

KUWAIT 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution declares Islam to be the religion of the state but states freedom of belief is “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. The government continued to provide added security to all recognized non-Sunni religious groups, especially the Shia community during Ashura and other religious commemorations. All religious communities were required to observe religious events indoors. In several cases, the Ministry of Awqaf and Islamic Affairs (MAIA) took direct action, such as fines and suspensions, against Sunni imams for giving sermons perceived as politically motivated, insulting to other religious groups, or violating the national unity law. Additionally, the courts continued to rule in favor of citizens who advocated for freer public discussion and criticism of religion. In June the government took steps to block religious figures on the terrorist list issued by Saudi Arabia, the United Arab Emirates, Egypt, and Bahrain, who were engaged in a diplomatic conflict with Qatar, from entering the country. As reported in media interviews, most of the clerics were put on the list for allegedly promoting radicalization, sedition, and being part of terrorist organizations. It is unclear how many of these clerics planned to travel to Kuwait. In September the government prohibited three visiting Shia clerics from Saudi Arabia and Iraq from delivering sermons for Ashura when current and former members of parliament tweeted that the clerics were on record as previously having insulted the Prophet’s wives and companions. Based on these tweets, the Ministry of Interior (MOI) took action and ordered the clerics to leave the country. Minority religious groups, including Christians, Hindus, Buddhists, Sikhs, and Bahais, reported they could worship in private spaces without government interference provided they did not disturb their neighbors or violate laws regarding assembly and proselytizing. One new Shia mosque, one new church facility, and one new accredited religious school opened during the year; however, minority religious groups reported an overall lack of facilities for worship, difficulties obtaining permission to construct new facilities, and lack of accredited religious schools. Christians, Bahai, and Bohras said they practiced a discreet form of self-censorship in order to avoid conflict with authorities. In many cases, church leaders, clerics, and prominent members of minority groups reported they resolved conflicts internally within their community rather than take

legal action in the courts where decisions would be made according to sharia. Some Shia leaders continued to report discrimination in training of clergy and employment in the public sector. Members of non-Abrahamic faiths or unregistered churches were not able to get married locally.

Muslims faced societal pressure against conversion from Islam but were not barred from doing so. It remained illegal, however, for individuals of other faiths to convert Muslims within the country. Observers stated that hotels, stores, and businesses continued to acknowledge non-Islamic holidays such as Christmas, Easter, and Diwali. News media continued to print information about the celebrations of religious holidays, including such material as the religious significance of Christmas.

In December the U.S. Ambassador and other embassy officers hosted a lunch for representatives of minority religious groups to discuss religious freedom and the challenges religious minorities faced in the country. Senior embassy officials also attended religious events throughout the year, including the observation of Ashura, Christmas Mass, Baha'u'llah's 200th anniversary, and the second anniversary of the Imam Al Sadeq Mosque bombing to promote religious tolerance. The embassy-organized events that promoted interfaith dialogue, created a platform for religious organizations to increase civic engagement, and supported exchange programs for government officials and others who work with government agencies to engage youth in embracing religious tolerance and countering radicalization.

Section I. Religious Demography

The U.S. government estimates the population at 2.9 million (July 2017 estimate). The Public Authority for Civil Information (PACI), a local government agency, reports there are 1.3 million citizens and 3.1 million noncitizens. The national census does not distinguish between Shia and Sunni Muslims. The PACI reported estimates indicate approximately 70 percent of citizens adhere to the Sunni branch of Islam, while the remaining 30 percent is comprised of Shia Muslims (including Ahmadis and Ismailis, which the government counts as Shia). Community leaders have indicated there are 267 Christian citizens and a handful of Bahai citizens.

In June the PACI released statistics indicating that 63 percent of expatriates are Muslim, 27 percent Christian, and 10 percent from non-Abrahamic faiths. Sources in various expatriate communities further reported that approximately 5 percent of the expatriate Muslims are Shia, while Buddhists and Hindus account for half of the non-Abrahamic faith population. Informal estimates by members of different

faiths indicate that there are approximately 25,000 Bohras, 10,000 Sikhs, and 400 Bahais.

While some areas have high concentrations of either Sunnis or Shia, there is relatively uniform 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 emir shall be Muslim (the emir and ruling family are Sunni) and the state shall safeguard the heritage of Islam. The Higher Advisory Committee on Completion of the Application of Islamic Sharia Provisions in the Emiri Diwan (office of the emir) makes recommendations to the emir on ways to bring laws into better conformity with sharia. The committee is an eight-member advisory body to the Emiri Diwan, led by the president of the committee. The Council of Ministers appoints members, who serve three-year terms. Traditionally, five of the members are religious scholars (jurisprudence and sharia experts) and two specialize in economics and law. The committee functions in an advisory role and has no authority to implement or enforce its recommendations.

