



## FREEDOM IN THE WORLD 2020

# Kuwait

# 36

/100

PARTLY FREE

<u>Political Rights</u>	13/40
<u>Civil Liberties</u>	23/60

## LAST YEAR'S SCORE &amp; STATUS

36 /100    **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

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

## Key Developments in 2019

- In January, a well-known journalist was briefly detained under the cybercrimes law after recordings of her discussing alleged government corruption were circulated on the messaging platform WhatsApp.
- In July, some 15 activists for the rights of stateless people—known as bidoon—were arrested on charges that included illegal assembly. In August the activists began a 12-day hunger strike to protest both their own treatment and the persistent human rights abuses against bidoon more generally.
- In November, the cabinet resigned over corruption allegations that led to a public feud in which the outgoing defense minister—the emir’s son—accused the outgoing interior minister, also a member of the ruling family, of embezzling state funds. Both were excluded from the new cabinet, and the Justice Ministry banned media coverage of the case as it was addressed by the law enforcement system.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

Was the current head of government or other chief national authority

0/4

<b>elected through free and fair elections?</b>	
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The emir, the hereditary head of state, chooses the prime minister and appoints cabinet ministers on the prime minister's recommendation. At least one cabinet minister must be an elected member of parliament. The parliament can remove cabinet ministers through a vote of no confidence, and the emir can respond to a similar vote against the prime minister either by forming a new cabinet or by dissolving the parliament and holding elections.

The current emir, Sabah al-Ahmad al-Jaber al-Sabah, took office after the death of his half-brother in 2006, and appointed another half-brother, Sheikh Nawaf al-Ahmad al-Jaber al-Sabah, as crown prince. Jaber al-Mubarak al-Hamad al-Sabah served as prime minister from 2011 to November 2019, when the government resigned in response to corruption allegations and a possible no-confidence vote against the interior minister. The outgoing foreign minister, Sheikh Sabah al-Khalid al-Sabah, became the prime minister of the new cabinet. All prime ministers and most senior cabinet ministers have been members of the ruling family.

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>1/4</b>
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The 50-member National Assembly (parliament) is elected by popular vote on a formally nonpartisan basis. The emir may appoint up to 15 cabinet ministers who were not elected members of the assembly, and these are considered additional ex-officio members, though no ministers can take part in confidence votes. The parliament in theory serves four-year terms. However, the emir and the Constitutional Court have the power to dissolve the assembly, which has occurred four times since 2011. Most dissolutions come in response to serious disputes between the appointed government and lawmakers, and the timing of elections is effectively determined by the executive for political reasons. Kuwaiti elections are relatively competitive, but they are not typically observed by independent, well-

established monitoring organizations, and corruption and nepotism in campaigns remain a concern.

The most recent dissolution of parliament took place in October 2016. In the ensuing November elections, opposition factions—including Islamist, nationalist, and liberal blocs—won 24 of the 50 seats. Approximately 70 percent of eligible voters turned out. The next election was scheduled for October 2020.

In March 2019, by-elections were held to replace two lawmakers who were sentenced in absentia to jail terms in 2018 for their role in 2011 protests against the prime minister at the time. Turnout for the by-elections was 42 percent.

**A3** 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>1/4</b>
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Elections are administered by the Interior Ministry rather than an independent institution, and 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, he issued a decree two months ahead of elections that reduced the number of candidates elected in each district from four to one; opposition forces claimed that the move was designed to reduce their strength.

## B. Political Pluralism and Participation

**B1** 0-4 pts

<b>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?</b>	<b>2/4</b>
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Formal political parties are banned, and while parliamentary blocs are permitted, the prohibition on parties inhibits political organization and the sharing of resources among like-minded candidates.

Politicians have some space to criticize the government, but those who challenge the emir's authority have faced criminal charges. In July 2018 the Cassation Court ordered the imprisonment of a group of opposition figures, including two sitting and several former lawmakers, on long-contested charges related to the storming of the parliament building during 2011 protests calling for the resignation of the prime minister. One of the former lawmakers who was imprisoned, prominent opposition leader Musallam al-Barrak, had completed a two-year prison term in 2017 on separate charges of insulting the emir.

**B2** 0-4 pts

<b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b>	<b>2/4</b>
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The constitutional system does not allow democratic transfers of power at the executive level. Opposition blocs are able to gain representation in the parliament, but after their victory in early 2012 was controversially annulled, they boycotted elections in late 2012 and 2013; since the changes to the electoral laws in 2012 they have not held a majority.

**B3** 0-4 pts

<b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b>	<b>2/4</b>
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The hereditary emir and the ruling 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.

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 citizenship revocation as a form of political reprisal, and in 2017 it reinstated the citizenship of a number of people who had it revoked.

