

KUWAIT 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution states that freedom of religion is absolute and provides for freedom of belief and practice of religion. It stipulates, however, that the practice of religion must be in accordance with established customs and not conflict with public policy or morals. The government enforced a law on national harmony and bans on blasphemy and proselytism by non-Muslims. In July the Court of Cassation upheld a lower court ruling convicting Hamad al-Naqi, a Shia citizen, to 10 years in prison for posting to his social media account comments deemed insulting to Islam and defamatory of Sunni rulers in the region. The media reported multiple incidents of individuals detained for practicing black magic and sorcery or possessing items allegedly used in those practices, which are considered inconsistent with Islamic law. The government did not recognize several Christian groups, as well as religious groups that it deemed not sanctioned in the Quran, such as Bahais, Buddhists, Hindus, and Sikhs. Securing official recognition of religious groups involved a lengthy process, requiring approval from three ministries and providing the public the opportunity to object. Churches that applied for licenses to build new places of worship have had to wait years for approval, and since 2001 the government granted licenses and approved the construction of fewer than 10 new Shia mosques. The current number of Shia mosques and Christian churches did not meet the needs of their members. There were reports that authorities, usually in response to complaints from neighbors over crowded streets and parking during worship services, pressured landlords who had leased property to unlicensed churches. In August the government shut down a local play for allegedly insulting religion when one of the actors improvised several scenes that activists felt demeaned Shia religious practices.

There were no reports by religious leaders of harassment or discrimination based on religion, and non-Muslims reported being able to practice their faith freely. Negative commentary regarding Jews appeared in the media. Anti-Semitic rhetoric often originated from self-proclaimed Islamists or conservative opinion writers. Many hotels, stores, and other businesses patronized by both citizens and non-citizens openly acknowledged non-Muslim holidays such as Christmas, Easter, and Diwali.

The Ambassador and other embassy officers met government officials to advocate for religious freedom, particularly access to adequate worship facilities. The embassy also met with a variety of religious groups and leaders from both

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recognized and unrecognized religious groups. The embassy nominated young citizens for exchange programs on interfaith dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population is 2.7 million (July 2014 estimate). In 2014, the national governmental Public Authority for Civil Information reported that there are 1.2 million citizens and 2.8 million non-citizens. The national census does not distinguish 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. A few hundred Christians and some Bahais are Kuwaiti citizens.

Among the non-citizen residents, approximately 150,000 are Shia and a larger, although unknown number, are Sunni. There are an estimated 600,000 non-citizen Hindus and approximately 450,000 Christians. There are also an estimated 100,000 Buddhists, 10,000 Sikhs, and 400 Bahais.

While some areas have relatively high concentrations of either Sunnis or Shia, most areas are religiously well-integrated.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states that “freedom of religion is absolute.” It guarantees freedom to practice religion, provided it is “in accordance with established customs, and does not conflict with public policy or morals.” It also stipulates that Islam is the state religion and Islamic law is a main source of legislation.

The law does not explicitly prohibit apostasy, although the government will not issue new official documents for the purpose of recording a change in religion. There is considerable societal pressure against conversion from Islam.

The law requires jail terms of up to 10 years 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. While the Ministry of Information controls

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published materials, the Ministry of Interior can enforce these restrictions independently. 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 harmed public morals. The law criminalizes publishing and broadcasting content, including via social media, that could be deemed offensive to religious “sects” or groups, providing for fines ranging from 10,000 to 200,000 Kuwaiti dinars (KD) (\$34,130 to \$682,600). Non-citizens convicted under any of these laws are also subject to deportation.

The Ministry of Awqaf and Islamic Affairs (MAIA) is officially responsible for overseeing religious groups. The procedures for registering and licensing religious groups are similar to those for nongovernmental organizations (NGOs) and are lengthy and not transparent. A group wishing to officially register must write a request to the Ministry of Social Affairs and Labor (MOSAL). The request is then sent to the Ministry of Interior and MAIA. If the request is approved by all three ministries, a public notice must be published in the government’s official gazette and run for several weeks. If no public objections are lodged, then the group is granted registration.

