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2011 Report on International Religious Freedom - Kuwait

Bureau of Democracy, Human Rights, and Labor
 July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution states that Islam is the state religion and that Sharia (Islamic law) is a main source of legislation. The constitution calls 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. Other laws and policies restrict the free practice of religion and the government enforced those restrictions intermittently. Religious minorities experienced some discrimination as a result of government policies. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were few 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 a very small minority opposes the presence of non-Muslim groups in the country or rejects the legitimacy of Shia Islam. While some discrimination based on religion occurred on an individual level, it was neither systematic nor widespread. Popular protests in Bahrain during the early spring and the subsequent Gulf Cooperation Council (GCC) intervention resulted in increased sectarian tensions between Sunnis and Shia in Kuwait during the year, and some members of the Shia community were subjected to harassment and threats of physical violence.

The U.S. ambassador and other embassy officers actively encouraged the government to address the concerns of religious leaders and met frequently with recognized Sunni, Shia, and Christian groups as well as representatives of various unrecognized religious groups and nongovernmental organizations (NGO) that deal with religious freedom concerns.

Section I. Religious Demography

Estimates derived from voting records and personal status documents indicate that 70 percent of citizens, including the ruling family, belong to the Sunni branch of Islam. The national census does not distinguish between Shia and Sunni Muslims. Most of the remaining 30 percent of citizens are Shia Muslims. There are approximately 150-200 Christian citizens and a small number of Baha'i 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.

The largely non-citizen Christian population is estimated to be more than 450,000. The government-recognized Christian communities include the Roman Catholic Church, the Coptic Orthodox Church,

and the National Evangelical (Protestant) Church. Other recognized denominations include 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 also an estimated 300,000 Hindus, 100,000 Buddhists, 10,000 Sikhs, and 400 Baha'is.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

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 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 has official responsibility for overseeing religious groups. Officially recognized churches work with a variety of government entities in conducting their affairs. This includes 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 for places of worship. Churches expressed concern about a perceived lack of responsiveness from authorities and difficulties in obtaining visas and residence permits.

There is no official government list of recognized churches; however, seven Christian churches – National Evangelical, Catholic, Coptic Orthodox, Armenian Orthodox, Greek Orthodox, Greek Catholic, and Anglican – have some form of official recognition enabling them to operate. These seven churches have open files at the Ministry of Social Affairs and Labor that allow them to bring religious workers, church staff, guest lecturers, and other visitors into the country.

The procedures for registration and licensing of religious groups are similar to those for NGOs. Unregistered religious groups worship at unofficial, private spaces or borrow the worship spaces of existing non-Muslim religious groups. The government does not interfere with such private gatherings.

Members of religious groups not sanctioned in the Qur'an, such as the Baha'i, Buddhists, Hindus, and Sikhs, could not build places of worship or other religious facilities. Nevertheless, unrecognized religious groups are allowed to worship privately in their homes without government interference.

The government exercises direct control of Sunni religious institutions. The government appoints Sunni imams, monitors their Friday sermons, and also finances the building of Sunni mosques. In several instances, Sunni imams were suspended for delivering sermons whose content the government deemed inflammatory. The government does not exert this control over Shia mosques, which are funded by the Shia community and not by the government.

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. On August 27, three non-citizens were arrested for eating and smoking during Ramadan.

The government financially supports proselytism by Sunni Muslims towards non-Sunni foreign residents but does not allow conversion away from Islam.

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 amir on ways in which laws can be brought into better conformity with Islamic law, but it has no authority to enforce such changes.

Personal status law is administered through religious courts, and 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 had not been established by the end of the year. Shia religious endowments are administered by an independent Shia Waqf.

A 1980 amendment to the 1959 Nationality Law prohibits the naturalization of non-Muslims. The law allows Christian citizens to transmit citizenship to their descendents.

There are laws against blasphemy, apostasy, and proselytizing. While the number of situations to which these laws applied is limited, the government actively enforced them, particularly the prohibition on non-Muslims proselytizing Muslims.

The 2006 Press and Publication Law requires jail terms for journalists who defame any religion and prohibits denigration of Islam or Islamic and Judeo-Christian religious figures, including the Prophet Muhammad and Jesus. Also prohibited are 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, the ruling family, or public morals.

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 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 resident). In practice, 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 content in the text books from the ninth-grade Islamic studies curriculum declares some Shia religious beliefs and practices heretical.

The law prohibits organized religious education for faiths other than Islam. Informal religious instruction occurred inside private homes and on church compounds without government interference.

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

The government enforced legal and policy restrictions on religious freedom intermittently. There was no change in the status of respect for religious freedom by the government during the year.

On October 27, approximately 50 Hindus were briefly detained in Salmiya for celebrating Diwali after the hours allowed by the police.

