet Muhammad a capital offense, though the law was rejected by the emir.

Kuwait has more than 10 daily and weekly Arabic newspapers and two English-language dailies and all are privately owned. 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. In September, authorities banned the popular Sunni cleric Shafi al-Ajmi from appearing on television after he criticized Shiites and expressed support for al-Qaeda affiliated groups operating in Syria. Five other clerics were suspended in September for supporting the toppled Muslim Brotherhood in Egypt and for supporting the Islamist rebels in Syria during their Friday sermons. Academic freedom is generally respected. Kuwait allows relatively open and free private discussion, often conducted in traditional gatherings (*diwaniyat*) that typically only include men.

E. Associational and Organizational Rights: 4 / 12

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 the authorities allowed some peaceful protests to take place without 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. Small protests continued into the early part of 2013, although they decreased over the spring and summer. Police continued to forcefully break up public gatherings in 2013. In December Kuwaiti courts acquitted 70 citizens, including ex-MP Musallam Barak, of criminal charges after they stormed the parliament in 2011.

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, 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. In March 2013, parliament passed a bill that would begin granting citizenship to 4,000 of the country's stateless residents.

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. Non-public sector workers have the right to join labor unions and bargain collectively, 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.

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. 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 but in June 2013, their sentences were increased to the death penalty by Kuwait's highest court. 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.

G. Personal Autonomy and Individual Rights: 6 / 16

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. Three Kuwaiti women were victorious in the December 2012 vote. In the July 2013 elections only two won seats. 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 subjected 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.

Same-sex sexual activity is illegal in Kuwait and is punishable by up to ten years in prison. In October officials from the Health Ministry called for clinical tests to be held at Kuwait's port's of entry in an attempt to identify and bar LGBT 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."

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword

and / or country

All countries



[Advanced Search](#) | [Search Tips](#)

Countries

- [Kuwait](#)

Topics

- [Democracy](#)
- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of information](#)
- [Freedom of religion](#)
- [Freedom of speech](#)
- [Rule of law / Due process / Procedural fairness](#)