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, 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) (\$33,200 to \$332,000). Repeated crimes carry double penalties. If a group or an organization violates the law, the fine may be as much as 200,000 KD (\$665,000).

The law allows citizens to file criminal charges against anyone they believe has defamed any 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 (\$33,200 to \$665,000) and up to seven years' imprisonment. Noncitizens convicted under this law are also subject to deportation.

There is no promulgated process outlining what religious groups need to submit to register with the government. In practice, groups navigate the process themselves without much stated guidance provided by government offices. Although all religious groups must apply in writing for a license from their municipality to establish an official place of worship and to gain the full benefits from being a registered religion with the central government, it is not transparent what criteria must be met for a registration application to be approved. To obtain an official license, groups must first register with the MAIA. If the registration application is granted, further approvals are required by the Ministry of Social Affairs and Labor (MOSAL) and the MOI. Once these three ministries approve the registration application, the municipality must give final approval/license, which requires the community leaders to obtain written permission from all the immediate neighbors occupying the properties around the proposed place of worship. In practice, applicants often do not know about the status of their registration, or if they are rejected at any point. There is no recourse to appeal the decision as it is considered a "sovereign act" that cannot be challenged in court.

There are seven officially registered and licensed Christian churches: the National Evangelical (Protestant), Roman Catholic, Greek Catholic (Melkite), Coptic Orthodox, Armenian Orthodox, Greek Orthodox, and Anglican. There are no officially recognized synagogues.

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. Nonregistered religious groups do not have access to any of

these facilities (although some registered religious groups agree to assist nonregistered groups in these matters). Additionally, nonregistered groups may not purchase property or sponsor workers and must rely on volunteers from their community for resources. They may, however, practice their religion in homes, hotel facilities, rented villas, and other private or commercial spaces as long as they do not disturb their neighbors or violate laws regarding assembly and proselytizing.

The law prohibits 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, including for non-Muslims, with a prescribed maximum penalty of up to 100 KD (\$330) 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 (\$3,300).

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 other Abrahamic faiths. The law requires that children of such marriages be raised in their father’s faith, and the father’s religion governs the settlement of marital disputes. The determining factor for the couple’s religious status in a court case is whether the marriage certificate is Sunni or Shia. A Shia notary must authenticate a Shia marriage certificate. Christian couples who are part of a registered church may marry and divorce as per their religious customs, and local authorities and courts recognize their religious documents. Members of

nonregistered religions may have their foreign wedding certificates recognized, but may not get married in Kuwait.

If a religious group wishes to purchase land, a citizen must be the primary buyer, and the citizen 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.

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 to the Court of Cassation, the case is adjudicated via Sunni personal status law. An independent Shia *waqf* (trust) administers Shia religious endowments. Based on the religious community of the man, cases are assigned either to Sunni or Shia judges. In the case of a man married to a non-Muslim woman, the husband's religious practice is followed. If a couple is from one of the registered churches, the settlement offered by the church may be taken into consideration; however, if the dispute is not settled Sunni sharia is applied. For members of other nonregistered religions Sunni sharia is applied in the courts in matters of personal status and family law.

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. Members of non-Abrahamic faiths are not able to list their religion on their birth certificate and a dash (-) is denoted in place of their religion. Members of non-Abrahamic faiths may not be married within the country and issued marriage certificates since local courts and authorities do not accept their religion.

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

Government Practices

The government pursued several cases against Salafist cleric Othman Al-Khamees for allegedly insulting Shia doctrine during a television interview and in social media messages dating back to 2015. In January an appeals court overturned a criminal court ruling that had fined Al-Khamees 20,000 KD (\$66,400). The Court of Cassation further upheld the acquittal in April. In the same month, the criminal

court also acquitted Al-Khamees in another case in which he was accused of insulting Shia doctrine.

In March an appeals court upheld a lower court's April 2016 acquittal of Sara al-Drees after she was sued by several private citizens for social media postings questioning the tenets of Islamic practice.

According to press reports, in November the court of misdemeanors convicted journalist and secular activist Abdul Aziz Abdullah al-Qenaei in a blasphemy case for "contempt of Islam" and "slander of sharia" and sentenced him to six-months imprisonment with labor and immediate effect. Al-Qenaei's sentence was suspended pending the appeal process in the higher courts.