The government prosecuted some individuals who threatened religious minorities during the year. On June 17, UN Security Council Resolution 1267 designee Mubarak al-Bathali was arrested and jailed for making anti-Shia remarks on his Twitter account. On July 18, while al-Bathali was still jailed, the Court of First Instance found him guilty of charges filed in 2010 of threatening to kill a Shia member of parliament, demeaning Shia doctrine, and threatening the Shia community. Al-Bathali was sentenced to three years in prison, though the appeals court reduced his sentence on September 5 to six months. On September 25, the lower court found al-Bathali guilty of the charges for which he was detained on June 17 and sentenced him to three months. He served these two sentences concurrently and was released in late November.

On June 7, Nasser Abul was arrested for denigrating Sunni doctrine, among other charges. On September 27, he was convicted on the religious denigration charge and sentenced to three months in prison. He was, however, immediately released for time served.

The government investigated multiple incidents of vandalism targeting both Shia and Sunni mosques and other facilities throughout the year. No systematic targeting of religious groups was found.

In March 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." No further information on this case was available at year's end. Other media outlets were closed temporarily for similar reasons, although they were permitted to reopen and no further measures were taken against them.

Shia were well 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, the prime minister has appointed two Shia ministers to each cabinet since 2006. At the end of the year, the cabinet, appointed in May 2011, had two Shia ministers. The amir had several senior-level Shia advisors.

There is no specific law banning the establishment of non-Muslim places of worship; however, non-Sunni Muslim groups 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. The government granted the Coptic Orthodox Church of Kuwait, with approximately 50,000 members, a parcel of land. At the end of the year its new worship facility was nearing completion. The Ministry of Foreign Affairs worked with the Greek Melkite Church in Kuwait in an attempt to find a suitable location for the church to construct a permanent worship facility. Requests from other groups are also still pending.

While seven Christian denominations were legally recognized, the Indian Orthodox, Mar Thoma, The Church of Jesus Christ of Latter-day Saints (Mormon), and Seventh-day Adventist denominations were not. 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 that they did not disturb their neighbors or violate laws regarding assembly and proselytizing. These groups were also prohibited from displaying exterior signs, such as a cross or the congregation's name, and from engaging in public activities. Foreign religious leaders of unrecognized groups had to come as non-religious workers and minister to their congregations outside their regular employment.

The government allowed 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.

The government did not permit the establishment of non-Islamic religious publishing companies or training institutions for clergy. Several churches published religious materials solely for their congregations' use despite this restriction. A private company, the Book House Company Ltd., was permitted 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 that had an import license to bring in such materials. The government barred the churches from bringing Bibles and other Christian literature to prisoners in detention facilities. However, some prisoners said they were allowed to freely read Bibles.

The government imposed quotas on the number of clergy and staff the seven recognized Christian groups could bring into the country. Most found the quotas insufficient for the needs of their congregations. Most of the groups considered their existing facilities inadequate to serve their respective communities and faced significant problems in trying to build new facilities.

Members of the Shia community expressed concern over the relative scarcity of Shia mosques due to the government's slow approval of the construction of new mosques and the repair to existing 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.

There are hundreds of Shia community religious gathering places (husseiniyas). Most were informal or unlicensed. The country's husseiniyas are generally privately owned and associated with prominent Shia families. The Municipal Council controlled access to government land and at times

reportedly refused to grant land to Shia Muslim religious institutions.

The Ministry of Education requires that school administrators expunge English-language textbooks of any references to Israel or the Holocaust, though some teachers report limited inclusion of the Holocaust in their textbooks.

Teachers at British schools were not allowed to teach comparative religion, although this unit is a required part of the British curriculum under U.K. law.

The government prohibited non-Muslim missionaries from working in the country and prohibited them from proselytizing among Muslims; however, they were allowed to serve non-Muslim congregations.

Section III. Status of Societal Respect for Religious Freedom

In general citizens were open and tolerant of other religious groups; however, there were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There is a small minority that opposes the presence of non-Muslim groups in the country and rejects the legitimacy of Shia Islam.

Popular protests in Bahrain during the early spring and the subsequent GCC intervention resulted in increased sectarian tensions at the community level in Kuwait during the year. While these were generally isolated incidents, some members of the Shia community, including parliamentarians, were subjected to harassment and threats of physical violence and death. There were also reports of both Sunni and Shia religious facilities being vandalized and of private organizations distributing anti-Shia literature. In May there was a media report of two Shia teenagers being beaten after entering a Sunni mosque to pray. At the end of the year, the private Shia newspaper, *Al-Dar*, said it had "hundreds" of lawsuits pending against it, though not all were based on sectarianism. The government prosecuted individuals for two instances of anti-Shia harassment, including the threats to one of the parliamentarians.

While some discrimination based on religion reportedly occurred on an individual level, discrimination appeared to be neither systematic nor widespread.

Some domestic workers reported their employers confiscated religious articles such as Bibles and rosary beads, along with nonreligious items.

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 in Kuwait are allowed only one day off per week, complicating workers' ability to worship weekly and accomplish all other personal business.

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 acknowledged non-Muslim holidays such as Christmas, Easter, and Diwali openly. 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.

There were reports that some preachers at mosques used anti-Semitic language in their religious services. The government did not publicly discourage such anti-Semitism.

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 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.
