

KUWAIT 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution declares Islam to be the religion of the state and freedom of belief “absolute.” It declares the state will protect the freedom to practice one’s religion, provided such practice does not conflict with established customs, public policy, or morals. Defamation of the Abrahamic faiths (Islam, Judaism, and Christianity), publication or broadcast of material the government deems offensive to religious groups, and practices the government deems inconsistent with Islamic law are prohibited by law. In the wake of the June 2015 bombing of the Imam Al-Sadeq Mosque, the government continued to order the Shia community to commemorate Ashura and other holidays indoors; it retained other steps it defined as security measures that affected all non-Sunni religious groups. In several cases, the court ruled in favor of citizens who advocated for freer public discussion and criticism of religion. The government questioned several imams, and in some cases banned some of them, for making what it considered provocative statements harmful to national unity. In January the government prevented several foreign imams from entering the country because it accused them of “terrorism and sectarianism.” The government permanently prohibited four imams from speaking in mosques because of comments they had made, which the government disapproved. Unlicensed Christian groups reported they could worship without government interference provided they did not disturb their neighbors. Minority religious groups reported a lack of facilities for worship and difficulties obtaining permission to construct new facilities. Some Shia leaders continued to report discrimination against them in training of clergy and employment in the public sector.

Minority religious leaders reported continued societal pressure against conversion from Islam. Observers stated that hotels, stores, and businesses continued to acknowledge non-Muslim holidays such as Christmas, Easter, and Diwali, and news media continued to print information about the celebrations of religious holidays, including such material as the religious significance of Christmas. Some members of parliament and religious clerics expressed their disapproval of these celebrations and called for more government action to restrict their public expression.

The U.S. Ambassador and embassy officers met with government officials to encourage them to take steps to curtail the actions of local authorities obstructing construction of new worship facilities for minority religious groups. The Ambassador and embassy officers also met with representatives of minority

religious groups to discuss the challenges religious minorities faced. The embassy continued to sponsor young citizens for exchange programs on interfaith dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 2.8 million (July 2016 estimate). The Public Authority for Civil Information (PACI), a local government agency, reports there are 1.3 million citizens and 3 million noncitizens. The national census does not distinguish between Shia and Sunni Muslims. Estimates derived from voting records and personal status documents indicate approximately 70 percent of citizens, including the ruling family, adhere to the Sunni branch of Islam. In the November elections, voting records reflected 14 percent Shia voter participation rate. A few hundred Christians and some Bahais are citizens.

According to PACI, among the noncitizen residents, approximately 28 percent are Christians, 5 percent are Shia, and a larger, although unknown, percentage are Sunni. There are an estimated 2 percent noncitizen Hindus and an estimated 3 percent Buddhists, as well as 10,000 Sikhs and 400 Bahais.

While some areas have high concentrations of either Sunnis or Shia, there is relatively even distribution of the two groups throughout most of the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam to be the religion of the state and the freedom of belief to be “absolute.” It guarantees the state will protect the freedom to practice all religions, provided such practice is “in accordance with established customs, and does not conflict with public policy or morals.”

The constitution declares sharia to be a main source of legislation and all individuals are equal before the law regardless of religion. It declares the amir shall be Muslim and the state shall safeguard the heritage of Islam. The Higher Advisory Committee on Completion of the Application of Islamic Sharia Provisions in the Amiri Diwan (office of the amir) makes recommendations to the amir on ways to bring laws into better conformity with sharia. The committee has no authority, however, to implement or enforce such changes.

The law states apostates lose certain legal rights, including the right to inherit property from Muslim relatives or spouses, but it does not specify any criminal penalty. The marriage of a Muslim man is annulled if he converts from Islam. A Muslim woman may have her marriage annulled if her Muslim husband converts to another religion.

The law prohibits the defamation of the Abrahamic religions (Judaism, Islam, and Christianity), denigration of Islamic and Judeo-Christian religious figures, and prescribes a punishment of up to 10 years in prison for each offense.