In the absence of political parties, major tribes hold their own informal and technically illegal primary elections to unite their members behind certain parliamentary candidates, who then typically use their public office to generate economic benefits for members of their tribe.

**B4** 0-4 pts

<p><b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b></p>	<p><b>1/4</b></p>
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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. About 70 percent of the country's residents are noncitizens; citizenship, normally transmitted by a Kuwaiti father, is extremely difficult to obtain for those without at least one Kuwaiti parent, and cannot be granted to non-Muslims. More than 100,000 residents, known as bidoon, are stateless.

The Shiite Muslim minority makes up about a third of the citizen population but is not well represented in the political system. Shiite candidates won six seats in the 2016 parliamentary elections, down from eight in the previous elections.

Women have had the right to vote and run for office since 2005, and one woman was elected to the parliament in the 2016 elections. Entrenched societal attitudes hamper more active participation by women in the political process, and the interests of women are poorly represented in practice. Neither the political groupings nor the tribes generally promote women's participation as candidates. Societal and legal discrimination against LGBT+ people prevents them from playing any open role in political affairs.

## C. Functioning of Government

**C1** 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	1/4
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While some laws initiated by elected members of parliament are adopted and implemented, policymaking authority is concentrated in the hands of the hereditary emir and his appointed government. The emir has repeatedly used his power to dissolve the National Assembly when it imposes checks on the executive. He can also veto legislation and issue executive decrees when the assembly is not in session.

Interactions between the executive and legislature are increasingly affected by succession-related rivalries within the ruling family, as both the emir and the crown prince are over 80 years old. Powerful members of the family are able to put pressure on rivals who are government ministers by cultivating allies in the parliament who can question them and scrutinize their performance.

**C2** 0-4 pts

Are safeguards against official corruption strong and effective?	1/4
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Corruption is pervasive in Kuwait. An Anti-Corruption Authority began operating in 2015, and it has referred some cases for prosecution, but in general its activities appear insufficient given the perceived scale of the problem.

In 2018 the parliament approved legislation meant to regulate conflicts of interest among public officials, but in April 2019 the Constitutional Court ruled it unconstitutional on the grounds that it failed to precisely define what amounted to a conflict of interest.

Allegations of malfeasance lodged by lawmakers against government ministers have been at the heart of the country's recurring political crises. Members of the ruling elite regularly disregard parliamentary calls for accountability and often obstruct elected officials' efforts to investigate graft and abuse of power. In November 2019, the finance minister and the minister of public works both resigned after facing heavy criticism from the parliament over alleged mismanagement and misuse of public funds. When lawmakers started to question the interior minister, Sheikh Khaled al-Jarrah al-Sabah, on similar issues and called for a no-confidence vote, the entire cabinet resigned. Shortly afterward, the emir's son Sheikh Nasser Sabah al-Ahmad al-Sabah, who was the outgoing defense minister, accused Sheikh Khaled of embezzling public funds. The Justice Ministry said the embezzlement case would be handled by the courts but banned media discussion of the matter. All of the former ministers at the center of the affair were excluded from the new government.

**C3** 0-4 pts

Does the government operate with openness and transparency?	2/4
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Transparency on government spending 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. The State Audit Bureau provides some oversight on revenue and expenditures, reporting to both the government and the National Assembly, though not necessarily to the public.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

**Are there free and independent media?****1/4**

The authorities limit press freedom. Kuwaiti law assigns penalties for the publication of material that insults Islam, criticizes the emir, discloses information considered secret or private, or calls for the regime's overthrow. Journalists also risk imprisonment under a restrictive 2016 cybercrimes law that criminalizes the dissemination of similar content online. Journalist Aisha al-Rasheed was detained for several days in January 2019 over recordings posted on social media and the messaging platform WhatsApp in which she discussed government corruption.

Thousands of books are banned in the country for political or moral reasons, and the government has instructed internet service providers to block certain websites on similar grounds. A 2014 telecommunications law created the Commission for Mass Communications and Information Technology, granting the regulator sweeping powers to monitor, block, and censor online material. Foreign media outlets operate relatively freely in Kuwait.

**D2** 0-4 pts**Are individuals free to practice and express their religious faith or nonbelief in public and private?****2/4**

Islam is the state religion, and blasphemy is a punishable offense. The government appoints Sunni imams and oversees their sermons. Shiite Muslims have their own religious institutions, including Sharia (Islamic law) courts, though the government does not permit training of Shiite clerics in the country. Several Christian churches are officially registered, and other non-Muslim religious minorities are generally permitted to practice their faiths in private; they are forbidden from proselytizing.

**D3** 0-4 pts**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 broader legal restrictions on freedom of expression, including the prohibitions on insulting the emir and defaming Islam.

