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[Home](#) > Kuwait

## Kuwait

**Country:**

[Kuwait](#)

**Year:**

2018

**Freedom Status:**

Partly Free

**Political Rights:**

5

**Civil Liberties:**

5

**Aggregate Score:**

36

**Freedom Rating:**

5.0

**Overview:**

Kuwait is a constitutional emirate ruled by the Sabah family. While the monarchy holds executive power and dominates the judiciary, the elected parliament plays an influential role, often challenging the government. Partly due to friction between lawmakers and the executive, government turnover and snap parliamentary elections have been frequent since 2011. In recent years, state authorities have narrowed freedoms of speech and assembly.

**Political Rights and Civil Liberties:**

### POLITICAL RIGHTS: 13 / 40

#### A. ELECTORAL PROCESS: 2 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The emir, the hereditary head of state, appoints the prime minister and approves the cabinet that the prime minister appoints. While the National Assembly possesses some legislative authority, most decision-making power rests with the emir and senior ministers in the cabinet, which form the government.

**A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4**

The 50-member National Assembly is elected by popular vote and serves four-year terms. In October 2017, the emir dissolved the National Assembly and called an election for November, in which the opposition factions, including Islamist, nationalist, and liberal blocs, won 24 of 50 seats. Approximately 70 percent of eligible voters turned out, in a process that monitors regarded as credible. However, Kuwait does not have a history of holding elections that meet democratic standards, and the National Assembly was dissolved before members could serve a full term four times since 2011.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4**

The electoral system lacks transparency, as evidenced by an opaque voter registration process. The emir has used his extensive powers to implement changes to electoral laws in close proximity to elections. In October 2012, for example, he issued a royal decree two months ahead of elections that reduced the number of candidates elected in each district from four to one—a move designed to limit the opposition's ability to build effective coalitions within the parliament.

**B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4**

Formal political parties are banned, and while parliamentary blocs are permitted, a prohibition on parties inhibits political organization and the sharing of resources among like-minded candidates. The National Assembly's relationship with the government has been tense since the opposition boycotted the 2013 election. Authorities punish critics of the government through legal prosecutions and other harassment. In November 2017, several MPs were sentenced to lengthy prison terms for storming the parliament in 2011, in an attempt to question the prime minister about corruption. Former member of parliament (MP) Musallam al-Barrak, a prominent critic of the government who had completed a two-year prison sentence in April for insulting the emir, was sentenced in November to another nine years for his role in the 2011 incident.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

Opposition blocs in Kuwait have a realistic opportunity to gain representation, as demonstrated by the results of the 2016 and 2017 legislative elections. However, the 2012 electoral laws introduced by the emir were viewed as a tool to reduce the power of the opposition, and the opposition boycotted the 2012 and 2013 elections to protest them.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4**

The unelected emir and the royal family frequently interfere in political processes, including through the harassment of political and media figures, and the government impedes the activities

of opposition parliamentary blocs. Government workers can face retaliation for expressing views the government deems improper; in December 2017, five government employees were arrested for posting a video viewed as insulting to the crown prince.

Since 2014, dozens of people, including journalists, activists, and clerics, have been stripped of citizenship for criticizing the government. However, the government has slowed its use of stripping citizenship as a form of political reprisal over the last two years, and in May 2017, reinstated the citizenship of a number of people who had seen it revoked, including former opposition lawmaker Abdullah al-Barghash.

#### **B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4**

The electorate consists of men and women over 21 years of age who have been citizens for at least 20 years and who have a Kuwaiti father. Most members of state security agencies are barred from voting.

Kuwait's more than 100,000 stateless residents, known as bidoon, do not have full citizenship rights, are considered illegal residents, and often live in poor conditions. Efforts to grant citizenship to 4,000 of the country's stateless residents through a 2013 law have stalled.

Since 2005, women have had the right to vote and run for office (one woman was elected to the National Assembly in 2016). However, entrenched social attitudes hamper more active participation in the political process, and the interests of women are poorly represented in politics. Societal and legal discrimination against LGBT (lesbian, gay, bisexual, and transgender) people impacts their ability to engage in political and electoral processes.

