

KUWAIT 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution declares Islam to be the religion of the state, while saying the freedom of belief is “absolute.” It guarantees the state will protect the freedom to practice religion, provided such practice accords with established customs, and does not conflict with public policy or morals. Different provisions of the law prohibit the defamation of Islam, the publication or broadcast of material the government deems offensive to religious groups, and practices the government deems inconsistent with Islamic law. Da’esh (the Islamic State in Iraq and the Levant) claimed responsibility for a suicide bombing at a Shia mosque in June, killing 26 people and injuring more than 200 others. The government put 29 individuals on trial in connection with the bombing, ultimately sentencing seven of them to death. Following the bombing, the government ordered the Shia community to commemorate Ashura and other holidays indoors and took other security measures affecting all non-Sunni religious groups. The government arrested and convicted several individuals for insulting Shia doctrine and interrogated several imams for making what it considered to be provocative statements harmful to national unity. Religious groups reported they could worship without government interference provided they did not disturb their neighbors; the government arrested 11 Hindus for conducting religious services following neighborhood complaints. Minority religious groups reported a lack of facilities for worship and difficulties obtaining permission to construct new facilities. Shia continued to report discrimination against them in terms of the training of clergy and employment in the public sector.

Minority religious leaders reported continued societal pressure against conversion from Islam. Self-proclaimed Islamists continued to engage in anti-Israeli rhetoric, which often had anti-Semitic overtones. Observers reported hotels, stores, and other businesses continued their past practice of acknowledging non-Muslim holidays with religious displays, and the media printed information about the religious significance of these holidays.

The U.S. Ambassador and embassy officers discussed ways to enhance freedom of worship in meetings with ministry officials and pressed them to take steps to curtail the actions of local authorities obstructing construction of new worship facilities needed to address the inadequate and overcrowded facilities used by minority religious groups. The Ambassador and embassy officers also met with representatives of both recognized and nonrecognized religious groups to discuss

KUWAIT

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 2015 estimate). The Public Authority for Civil Information (PACI), a local government agency, reports there are 1.3 million citizens and 2.9 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. PACI reports a majority of the remaining 30 percent of citizens are Shia Muslims. A few hundred Christians and some Bahais are citizens.

According to PACI, among the noncitizen residents, there are approximately 750,000 Christians, 150,000 Shia and a larger, although unknown number of Sunni. There are an estimated 100,000 noncitizen Hindus and an estimated 100,000 Buddhists, as well as 10,000 Sikhs, and 400 Bahais.

While some areas have high concentrations of either Sunnis or Shia, the two groups are relatively evenly distributed 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 religion, provided such practice is “in accordance with established customs, and does not conflict with public policy or morals.”

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

KUWAIT

The law prohibits the defamation of Islam or any other religions, including the denigration of Islamic and Judeo-Christian religious figures, and prescribes a punishment of up to 10 years in prison for each offense. The law does not specify which religions are included in the phrase “other religions.”

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 dinars (\$30,000 – \$300,000). Repeated crimes carry double penalties. If a “legal person” violates the law, the fine may be as much as 200,000 dinars.

The law allows any citizen to file criminal charges against an author if the citizen believes the author has defamed any religion 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 Kuwaiti dinars (KD) (\$34,130 to \$682,600) 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 non-Muslim religious groups must apply in writing for a license to establish an official place of worship. The procedures for applying for a permit to establish a place of worship are governed by the Ministry of Awqaf and Islamic Affairs (MAIA) and are not publicly defined.

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. If a religious group has not established a licensed, official place of worship with the government, it may still conduct private worship services as long as such services do not cause disturbances in the neighborhoods in which they are located.

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.

KUWAIT

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 KD 100 (approximately \$300) 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 be penalized with up to a 1,000 KD (\$300) fine.

If a religious group wishes to purchase land, a citizen must be the primary buyer, and must submit a request for approval by 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. Textbooks used in Islamic education courses are based on the Sunni interpretation of Islam.

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. A 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 the law into better conformity with sharia, although the committee has no authority to implement or enforce such changes.

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 any faith. The law requires children of such marriages to be brought up in their father's faith, and the father's religion to govern settlement of marital disputes. If a Sunni and Shia marry, the determining factor for the couple's religion is whether the marriage certificate is Sunni or Shia. A Shia notary must authenticate a Shia marriage certificate.

KUWAIT

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 will be adjudicated via regular Sunni personal status law. An independent Shia *waqf* (trust) administers Shia religious endowments.

An individual's religion is not listed 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, no distinction is made between Sunni and Shia.

Government Practices

Da'esh claimed responsibility for a suicide bombing at a Shia mosque in June killing 26 people and injuring more than 200 others. The government put 29 individuals on trial in connection with the bombing, ultimately sentencing seven of them to death. Following the bombing, the government ordered the Shia community to commemorate Ashura and other holidays indoors and took other security measures affecting all non-Sunni religious groups. The government arrested and convicted several individuals for insulting Shia doctrine and interrogated several imams for making what it considered to be provocative statements harmful to national unity. Nonrecognized religious groups (those without a licensed place of worship) reported they could worship without government interference provided they did not disturb their neighbors; the government arrested 11 Hindus for conducting religious services after neighborhood complaints. Shia and both recognized and nonrecognized non-Muslim religious groups reported a lack of facilities for worship and difficulties obtaining permission to construct new facilities. Shia continued to report discrimination against them in terms of the training of clergy and employment in the public sector.