The MOI 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. As per MAIA policy, the government continued to appoint all new Sunni imams and to 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 stoking sectarianism. The government vetted every Sunni imam to ensure compliance with the government's view of moderate and tolerant religious preaching and sermons. The government also funded Sunni religious institutions, including mosques. In contrast, Shia clerics were usually not officially monitored and had the freedom to write their own sermons as long as they did not violate existing laws or instigate sectarianism. The Shia community also had the freedom to pick its own clerics without government oversight but generally did not receive funding from the state for religious institutions and mosques. Some Shia mosques, however, requested government assistance and received funds to pay for salaries and maintenance of their facilities.

In June the government took steps to block religious figures on a terrorist list, issued by four Arab states (Saudi Arabia, UAE, Bahrain, and Egypt) involved in a diplomatic dispute with Qatar, from entering the country. Most of the religious figures that faced travel bans were Salafists and members of the Muslim Brotherhood residing in Qatar. Sources in religious groups indicated in August that the MOI and the MAIA were devising a new mechanism to issue entry visas for religious leaders and clerics.

In September news outlets reported three visiting Shia clerics, one from Saudi Arabia and two from Iraq, were invited to speak at Ashura events but were prohibited from delivering sermons and ordered to leave the country by the MOI. The two Iraqi clerics were sponsored by local Shia mosques while the Saudi cleric did not need sponsorship to enter the country. Upon their arrival, current and former members of parliament tweeted that the clerics were on record for previously insulting the Prophet's wives and companions. As the news circulated in social media, it came to the attention of the MOI, which took action.

The MAIA interviewed several imams whom sources said were considered to have made provocative statements harmful to national unity. Some imams were fined and received temporary suspensions while others were cleared of misconduct. In February the court of appeals overturned the Criminal Court's September 2016 acquittal of Shia cleric Hussain al-Matooq on charges that he had spoken disparagingly about the government in one of his Friday sermons in 2015, and fined him 20,000 KD (\$66,400).

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

Citing security concerns, the government kept in place the ban on outdoor religious observances, instituted following the bombing of the Imam al Sadeq Mosque in 2015, which killed 27 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 some Sunni Mosques and all Shia and Christian religious venues during times of worship throughout the year as a deterrent to possible further attacks. The government also continued to provide security to Shia neighborhoods during Muharram and Ashura.

Authorities continued to prohibit 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 registered Christian churches to import religious materials for use by their congregations under the condition that 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. Members of other religious groups also stated they did not face any major issues importing religious materials for their congregations as long as they were doing so privately and did not try to sell the materials in public stores; no public shops could legally import, display, or sell non-Islamic religious literature.

The MOI provided security and protection for licensed places of worship, the MOSAL issued visas for clergy and other staff, and the Ministry of Foreign Affairs and the municipality of Kuwait handled building permits and land issues. The government said it received no applications for construction of new churches from religious groups during the year. The Armenian Orthodox church successfully bought a new property and started operating from the new church during the year. The Greek Orthodox Church successfully negotiated the purchase of 38 percent ownership of its property, but church leadership still feared expulsion from the property. They highlighted that if the current owner died, the inheritors stood to make more money by redeveloping the property than by continuing to rent it to the church.

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 registered churches. Citing security concerns, authorities stated they would take action against unlicensed mosques. The government tasked the MAIA, the MOI, the municipality of Kuwait, and other agencies with finding solutions to end the use of illegal mosques. During the year, the government raided makeshift mosques in remote areas and shut them down for operating without proper licenses.

Shia Muslims reported a continued lack of facilities for worship and difficulties obtaining permission to construct new facilities, 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, there were 51 Shia mosques, with one new Shia mosque having opened during the year. There were also 20-30 *husseiniyas* registered with MOI and thousands of smaller Shia gatherings that took place in private homes. Similar to Shia mosques, the MAIA did not monitor the *husseiniyas* and the private gatherings.

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

The National Evangelical Church (NEC) requested accreditation for its school, which would enable students to receive religious education while fulfilling Kuwaiti requirements, and allow school graduates to move on to higher education. The NEC had not received a response to their request from the authorities by year's end. The Bohra community opened an accredited school for its community. Other groups conducted religious studies in their places of worship, but have either not requested accreditation or did not receive a response to their request.

Some Muslim clerics continued to express disapproval of the celebration of non-Islamic holidays and called for more government action to restrict public expression of these holidays; no legislation to limit public expression was initiated during the year.