A national unity law prohibits “stirring sectarian strife,” promoting the supremacy of one religious group, instigating acts of violence based on the supremacy of one group, or promoting hatred or contempt of any group. Acts of violence are punishable by up to seven years’ imprisonment and/or a fine of 10,000 to 100,000 Kuwaiti dinars (KD) (\$32,790 – \$327,900). Repeated crimes carry double penalties. If a group or an organization violates the law, the fine may be as much as 200,000 KD.

The law allows any citizen to file criminal charges against anyone they believe has defamed one of the three Abrahamic religions or harmed public morals.

The law criminalizes publishing and broadcasting content, including on social media, which the government deems offensive to religious “sects” or groups, providing for fines ranging from 10,000 to 200,000 KD (\$32,790 to \$655,740) and up to seven years imprisonment. Noncitizens convicted under this law are also subject to deportation.

There is no registration procedure for religious groups, although all religious groups must apply in writing for a license to establish an official place of worship recognized by the government. In order to obtain an official license, the Ministry of Social Affairs and Labor, Ministry of Justice, and the MAIA must grant approval. Once the above three ministries approve the application, the municipality must give final approval.

There continued to be seven officially licensed (recognized) Christian churches: the National Evangelical (Protestant), Roman Catholic, Greek Catholic (Melkite), Coptic Orthodox, Armenian Orthodox, Greek Orthodox, and Anglican.

A religious group with a license to establish a place of worship may hire its own staff, sponsor visitors to the country, open bank accounts, and import texts needed for its congregation.

The law prohibits nonreligious practices the government deems to be inconsistent with Islamic law, including anything the government deems to be sorcery or black magic, which under the penal code constitutes “fraud and deception” and carries a maximum penalty of three years imprisonment, a fine, or both.

The law prohibits non-Muslims from proselytizing.

The law prohibits eating, drinking, and smoking in public between sunrise and sunset during Ramadan, even for non-Muslims, with a prescribed maximum penalty of up to 100 KD (\$328) and/or one month’s imprisonment.

It is illegal to possess or import pork products and alcohol. Importing alcohol carries a penalty of up to 10 years’ imprisonment; consuming alcohol may result in a fine of up to a 1,000 KD (\$3,279).

If a religious group wishes to purchase land, a citizen must be the primary buyer, and must submit a request for approval to the local municipal council, which may allocate land at its discretion. Citizens may also rent or donate land to religious groups.

The law requires Islamic religious instruction in public schools for all Muslim students and in private schools with one or more Muslim students enrolled, regardless of whether the student is a citizen or not. Non-Muslim students are not required to attend these classes, and there is no penalty for not doing so. The law prohibits organized religious education in public high schools for faiths other than Islam. All Islamic education courses use the Sunni interpretation of Islam.

The law prohibits the naturalization of non-Muslims but allows male citizens of any religion to transmit citizenship to their descendants. The law forbids marriage between Muslim women and non-Muslim men, but Muslim men may marry women of another Abrahamic faith. The law requires children of such marriages be raised in their father’s faith, and the father’s religion to govern settlement of marital disputes. The determining factor for the couple’s religious status if they go to court is whether the marriage certificate is Sunni or Shia. A Shia notary must authenticate a Shia marriage certificate. If a non-Muslim couple wants to get married, they must get married in another country.

According to the constitution, sharia governs inheritance. Religious courts administer personal status law. Courts may follow Shia jurisprudence in matters of personal status and family law for Shia at the first instance and appellate levels. If the case proceeds beyond the appellate level, the case is adjudicated via Sunni personal status law. An independent Shia *waqf* (trust) administers Shia religious endowments.

An individual's religion is not included on passports or national identity documents, with the exception of birth and marriage certificates, on which it is mandatory. On birth certificates issued to Muslims, there is no distinction between Sunni and Shia.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The courts acquitted several individuals arrested in 2015 for violating the national unity law by insulting Shia doctrine. In April the Criminal Court acquitted Salafist cleric Othman Al-Khamees of insulting Shia doctrine during a television interview he gave in 2015 in which he made comments deemed critical of Shia beliefs. In June the Court of Cassation acquitted Professor Abdullah Al-Nafeesi of insulting Shia doctrine and inciting sectarianism by making negative comments about Shia Muslims on social media and during television interviews that took place in 2015.

