

KUWAIT 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of belief; however, other laws and policies restrict religious freedom and the government generally enforced these restrictions. While guaranteeing freedom of religious practice, the constitution stipulates that such practice must be in accordance with established customs and not conflict with public order or morals; it also makes Islam the state religion and Islamic law (sharia) a main source of legislation. Religious minorities experienced some discrimination as a result of government policy. Officially recognized groups often lacked adequate worship space and had difficulty in securing land for new facilities; municipal and other authorities pressured some unrecognized groups to vacate unlicensed spaces in which they practiced their faith. The courts convicted and sent to prison some individuals for denigrating religion.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. While most citizens and noncitizen residents respected the rights of individuals to worship freely, a smaller but strident number sought to limit that right, particularly for non-Sunni Muslims. Regional conflicts with sectarian components, especially in Syria, exacerbated tensions between Sunnis and Shia. Owners and managers of public spaces used by unregistered groups for religious practice reported pressure to stop allowing unlicensed gatherings.

The Ambassador and other embassy officers advocated to the government for the allocation of sufficient worship facilities for religious groups that lack adequate space. The embassy also engaged throughout the year with representatives of the major Muslim and non-Muslim communities, including those denominations and faiths that the government does not recognize. The embassy nominated young professionals to participate in exchange programs dedicated to increasing religious tolerance and worked with alumni of such exchanges to foster local interfaith dialogue.

Section I. Religious Demography

The U.S. government estimates the population at 2.7 million (July 2013 estimate). 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

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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. A majority of the remaining 30 percent of citizens are Shia Muslims. There are a few hundred Christians and some Bahais among the citizens.

Among the non-citizen residents, approximately 150,000 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 and approximately 450,000 Christians. Among non-citizens, there are also an estimated 100,000 Buddhists, 10,000 Sikhs, and 400 Bahais.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for “absolute freedom” of belief; however, other constitutional provisions, laws, and policies restrict religious freedom. The constitution guarantees freedom of religious practice only if it is in accordance with established customs and does not conflict with public order or morals; it also stipulates that Islam is the state religion and Islamic law is a main source of legislation.

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

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

The law requires jail terms for anyone convicted of defaming any religion and prohibits denigration of Islam or Islamic and Judeo-Christian religious figures, including 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 any religion or the amir, or harmed public morals.

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The National Unity Law ratified in January by parliament criminalizes publishing and broadcasting content, including via social media, that could be deemed offensive to religious “sects” or groups. The law greatly increases penalties for those convicted of these acts, allowing for fines ranging from 10,000 Kuwaiti dinars (KD) (\$35,500) to KD 200,000 (\$709,000), 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, and no consequences have been reported for not attending. High school Islamic education textbooks are based largely on the Sunni interpretation of Islam. 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, marriage, and death certificates. On birth certificates issued to Muslims, the government does not differentiate between Sunni 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 nongovernmental organizations (NGOs).

The Amiri Diwan’s (office of the amir) 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, although 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. Although in 2003 the government approved a Shia request to establish a court of cassation (equivalent to a supreme court), this court is not yet established, largely because of the unavailability of appropriate training for Shia locally. An independent Shia Waqf (trust) administers Shia religious endowments.

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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 (\$355) and/or one month's imprisonment. Other practices deemed inconsistent with Islamic law are prohibited, including sorcery and black magic.

Government Practices

There were reports of imprisonment and detention. Government restrictions primarily affected non-Sunni citizens and residents. Municipal authorities continued to thwart efforts of some registered religious groups to secure land for new houses of worship. Courts sentenced several individuals to time in prison for religious offenses.

On June 10, the Court of First Instance convicted Huda al-Ajmi on four state security charges, including publicly denigrating Shia doctrine and belief. The court sentenced al-Ajmi to 11 years in prison.

On October 28, the Court of Appeals upheld a 2012 lower court ruling convicting Hamad al-Naqi, a Shia citizen, of posting comments deemed insulting to Islam and defamatory of Sunni Gulf rulers to his social media account. The Court of Appeals exonerated al-Naqi of one original count of fomenting sectarianism, but confirmed the lower court's 10-year prison sentence.

On November 15, municipal authorities forcibly removed a number of tents, including ones with government-issued permits, which the Shia community erected to mark the Ashura (the Shia day of mourning for the martyrdom of Hussein) commemoration, celebrated November 14. Several hundred Shia protested the action, and the police dispersed the demonstration using tear gas. The council of ministers condemned the municipal authorities' actions, and the minister of state for municipal affairs formed a committee to investigate the incident.

On November 18, a lower court convicted Musab Shamsah, a Shia citizen, of insulting religion in a May 5 social media posting. The court sentenced Shamsah to five years in prison.

The media reported multiple incidents of individuals being detained for practicing black magic and sorcery or possessing items used in those practices, which are considered inconsistent with Islamic law.

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In November the interior ministry deported an Iraqi Shia cleric, Hussein Faheed, for allegedly defaming important figures in Sunni Islam during sermons he delivered. In October Member of Parliament Abdurrahman al-Jeeran called on the government to ban the sale of “idols,” referring specifically to statuary from the pre-Islamic period, which he said were inconsistent with Islamic law. Also in October several parliamentarians deemed some planned Halloween events at local children’s centers and stores “un-Islamic.” As a result of the controversy, several businesses canceled the events.