Once registered, a religious group is also allowed to rent a space to worship. If the group wishes to purchase land, a citizen must be the primary buyer, and the request must be approved by the Municipal Council, which allocates land at its discretion. In recent years, recognized Christian churches and Shia groups have reported encountering difficulties working with the Municipal Council on securing land. For example, in one instance the council approved the purchase of land, but it was in a distant area of the city known for crime and not near any members of the congregation. An overall shortage of real estate in prime districts impacts the ability to secure land in preferred areas.

In addition to being able to secure a venue for worship, a recognized church can sponsor its own staff, invite and sponsor guests in the country, open bank accounts, and import texts needed for its congregation. If a church is not officially recognized by the government, all of its daily business is heavily dependent on the goodwill of members.

The law prohibits non-Muslims from proselytizing Muslims.

The government requires Islamic religious instruction in public schools for all students. The government also requires Islamic religious instruction in private

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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 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 can marry women of any faith. Children of such marriages are required to be brought up in their father's faith, and marital disputes are settled according to the father's religion. If a Sunni and Shia marry, the determining factor for the couple's religion is whether the marriage certificate is Sunni or Shia.

The government does not designate religion on passports or national identity documents, with the exception of birth and marriage certificates. On birth certificates issued to Muslims, the government does not differentiate between Sunni and Shia. A Shia marriage certificate has to be authenticated by a Shia notary.

The Amiri Diwan's (office of the amir) Higher Advisory Committee on Completion of the Application of Islamic Sharia Provisions is tasked with making recommendations to the amir on ways in which laws can be brought into better conformity with Islamic law, although it has no authority to implement or enforce such changes.

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, although a lack of qualified Shia imams has resulted in Shia jurisprudence being used only in an ad hoc council under the regular marital issues court. An independent Shia *waqf* (trust) administers Shia religious endowments.

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 (\$341) and/or one month's imprisonment. It is illegal to possess or import pork products and alcohol. Other practices deemed to be inconsistent with

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Islamic law are prohibited, including anything deemed “sorcery” or “black magic,” which are prosecuted under the penal code as fraud and deception, and carry a maximum penalty of three years imprisonment, a fine, or both.

Government Practices

Government restrictions primarily affected non-Sunni citizens and residents. Courts sentenced several individuals to time in prison for religious offenses, most notably inciting sectarianism and violating the law related to “national unity.” Municipal authorities continued to be the main obstacle for some registered religious groups to secure land for new houses of worship.

On July 21, the Court of Cassation upheld a 2012 lower court ruling convicting Hamad al-Naqi, a Shia citizen, of posting comments deemed insulting to Islam and defamatory of Sunni rulers in the region to his social media account. The Court of Appeals had previously exonerated al-Naqi of one original count of insulting other religions, which is a crime under the penal code, but confirmed the lower court’s 10-year prison sentence. The Court of Cassation’s ruling was final and no other appeals are available to al-Naqi.

In April the Court of Appeals reversed a prior acquittal by a lower court and fined scholar Abdullah al-Nafeesi for insulting the Shia doctrine and violating the law on national unity in a speech given during a private gathering. A government official said in January several imams would be referred to investigation for stirring sectarianism and harming national unity through social networks. The official also stated that any imam who criticized the MAIA would be referred for prosecution. The government suspended an imam in January for complaining on social media about the quality of services provided to mosques by the MAIA.

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. For example, in May authorities reportedly brought charges for black magic against a non-citizen domestic worker for possessing the amniotic sac from her son’s birth sixteen years ago, which she had been carrying as a good luck charm. The employer deemed it an object of sorcery, and media reported he and his brother tied up and beat the woman before turning her over to the police; authorities did not charge either the employer or his brother for the attack. The domestic worker was detained at a police station for two days before her employer took her out and “sold” her to another labor agency.

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The domestic worker was pursuing charges against her former employer at the end of the year.

In August the government shut down a local play for allegedly insulting religion when one of the actors improvised several scenes that activists felt demeaned Shia religious practices. Although the actor who improvised the scenes, himself a Shia, apologized on social media, the government filed a lawsuit against the play's producers and referred them to the prosecuting authorities.

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 and Shia professors at the College of Islamic Law at Kuwait University, the country's only institution to train imams. This resulted in a lack of qualified individuals to staff Shia courts which are charged with overseeing personal status and family issues, as well as a backlog of cases. In 2003, the government approved a request from the Shia community to establish a Shia Court of Cassation (equivalent to a supreme court). This court, however, was not yet established, largely because of the unavailability of appropriate training for Shia locally, according to Shia leaders. There were no Shia professors at the College of Islamic Law.