### **C. FUNCTIONING OF GOVERNMENT: 4 / 12**

#### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4**

Since Kuwait is a hereditary monarchy with limited oversight from the parliament, the policies carried out by the emir lack an electoral mandate. Members of the ruling elite regularly disregard parliamentary calls for accountability and often obstruct elected officials' efforts to investigate corruption and abuse of power. The emir also has the authority to dissolve the National Assembly at will.

In October 2017, the emir accepted the resignation of the government. The move was widely seen as a ploy to defuse mounting criticism of the government. It came as opposition lawmakers in the National Assembly grilled senior ministers summoned for questioning about austerity measures implemented to reduce budget deficits, as well as corruption. Parliament was also just days away from issuing a vote of no confidence in acting information minister Sheikh Mohammad Abdullah al-Mubarak al-Sabah. Five of the sixteen members of the new cabinet appointed in December are members of the royal family, including the emir's son.

#### **C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption is pervasive in Kuwait, and charges of government corruption have been at the heart of the ongoing political crisis. The National Assembly was dissolved in 2017 as parliamentarians questioned key ministers over corruption and mismanagement—undermining a key safeguard. In

2015, the government unveiled the implementing regulations for the Anti-Corruption Authority, allowing the body to begin its work. However, in 2017, the Authority only referred 10 cases for prosecution.

### **C3. Does the government operate with openness and transparency? 2 / 4**

Transparency in government spending and operations is inadequate, and there are few mechanisms that encourage officials to disclose information about government operations. Kuwait does not have any legislation guaranteeing the right to access public information.

## **CIVIL LIBERTIES: 23 / 60**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16**

#### **D1. Are there free and independent media? 1 / 4**

Authorities limit press freedom. Kuwaiti law punishes the publication of material that insults Islam, criticizes the emir or the government, discloses information considered secret or private, or calls for the regime's overthrow. Kuwaiti journalists risk imprisonment under a restrictive 2016 cybercrimes law that criminalizes the dissemination online of information on similar topics. However, foreign media outlets operate relatively freely.

Kuwaitis enjoy access to the internet, though the government has instructed internet service providers (ISPs) to block certain sites for political or moral reasons. In 2014, the National Assembly passed a new telecommunications law allowing authorities to monitor, block, and censor online material through a new body, the Commission for Mass Communications and Information Technology.

Several media outlets have been punished for their coverage of the regime. The newspaper *Al-Watan*, often critical of the government and suspended in 2015, remained closed in 2017.

#### **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4**

Islam is the state religion, but religious minorities are generally permitted to practice their faiths in private. Shiite Muslims, who comprise about a third of the population, enjoy full political rights but have experienced increased harassment in recent years.

#### **D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4**

Academic freedom is impeded by self-censorship on politically sensitive topics, as well as by larger restrictions on freedom of expression, including the illegality of offending the emir or challenging Islam.

#### **D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4**

Freedom of expression is curtailed due to state surveillance and the criminalization of criticism. In June 2017, following the escalation of tensions between Qatar, Saudi Arabia, and other Gulf

states, the government established a committee to intensively monitor social media and to surveil citizens thought likely to criticize the government and its regional allies.

A cybercrimes law passed in 2016 imposes up to 10-year prison sentences and fines for online speech criticizing Kuwait's royal family, the government, religious figures, or foreign leaders.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12**

### **E1. Is there freedom of assembly? 1 / 4**

Freedom of assembly is constrained in practice. Kuwaitis must notify officials of a public meeting or protest, though some peaceful protests have been allowed without a permit. In December, 67 people received prison sentences for their participation in a 2011 demonstration outside parliament.

