

Institute on Religion and Public Policy Report:

Religious Freedom in Kuwait

Executive Summary

(1) The official religion of Kuwait and the inspiration for its Constitution and legal code is Islam. With laws inspired by the Sharia, it is no surprise that their religious laws do not protect other religions as well as Islam. Religious freedom and practice are limited both in the Constitution and in schools and the public. The state is biased toward the Sunni sect of Islam, funding their mosques and providing religious instruction in schools for their children. Shi'a Islam, Christianity and other religions are at a disadvantage because they are often prevented from practicing openly and are not supported by the government. Kuwait needs to adopt religious laws that extend equally to all religions, and not ones that favor Sunni Islam

Institute on Religion and Public Policy

(2) The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Demographics

(3) Kuwait has a population of about 3 million people. The country itself is slightly smaller than the state of New Jersey. About 60 percent of the population is Arab, with 38 percent Asian. Kuwait has a large foreign worker population, with most coming from Arab states and South Asian countries, especially India. Of the 3 million people who live in Kuwait, only about 1 million are citizens. The majority of those who are not citizens are foreign workers. Around 100,000 people are classified as state-less residents, "Bidoons," because they have no legal documentation of citizenship.

(4) The national census does not distinguish citizens in terms of religion. However, almost all citizens of Kuwait are Muslim, with about 70 percent

identifying as Sunni and 30 percent as Shi'a. It is estimated that about 85 percent of the general population is Muslim, with the same breakdown between Sunnis and Shi'as. About 100,000 non-citizen residents are Shi'a. The Shi'a population is reported to be made up those with either Iranian descent or Arab descent, primarily from Saudi Arabia and Bahrain.

(5) There are an estimated 200 Christian citizens, but a total of around 400,000 Christians residing in Kuwait. The Christian population is primarily made up of expatriates. The largest Christian denominations are Roman Catholic, Coptic Orthodox and members of the National Evangelical Church (Protestant). Other religious groups represented in Kuwait, in smaller numbers, are Sikhs (10,000 followers), Hindus (300,000 followers), Buddhists (100,000 followers) and Baha'is (400 followers). Almost none of these religious minorities are citizens in Kuwait.

History of Freedom and Politics in Kuwait

(6) Kuwait gained its independence from Great Britain in 1961. A constitutional monarchy was put into place in 1962 when the Constitution of Kuwait came into effect. The Al-Sabah family, Sunni Muslims, have ruled the country for 200 years by means of the monarchy and the Amir. The Amir is the head of state and has the power to suspend all provisions of the government by decree. The government has been suspended on two occasions, from 1976-1981 and from 1986-1991 and the summer of 1999. Since 1999 there have been no official suspensions of the government, but in 2009 the Parliament was dissolved, because of gridlock and the resignation of the Cabinet. While the Amir has power to suspend the entire government, the people themselves have no right to change the government. The Amir also appoints the Prime Minister and has the right to dismiss him or her. Elections are only held for the National Assembly, and only 35 percent of the population is eligible to vote. Women only gained the right to vote in 2005.

(7) While freedom of opinion, assembly, religion, speech and movement are all outlined in the Constitution, they are all subject to limitations. These freedoms are guaranteed but can only be exercised "in accordance with the conditions and procedures defined by law." Essentially, the government has the right to limit all the freedoms listed above if a person does not exercise that right in the proper manner. The law is defined by the Islamic Sharia, so saying that these freedoms can be limited by the law means that they can be limited by the Islamic traditions that dictate law.

(8) For example, the freedom of assembly is granted as long as it is for a peaceful end and does not oppose the morals of the nation. The government has the right to reject a public event from occurring because it is considered inappropriate. Laws such as the one just stated have lead to self-censorship in

the press, academia, and many private organizations in order to prevent being shut down.

Legal Status of Religion

(9) The Preamble of the Constitution of Kuwait states that the country and its democratic ruler are established in the name of Allah. The preamble also speaks about faith playing a role in the promotion of Arab nationalism and in the search for world peace. While this is not a specific legal mandate about religion, the preamble reflects the importance of religion in everyday life.

(10) Part 1, Article 2 of the Constitution states that Islam is the state religion of Kuwait. Additionally, it mandates that the Islamic Sharia is the main source of legislation. Legislation is therefore inspired by a religious document and it would seem then that many actions that may be commonplace in other religions are not protected by the law.