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 and Iran) due to the lack of Shia jurisprudence courses at Kuwait University’s College of Islamic Law, the country’s only institution to train imams. This resulted in a lack of qualified individuals to staff Shia courts that are charged with overseeing personal status and family issues. There were 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.

There were seven officially recognized churches: the National Evangelical (Protestant), Roman Catholic, Greek Catholic (Melkite), Coptic Orthodox, Armenian Orthodox, Greek Orthodox, and Anglican churches. These groups worked with a variety of government entities in conducting their affairs. They included 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 imposed quotas on the number of clergy and staff of officially recognized religious groups brought into the country. If a quota was reached, however, and registered groups requested more slots, they were usually granted. In addition to the registered Christian churches, there were also many unrecognized Christian groups with lower numbers of adherents.

The government did not recognize religious groups not sanctioned in the Quran, such as the Bahais, Buddhists, Hindus, and Sikhs. Members of unrecognized religious groups were 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. Foreign religious leaders of unrecognized religious groups had to enter the country as non-religious workers,

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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 had to wait years for approval. In some cases, such applications were denied or denied 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 delay in approving repairs to existing mosques or for the construction of new ones. Since 2001, the government granted licenses and approved the construction of fewer than 10 new Shia mosques. There were a total of 35 Shia mosques nationally, with one mosque approved in 2012 under construction. In August the housing affairs minister rejected the construction of another new Shia mosque in the Saad al-Abdullah neighborhood even though the plan had secured consent from municipal authorities.

The government funded and exercised direct control over Sunni religious institutions. The government appointed Sunni imams, monitored their Friday sermons, and financed construction of Sunni mosques. In October, for example, the government said it would suspend any imam who refused to record his Friday sermons, as required by regulations. In some instances, Sunni imams were suspended for delivering sermons whose content the government deemed inflammatory. In September the government suspended five imams for breaking government rules against engaging in politics while giving sermons, and in November three additional imams were suspended for addressing political and sectarian issues during their sermons. The government did not fund or control Shia mosques, which the Shia community funded.

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

Among Christian religious groups not legally recognized were the Indian Orthodox Church, Mar Thoma, The Church of Jesus Christ of Latter-day Saints (Mormons), and the Seventh-day Adventist Church. The unrecognized 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

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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. In one instance, church attendees said security services were increasingly enforcing restrictions on the holding of any unauthorized public gatherings, including religious ones.

Municipal authorities obstructed religious gatherings in private spaces and pressured landlords who had leased property to unlicensed churches. One landlord forced a congregation to move from its villa, allegedly at the behest of local authorities.

The government did not permit the establishment of non-Islamic religious publishing companies, although several churches published religious materials solely for their own congregations' use. 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 not insult Islam.

The Ministry of Education instructed school administrators to expunge and ban fiction and non-fiction English-language books and textbooks having 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 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 public sector organizations, including the security services. Since 2006, the prime minister has appointed two Shia ministers to each cabinet, including the current one. The amir 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, especially the conflict in Syria and public protests in Bahrain, contributed to increased sectarian tensions between Sunnis and Shia during the year.

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Vandalism of both Sunni and Shia mosques occurred, although it was unclear whether the perpetrators acted for sectarian reasons. In April a man threw rocks through the windows of a Shia mosque. The perpetrator was arrested but claimed his actions were not motivated by sectarianism. The acting prime minister, as well as senior Sunni and Shia religious leaders, condemned the attack.

In October a man broke into two Sunni mosques and burned copies of the Quran. Police arrested the perpetrator and the Ministry of Awqaf and Islamic Affairs condemned the act of vandalism.

Sunni cleric and Kuwait University professor Shafi al-Ajmi promulgated anti-Shia sermons and videos throughout the year, and led a June rally at which he celebrated the deaths of Shia in Syria. In August the Ministry of Information banned al-Ajmi from appearing on state-sponsored television or radio stations in response to his sectarian commentary.

There were no known Jewish citizens and an estimated few dozen Jewish foreign resident workers. Negative commentary regarding Jews appeared in the media. One writer, Wa'ed al-Hasawi, referred to the UN Security Council as a "Jews' club," while another columnist, Mohammed al-Shaibani, claimed in August that the United States was fomenting instability in Egypt to put in place an "Egyptian-American-Jewish system." 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.

Some churches without other locations in which to meet were able to gather in government-owned buildings on the weekends. Representatives of some such churches reported that there was societal pressure on the facility owners and/or managers 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 supplemental sections detailing the religious significance of Christmas. In December several civil society groups condemned calls from some groups and

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individuals forbidding the celebration of Christmas. Calls to forbid Christmas celebrations were not common.

Section IV. U.S. Government Policy

The Ambassador and embassy officials met regularly with government and local, recognized and unrecognized religious group representatives to promote freedom of belief and practice. Embassy officials also met with human rights groups and other NGOs that advocate for greater religious freedom. The embassy nominated local young professionals for exchange visits to the United States that focused on interfaith dialogue, and worked closely with alumni from other, U.S.-funded religious freedom-related exchange programs.

The Ambassador and other embassy officers met with the government and addressed the inadequate and overcrowded worship facilities for most minority religious groups. The embassy also sought assistance from the government in curtailing the actions of authorities who obstructed construction of new worship facilities.