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 churches worked with a variety of government entities in conducting their affairs, including the MOSAL for visas 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 residency permits, 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 granted. Over the last several decades, no new churches have been recognized. During the year, however, one Christian church received approval from all of the necessary ministries and prepared to publish its notice in the government gazette announcing its intentions to form a church in the country.

The Indian Orthodox Church, Mar Thoma, and the Seventh-day Adventist Church continued to operate without legal recognition, despite attempts to gain recognition

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in prior years. The unrecognized religious groups were allowed to operate in rented villas, private homes, or the facilities of recognized churches. Members of these congregations continued to report they were able to worship without government interference provided they did not disturb their neighbors or violate laws regarding assembly and proselytizing. Authorities prohibited these groups from displaying exterior signs, such as a cross or the congregation's name, and from engaging in public activities.

The government did not recognize religious groups that it deemed not sanctioned in the Quran, such as 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, which required them to minister to their congregations outside of their regular non-religious employment.

Recognized churches that applied for licenses to build new places of worship had to wait years for approval. In the past, such applications were denied outright or on technical grounds. Some of the recognized Christian churches considered their existing facilities inadequate to serve their communities and faced significant problems in obtaining approval from municipal councils to construct new facilities.

There were reports that authorities, usually in response to complaints from neighbors over crowded streets and parking during worship services, pressured landlords who had leased property to unlicensed churches. One landlord required a congregation to either move from its rented villa or purchase it, as the landlord did not want any further pressure from neighbors and local authorities over the existence of the church in her villa.

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 still under construction, funded by the Shia community. According to data from MAIA, Shia mosques made up only 2.5 percent of the nearly 1,400 mosques in Kuwait.

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The government allowed Shia worshipers to gather peacefully in public spaces to attend sermons and eulogies during Muharram and Ashura and provided security to Shia neighborhoods. Licenses for tents or tables had to be obtained from the municipalities, and the municipal government had the right to withdraw the license of any *husseiniyas* (a Shia hall for religious commemorations) that did not comply with municipality rules. The government did not permit public reenactments of the martyrdom of Hussein or public marches in commemoration of Ashura.

The government funded and exercised direct control over Sunni religious institutions. It also provided topics for weekly sermons to both Sunni and Shia mosques through the MAIA's website, to which imams were expected to adhere. The government appointed Sunni imams, monitored their Friday sermons, and financed construction of Sunni mosques. In March the then minister of justice and awqaf and Islamic affairs warned local imams to avoid discussing political issues during their sermons or any other time while in the country. In June an Egyptian imam was deported for allegedly commenting on the Egyptian election during a sermon.

The government financially supported Sunni Muslims who proselytized among foreign residents.

The government did not permit the establishment of non-Islamic religious publishing companies, although several churches published religious materials solely for their congregations' use. The government permitted a private company 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. Congregations with a need for material in languages other than Arabic or English reported no problems independently importing their materials.

The Ministry of Education instructed school administrators to expunge and ban fiction and non-fiction English-language books and textbooks having any references to the Holocaust or Israel. Schools were only able to teach and celebrate Muslim holidays. 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 continued to allege that a "glass ceiling" of discrimination prevented them from obtaining leadership positions in some of these public sector organizations, including the

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security services. The prime minister appointed one Shia minister to the cabinet, despite the customary practice of appointing two. The amir had a few senior-level Shia advisors.

Section III. Status of Societal Respect for Religious Freedom

Negative commentary regarding Jews appeared in the media. 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. During the Gaza conflict, certain opinion writers held “Jews” responsible for the conflict.

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. The news media regularly printed reports of religious holiday celebrations, including large supplemental sections detailing the religious significance of Christmas.

Section IV. U.S. Government Policy

The Ambassador and embassy officers met regularly with ministry and local officials to promote freedom of belief and practice, including by discussing 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. Embassy officials met with representatives from recognized and unrecognized religious groups, and other NGOs that advocated for greater religious freedom to discuss their ability to operate freely, challenges they faced, and best practices for interacting with the government. 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. This reinforced religious tolerance among young Kuwaiti emerging leaders.