(11) Article 12 articulates that the State has the responsibility to safeguard Arab and Islamic heritage and its influence on civilization. The Constitution is essentially saying that the State has the right to preserve the culture of Islam, but does not specify by what means that heritage is preserved.

(12) Other Articles also cite the importance that Islam has in everyday life. For example, Article 9 of Part 1 states the importance of family, which is grounded in the Islamic tradition. Another further mention of religion is within the Article discussing equality. It states that all are equal under the law no matter their religion.

(13) Freedom of religion is defined in Article 35 of Part 1. The freedom of belief is absolute and the freedom to practice ones religion is only protected "in accordance with established customs, provided that it does not conflict with public policy or morals." Thus one has the right to believe whatever he or she desires, but may not be able to openly practice their religion. Because the right to practice is limited by customs and morals, and the Constitution has upheld the customs of Islam, it can be inferred that the practice of non-Islamic religions will not be fully protected under the law.

(14) The government's legal control over religion extends beyond just Constitutional regulations. The government has direct control over all Sunni religious institutions, which includes appointment of religious leaders, and building of the mosques. The government's control on Sunni institutions is a sign of favoritism. Shi'a groups need to raise funds from within their own community to build mosques and they are locally run.

(15) Even though no other religious communities get aid, they are all required to register with the Ministry of Awqaf & Islamic Affairs. Once the group is officially recognized they are able to work with other government offices to obtain visas for their ministers and building permits for their worship sites. There are seven Christian churches which at least some level of official recognition and can worship openly. However, there is no official list of recognized religious institutions, which is another example of the lack of transparency within the government. It has been reported that Christian groups who are not registered believe it is impossible to gain that recognition. Further, there were no religious groups registered in 2008.

(16) The 2006 Press and Publication Law put limitations on freedom of speech, with religious motivations. The Law prohibits any attack on religious groups or any speech that may incite religious crimes or hatred. While this law may seem practical so that violence can be restricted, it is biased towards Islam. The fine for violating this law is greater when the offense is against Islam. A clause within the law also establishes that the companions of Muhammad cannot be openly criticized.

Specific Examples of Religious Discrimination

(17) Education is one of the main realms in which religious discrimination exists. Islam is taught in all public schools and any private school that has one or more Muslim student. All of the textbooks are written by Sunni academics and it is the Sunni interpretation that is taught in all the schools. The Catholic Church petitioned to be able to teach Catholicism to Catholic students, in private schools, during the time that Islam was being taught, but they were denied. Further, The National Evangelical Church applied for a license for their school that had been operating for many years and they were also denied, reportedly on ideological grounds.

(18) There are several reports, from many of the Christian groups that they are unable to build new places of worship because the government denies them permits, or does not offer them financial assistance when the permits are granted.

(19) Sikhs in Kuwait are only allowed to worship freely in private homes, but they have an increasingly difficult time finding landlords who will rent them spaces to worship. They also had difficulty finding a crematorium that would cremate their dead. However, they were allowed to hold public marriage ceremonies and other ceremonies without interference.

(20) Baha'is, Buddhists, Hindus and others are also not permitted to have official places to worship and are confined to private homes.

(21) Stateless Arabs were not able to get passports to travel outside of the country. If they were granted permission to leave Kuwait for hajj, their passports were temporary and had to be given back when they returned.

(22) Laws against proselytism exist and it is illegal for a non-Muslim to try and convert a Muslim. Groups seeking to convert non-Muslims to Islam were endorsed by the Ministry of Awqaf and Islamic Affairs.

U.S. Foreign Policy

(23) The United States and Kuwait have become strong allies since the Iraqi invasion of Kuwait in 1990. The United States led the effort to expel the Iraqis from Kuwait and was successful in 1991. Since the Gulf War, Kuwait has been a key American ally in the Middle East. Kuwait was one of the main platforms for the launch of Operation Iraqi Freedom and has been a large supporter of American efforts.

Conclusion

(23) The Constitution of Kuwait needs to be amended to provide for equal protection of all religions, without exceptions. Its current favoritism of Sunni Islam is limiting the religious freedom of all other groups. Citizenship laws need to be extended to members of all religions and ethnicities. Further, if the funding of mosques continues, the state must also provide funding for the construction of other religious places of worship. The state needs to treat all religions equally and give them the same protection under the law.