On June 26, a suicide bomber attacked the al Imam al Sadeq Shia mosque in Kuwait City, killing 26 people and injuring more than 200. Government investigators identified a Saudi national as the bomber. Da'esh claimed responsibility for the bombing, saying it was an attack on a temple of the "rejectionists," a term used by Da'esh to describe Shia. Following the bombing, the government ordered the Shia community to conduct all Ashura activities inside

KUWAIT

closed structures rather than at outside locations, where some activities previously had taken place. The government stated it took the decision due to security concerns. The government also stationed security forces outside of all non-Sunni religious venues during times of worship as a deterrent to further possible attacks. In July prosecutors charged 29 individuals in connection with the bombing. In September the court found 15 of the defendants guilty and sentenced seven to death (five in absentia).

The government arrested three individuals in separate cases for violating the national unity law for insulting the Shia doctrine. In October, for example, a lower court convicted Sharia College Professor Mohammed al-Hajari for insulting the Shia doctrine after he criticized the Shia practice of ‘temporary marriage.’ Several of the Shia female members in the audience filed a complaint. The court fined him 10,000 KD (approximately \$34,000).

The MAIA detained and interrogated several imams for making what it considered to be provocative statements harmful to national unity. For example, in October the police arrested Shiite cleric Hussain al-Matooq for reportedly saying the government had tortured and mistreated individuals charged with smuggling weapons and ammunition into the country during a Friday sermon.

On November 3, the police arrested 11 Indian nationals for conducting a Hindu religious ritual following complaints from neighbors. The Indian Embassy later reported they were deported for causing a “public disturbance.” In April the Court of Cassation reversed an appeals court decision and acquitted scholar Abdullah al-Nafeesi of charges of insulting Shia doctrine and violating the law on national unity in a speech given in November 2014 on Saudi Arabian TV.

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. The MOI provided residency permits, security and protection for places of worship for licensed churches, while the MOSAL issued visas for clergy and other staff, and the Ministry of Foreign Affairs and Municipality of Kuwait handled building permits and land issues. The government received no applications for construction of new churches during the year.

Members of religious groups without licensed physical places of worship reported they continued to worship without government interference provided they did not

KUWAIT

disturb their neighbors or violate laws regarding assembly and proselytizing. The government allowed such religious groups to operate in rented villas, private homes, or the facilities of recognized churches. The authorities prohibited these religious groups from displaying exterior signs, such as a cross or the congregation's name.

The government continued to fund Sunni religious institutions and to provide topics for the weekly sermons by imams at Sunni mosques. The government continued to appoint Sunni imams, monitor their Friday sermons, and finance construction of Sunni mosques. The minister of justice and the minister of awqaf and Islamic affairs continued to warn imams to keep their sermons consistent with the general law on political speech and avoid discussing political issues during their sermons or at any other time while in the country.

The government provided security to Shia neighborhoods during Muharram and Ashura. Groups had to obtain licenses for commemorations from their respective municipalities, 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 did not permit public reenactments of the martyrdom of Hussein or public marches in commemoration of Ashura.

The government continued the practice of not permitting the establishment of non-Islamic religious publishing companies, although it allowed non-Islamic religious groups to publish religious materials solely for their congregations' use. 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 insult Islam. Congregations with a need for material in languages other than Arabic or English reported no problems importing their materials on their own.

Religious groups without licensed places of worship reported local authorities continued to pressure landlords to end leases on property to unlicensed churches, often after complaints from neighbors about over-crowded streets during worship services. A number of religious groups said they were seeking alternative worship venues in response to landlords' expressed wishes to utilize the properties for more lucrative purposes. The groups said a shortage of real estate in prime districts limited their ability to secure land in preferred areas.

KUWAIT

Members of the Shia community continued to express concern over what they perceived as the relative scarcity of Shia mosques, which they said was due to the government's delay in approving repairs to existing mosques or the construction of new ones. They said the government had granted licenses and approved the construction of fewer than 10 new Shia mosques since 2001. There remained a total of 35 Shia mosques nationally, with one mosque approved in 2012 still under construction. According to data from MAIA, Shia mosques made up 2.5 percent of the approximately 1,400 mosques in Kuwait.

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

The government continued not to permit the establishment of non-Sunni religious training institutions. Shia who wanted to serve as imams had to seek training and education abroad. The College of Islamic Law at Kuwait University, the country's only institution to train imams, continued to lack Shia jurisprudence courses and had no Shia professors on its faculty.

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

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

Although apostasy was not prohibited by law, the government continued its policy of not issuing new official documents for the purpose of 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. According to a cleric of a licensed

KUWAIT

church, upon request, the government granted additional slots once the quota was reached. 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.

In September Prime Minister Sheikh Jabar Mubarak Al-Hamad Al-Sabah met with Pope Francis in Rome to discuss religious tolerance and the role of the Christian minority. The delegation signed an agreement with the Holy See to strengthen bilateral relations.

Section III. Status of Societal Respect for Religious Freedom

There continued to be societal pressure against conversion from Islam, according to minority religious leaders. Several citizens and foreign residents reported harassment and sometimes were disowned by their families due to their conversion to Christianity.

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, people continued to decorate stores, malls, and homes with Christmas trees and lights, and to play Christmas music 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.

Section IV. U.S. Government Policy

The Ambassador and embassy officers discussed ways to enhance freedom of belief and worship in meetings with ministry and local officials, including the need to address the inadequate and overcrowded worship facilities for most minority religious groups. The embassy requested ministry officials take steps to curtail the actions of local authorities obstructing construction of new worship facilities.

The Ambassador and embassy officers also met with representatives of religious groups and with NGOs engaged on religious issues to discuss the challenges religious minorities faced and their interaction with the government. The embassy sponsored the participation of several young professionals in programs in the United States focused on interfaith dialogue.