While Shia community members expressed gratitude for the added security provided by authorities for their events, they stated that an effort by law enforcement to capture fugitive members of the Abdali Cell, a group that the government had charged with spying for Iran and Lebanese Hizballah to carry out aggression against the country, put undue hardship on the Shia community. These included random security checks and intrusions into their homes by law enforcement authorities. In August authorities arrested 12 of the 14 members of the cell who had fled; two remained at large. Shia sources stated the authorities' actions were construed by the Shia community as placing blame on the entire community for the acts of a few criminals.

Even though the Shia make up an estimated 30 percent of the population, they remained underrepresented in all segments of government: six of 50 members in

parliament, one of 16 cabinet members, one of six Amiri Diwan advisors, and disproportionately lower numbers of senior officers in the military and police force. Shia community leaders repeatedly complained about a glass ceiling in promotions and difficulties in getting jobs, as well as the lack of new places to worship, which they said created an oppressive environment for their community.

According to Shia leaders, the lack of Shia imams continued to limit their ability to staff Shia courts, 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 does not prohibit apostasy, the government continued its policy of not issuing new official documents for recording a change in religion. When asked if there were any cases of conversion, religious leaders from some non-Muslim religious groups said they had not heard of any case of a Muslim desiring to change religion, while others said they would not convert a Muslim in Kuwait. All leaders, regardless of faith, stated they were free to practice their religion and that their sole mission was to take care of their existing community. A few leaders refused to speak about conversion.

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 unregistered 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.

Members of non-Abrahamic faiths stated that they remained free to practice their religion in private, but faced harassment and potential prosecution if they practiced their faith in public. Expatriates of non-Abrahamic religions could not have public places of worship nor marry in Kuwait, and they remained subject to sharia if family matters were taken to court. Most members of these communities indicated they were able to practice their faith within their communities, but practiced a discreet form of self-censorship that allowed them to avoid conflict with authorities. In many cases, members of these religious groups stated they resolved conflict internally within their community rather than take legal action in the courts where they would be subject to sharia.

In an attempt to keep a low profile, minority religious communities stated they did not request permission for public celebrations from authorities (which would be rejected if applied for) and refrained from discussing issues such as proselytizing (which is part of their religious doctrine but considered illegal by the law). They said they were selective in the religious materials they imported and even more selective of the persons who were given access to them. They said they did not allow these materials to be circulated outside their congregations. Many of these groups did not advertise religious events or gatherings publicly to avoid unwanted attention to their organizations both from the public and government authorities. Representatives of registered churches stated the government was generally tolerant and respectful of their faith.

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 as well as citizens who converted to Christianity reported their families harassed them for their conversion.

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.

The NEC also continued to allow 85 other (unregistered) congregations to use its facilities.

An Anti-Defamation League global survey of anti-Semitism sentiment ranked Kuwait among the top 10 most anti-Semitic countries, with 82 percent of respondents endorsing negative stereotypes concerning Jews.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers 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 Ambassador and other embassy officers hosted an event for leaders of various registered churches and provided a venue for discussion of religious tolerance. The Ambassador spoke with each leader to find out how his or her congregation was affected by government policy, and how the situation compared to previous years. Additionally, the embassy directly heard the needs of the various groups, which continued to include more space for worship, lack of transparency to register new churches, and permission to get religious school accreditation. In general, attendees of registered churches praised the government and people of the country as being tolerant and respectful of their faith

Embassy officials worked closely with minority religious groups and supported religious events that raised awareness of religious tolerance and diversity. Officials attended the observation of Ashura, Christmas Mass, the 200th anniversary of Baha'u'llah's birth, and the second anniversary of the Imam Al-Sadeq Mosque bombing to highlight the importance of religious tolerance.

The embassy worked throughout the year to promote religious freedom and tolerance through a series of visitors' programs. One program explored government and nongovernment efforts to promote the culture of tolerance, and the role of interfaith dialogue in promoting tolerance and peace. A second highlighted work of a local NGO in promoting freedom of religion and the role of religious organizations in advancing civil rights. A third program discussed U.S. government and international initiatives to promote civic engagement to protect human rights and international religious freedom.

The embassy sponsored speakers who also took part in a Ministry of the Interior's regional conference on protecting children from social media threats, which included embassy-sponsored talks on religious tolerance. Newspaper interviews and social media coverage of embassy-sponsored speakers focused on the importance of interfaith dialogue in countering radicalization and extremism.

Embassy officers participated in an interview with Kuwait Radio that discussed religious freedom in the United States, religious tolerance, and the integration of the Muslim community in the larger U.S. society.