There were several court cases involving speech related to religion in which the court ruled in favor of the defendants. A criminal court found activist Sara al-Drees innocent of contempt of religion in April after she was sued by several private citizens for social media postings questioning tenets of Islamic practice. In May the public prosecutor dismissed a lawsuit filed against Shaikha Binjassem, a professor at Kuwait University, for contempt of religion. She questioned on television the relation between the Quran and the constitution.

The Ministry of Justice and the MAIA continued to caution imams to ensure their sermons were consistent with the general law on political speech and to avoid discussion of political issues in their sermons or at any other time while in the country. The government continued to appoint Sunni imams, fund Sunni religious institutions, including mosques, and monitor and provide the text of weekly sermons preached at Sunni mosques. Sunni imams were able to add to the content of the sermon but needed to ensure their content adhered to the laws on political

speech and avoided what could be seen as stoking sectarianism. The government vetted every Sunni imam to ensure compliance with the government's view of moderate and tolerant religious preaching and sermons. In January the government prevented several imams from Egypt, Iran, Tunisia, and Europe it accused of "terrorism and sectarianism" from entering the country.

The MAIA interviewed several imams who it considered to have made provocative statements harmful to national unity. Some imams were fined and received temporary suspensions and some were cleared of misconduct. In August the MAIA permanently banned an imam from giving sermons or lectures at mosques because of his alleged failure to refrain from preaching political sermons that violated government standards. The government also permanently banned three Sunni imams from conducting religious services for violation of MAIA regulations against political and/or extremist speech in mosques. In September the criminal court acquitted Shiite cleric Hussain al-Matooq on charges that he spoke poorly about the government in one of his Fridays sermons in 2015.

Religious groups were required to obtain licenses from their respective municipalities for commemorations, and a municipal government had the right to withdraw the license of any *husseiniyas* (a Shia hall for religious commemorations) not complying with the municipality's rules.

The government kept in place the ban on outdoor religious observances, for what it stated was security concerns, instituted following the bombing of the Imam al Sadeq Mosque in June 2015, which killed 26 persons. All Ashura activities for the Shia community were required to be conducted inside closed structures rather than at outside locations. The government did not permit public reenactments of the martyrdom of Hussein or public marches in commemoration of Ashura. The government continued to station security forces outside of all religious venues during times of worship throughout the year as a deterrent to further possible attacks. The government also continued to provide security to Shia neighborhoods during Muharram and Ashura.

The authorities prohibited churches from displaying exterior signs, such as a cross or the congregation's name.

Some Shia leaders said discrimination continued to prevent Shia from obtaining training for clerical positions as well as leadership positions in public sector organizations, including the police force and the military/security apparatus.

The government continued to prevent the establishment of Shia religious training institutions. Shia who wanted religious training had to seek training and education abroad. The College of Islamic Law at Kuwait University, the country's only institution to train imams, provided some Shia jurisprudence courses but did not permit Shia professors on its faculty.

The government continued to permit the establishment of non-Islamic religious publishing companies to publish religious materials solely for the use of their congregations. The government continued to permit private companies to import Bibles and other Christian religious materials for use by the congregations of licensed churches under the condition none of the content insulted Islam. Congregations who needed material in languages other than Arabic or English reported no problems importing their materials on their own.

The Ministry of Interior provided security and protection for licensed places of worship, while the Ministry of Social Affairs and Labor issued visas for clergy and other staff, and the Ministry of Foreign Affairs and the Municipality of Kuwait handled building permits and land issues. One new Shia mosque was constructed during the year. The government said it received no applications for construction of new churches from religious groups during the year. In May the Catholic Church renewed its lease for ten more years, and in September the Melkite Catholic Church successfully purchased a place of worship. The Church of Jesus Christ of Latter-day Saints (Mormons) applied for a license to establish a place of worship in 2014. According to a member of the group, the Ministry of Social Affairs and Labor and the Ministry of Justice have approved the application and, as of November, only MAIA's approval was required before granting municipal approval.