### **E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4**

The government restricts the registration and licensing of nongovernmental organizations (NGOs), forcing many groups to operate without legal standing. Representatives of licensed NGOs must obtain government permission to attend foreign conferences, and critical groups may be subject to harassment. In 2015, the government dismissed the directors on the board of the Kuwait chapter of Transparency International, replacing them with government appointees who subsequently dismantled the group's assets.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

Labor uncertainty, particularly in the oil sector where low oil prices threatened to cause widespread layoffs in 2016, has led to public agitation between workers and the state. Private sector workers who are citizens have the right to join labor unions and bargain collectively, but labor laws allow for only one union per occupational trade and one national union federation, the Kuwait Trade Union Federation. Noncitizen migrant workers, who comprise two thirds of the population, do not enjoy these rights. However, hundreds of migrants participated in risky illegal labor actions in 2015 to protest nonpayment of wages and other abuses.

## **F. RULE OF LAW: 7 / 16**

### **F1. Is there an independent judiciary? 1 / 4**

Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch approves judicial promotions. The courts frequently rule in favor of the government in cases related to politics. For example, the Cassation Court in July 2017 upheld a 10-year prison sentence assigned to a blogger who had been convicted on vaguely worded charges of defaming the emir and the judiciary.

### **F2. Does due process prevail in civil and criminal matters? 2 / 4**

Arbitrary arrest and detention, which is illegal under Kuwaiti law, still occurs with some frequency. Authorities may detain suspects for four days without charge. State prosecutors have issued orders that favor government interests, such as an August 2017 ban on the publication of

information related to state security cases.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

The Constitution prohibits torture and other forms of cruel and unusual punishment, but these protections are not always upheld. Detainees, especially bidoon, continue to experience torture and beatings while in custody. Overcrowding and unsanitary conditions are a problem at prisons and deportation centers.

In January, the government carried out its first execution in four years, and a total of seven people were executed by hanging in 2017. The advocacy group Human Rights Watch has reported violations of due process protections in capital cases.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

Discrimination against LGBT people continued in 2017. Same-sex sexual activity remains illegal, as does “imitating the opposite sex.” In August 2017, a government morals committee launched a nationwide crackdown on the LGBT community, shutting down over 20 massage parlors and deporting 76 suspected gay men.

Despite some legal protections from discrimination and abuse, women remain underrepresented in the workforce and face unequal treatment in several areas of law and society. Women comprise more than 60 percent of the student body at several leading universities, but the government enforces gender segregation in educational institutions.

Officials consider the stateless bidoon to be illegal residents, and they lack the protections and benefits associated with citizenship.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

For the most part, Kuwait does not place constraints on the movement of its citizens, but migrant workers—who comprise some two-thirds of Kuwait’s population—often face de facto restrictions on freedom of travel and residence.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4**

Kuwaiti law allows citizens and noncitizens to own private property. Although the law allows for the establishment of businesses, bureaucratic red tape sometimes slows the process.

Inheritance laws discriminate against women. Bidoon, who are considered to be in the country illegally, do not have the ability to own or acquire property. Companies are legally prohibited from conducting business with citizens of Israel.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over**

## appearance? 2 / 4

The 1962 constitution guarantees gender equality, but many government policies discriminate against women. Women must have a male guardian in order to marry, and are only permitted to seek a divorce when deserted or subjected to domestic violence. Domestic abuse and sexual harassment are not specifically prohibited by law.

In 2015, in an unprecedented attack on privacy rights, the National Assembly approved new counterterrorism legislation that requires all citizens and residents to provide genetic samples to the government. In 2016, mandatory DNA testing and the creation of a genetic antiterrorism database went into effect. In October 2017, the Constitutional Court struck down the law, saying it was a violation of privacy.

## **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

Foreign domestic servants and migrant workers are subject to frequent abuse and exploitation, often treated like slaves by their employers. They are frequently confined to slums, lack access to public services, and are forced to work in dangerous conditions for low pay. In 2016, the National Assembly passed legislation expanding the rights of domestic workers, including requiring mandatory leave and regular bonuses. However, critics decried the lack of enforcement mechanisms in the law.

Inadequate safety measures plague many large construction projects and led to multiple worker deaths in 2017.

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