Some religious groups without a licensed place of worship stated they could conduct worship services without government interference provided they did not disturb their neighbors or violate laws regarding assembly and proselytizing. The government continued to allow such groups to operate in rented villas, private homes, or the facilities of licensed churches. Citing security concerns, authorities stated they would take action against unlicensed mosques. The government tasked the MAIA, the Ministry of Interior, the Municipality, and other agencies with finding solutions to end the use of illegal mosques.

Shia and non-Muslim religious groups reported a lack of facilities for worship and difficulties obtaining permission to construct new facilities. Members of the Shia community continued to express concern about what they stated was a lack of Shia

mosques, caused by the government's delay in approving repairs to existing mosques or constructing new ones. They said the government had granted licenses and approved the construction of fewer than 10 new Shia mosques since 2001. According to the government, the country had a total of 50 Shia mosques, with one new mosque approved for construction. There were also 20-30 registered *husseiniyas* and thousands of small, unregistered ones not falling under the jurisdiction of MAIA whose sermons were not monitored.

Some members of parliament stated they opposed the construction of churches because they believed it would violate sharia law.

The Ministry of Education continued to ban the use of instructional material of any fiction or nonfiction English-language books and textbooks referring to the Holocaust or Israel. The ministry permitted schools to teach and celebrate only Islamic holidays. The government did not interfere with informal religious instruction inside private homes and on church compounds.

Some conservative members of parliament and religious clerics expressed their disapproval of the celebration of non-Muslim holidays and called for more government action to restrict public expression of these holidays; no legislation to limit public expression has been initiated.

According to Shia leaders, the lack of Shia imams continued to limit their ability to staff Shia courts thus causing a backlog of personal status and family cases. To address the backlog and shortage of staff, an ad hoc council created by the government under the regular marital issues court to apply Shia jurisprudence continued to function. The establishment of a Shia Court of Cassation, approved in 2003, remained delayed, according to Shia leaders, because appropriate training for Shia to staff it was unavailable.

Although the law did not prohibit apostasy, the government continued its policy of not issuing new official documents for recording a change in religion.

The government continued to impose quotas on the number of clergy and staff of licensed religious groups entering the country but the government granted additional slots upon request. The government continued to require foreign leaders of unlicensed religious groups to enter the country as nonreligious workers. They then had to minister to their congregations outside the regular hours of their nonreligious employment.

Section III. Status of Societal Respect for Religious Freedom

There continued to be societal pressure against conversion from Islam, according to minority religious leaders and citizens. Some foreign residents and citizens reported their families harassed them for their conversion to Christianity, and in some cases asked them to leave their homes.

Observers reported hotels, stores, and other businesses continued to acknowledge non-Muslim holidays such as Christmas, Easter, and Diwali. For example, during the Christmas season, Christmas trees and lights appeared in stores, malls, and homes, and Christmas music played in public places, including songs with Christian lyrics. The news media continued to print information about religious holiday celebrations, including material on the religious significance of Christmas.

A number of religious groups said they were seeking alternative worship venues in response to the expressed wishes of property owners to utilize their properties for purposes that are more lucrative. The groups said a shortage of real estate in prime districts limited their ability to secure land in preferred areas.

In November three individuals harassed a Hindu man who was attempting to worship by himself on a beach. The man fled and a woman called the emergency hotline to report the incident. The dispatcher notified the woman that the issue pertained to freedom of religion and therefore did not warrant a police response. Media reported that the dispatcher was subsequently investigated for failure to adhere to proper protocol in dispatching a unit to assess the citizen's complaint.

Section IV. U.S. Government Policy

The Ambassador and embassy officers met with central government and local officials to discuss solutions for addressing the shortage of worship facilities for minority religious groups.

The Ambassador and embassy officers also met with leaders and representatives of minority religious groups, and with NGOs involved with religious issues to discuss the challenges religious minorities faced and their interaction with the government, such as difficulties obtaining places of worship. The embassy sponsored the participation of several young professionals in programs in the United States focused on interfaith dialogue.