**D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>1/4</b>
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Freedom of expression is curtailed by state surveillance and the criminalization of some forms of critical speech, especially if it touches on the emir or the rulers of friendly states. The cybercrimes law that took effect in 2016, for example, imposes prison sentences of up to 10 years as well as fines for online speech that criticizes the emir, judicial officials, religious figures, or foreign leaders.

Activists and other individuals are often summoned for questioning over their online comments, and some have been prosecuted. In 2018, a court sentenced blogger Abdullah al-Saleh to five years' imprisonment in absentia for "insulting" the United Arab Emirates.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

<b>Is there freedom of assembly?</b>	<b>1/4</b>
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Freedom of assembly is constrained in practice. Organizers must notify officials of a public meeting or protest, and those who participate in unauthorized protests are

subject to prison terms or, for noncitizens, deportation. Nevertheless, some peaceful protests have been allowed without a permit.

In July 2019 the authorities arrested some 15 advocates for the rights of bidoon after they took part in a protest triggered by the recent suicide of a young stateless man who was denied civil documents that are required to study or work. They were charged with calling for and attending unauthorized protests, as well as “misuse of cell phones.” In August the arrested activists began a 12-day hunger strike to protest both their own treatment and the persistent human rights abuses against bidoon more generally.

In November, days before the government’s resignation over corruption allegations, hundreds of people gathered outside the parliament building to protest graft and other governance problems.

**E2** 0-4 pts

<p><b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</b></p>	<p><b>2/4</b></p>
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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. The government closed down the Kuwait chapter of Transparency International in 2015.

**E3** 0-4 pts

<p><b>Is there freedom for trade unions and similar professional or labor organizations?</b></p>	<p><b>1/4</b></p>
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Private-sector workers who are Kuwaiti citizens have the right to join labor unions and bargain collectively, and a limited right to strike, but labor laws allow for only one national union federation. Noncitizen migrant workers, who form most of the labor force, do not enjoy these rights and can face dismissal and deportation for engaging

in union or strike activity. Civil servants and household workers are also denied such rights; most citizen workers are public employees and do not have the right to strike. Migrant workers have from time to time participated in risky illegal labor actions to protest nonpayment of wages and other abuses. In March 2019 the Kuwait Trade Union Federation opened an office to provide migrant workers with advice and assistance on legal disputes.

## F. Rule of Law

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>1/4</b>
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Kuwait lacks an independent judiciary. The emir has the final say on judicial appointments, which are proposed by a Supreme Judicial Council made up of senior judges as well as the attorney general and deputy justice minister, and the executive branch approves judicial promotions. Judges who are Kuwaiti citizens are appointed for life, while noncitizens receive contracts for up to three years, reflecting a wider tendency to keep noncitizens employed on precarious short-term contracts. The courts frequently rule in favor of the government in cases related to politics.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>2/4</b>
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Arbitrary arrests and detentions sometimes occur despite legal safeguards. Authorities may detain suspects for four days without charge. Noncitizens arrested for minor offenses are subject to detention and deportation without due process or access to the courts. In July 2019, authorities arrested eight Egyptians and deported them to Egypt, alleging that they were members of the Muslim Brotherhood and were wanted in their home country for terrorism offenses. In December, another

Egyptian expatriate deemed to belong to the Muslim Brotherhood was also deported to Egypt.

**F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>2/4</b>
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Kuwait is generally free from armed conflict, no major terrorist attacks have been reported since 2015, and there are relatively low levels of criminal violence. However, while the constitution prohibits torture and other forms of cruel and unusual punishment, these protections are not always upheld. Detainees, especially bidoon, continue to experience torture and beatings in custody. Overcrowding and unsanitary conditions are significant problems at prisons and deportation centers.

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

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>2/4</b>
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Despite some legal protections from bias and abuse, women remain underrepresented in the workforce and face unequal treatment in several areas of law and society. Women account for a majority of university students, but the government enforces gender segregation in educational institutions. LGBT+ people face societal discrimination, and the penal code prescribes prison sentences for sex between men and “imitating the opposite sex.”

Officials consider the country’s more than 100,000 bidoon to be illegal residents, and they lack the protections and benefits associated with citizenship. They often live in poor conditions and have difficulty accessing public services and obtaining formal employment. The law provides for a process through which bidoon may try to prove

their Kuwaiti nationality, but it is opaque and largely ineffective. Noncitizen migrant workers are also excluded from the legal protections granted to citizens on a variety of topics.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2/4
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For the most part, Kuwait does not place constraints on the movement of its citizens, but migrant workers often face de facto restrictions on freedom of travel and residence. The labor sponsorship system limits migrant workers' freedom to change jobs without permission from their existing employer, though a 2016 policy allows some categories of migrant workers to do so after three years.

**G2** 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1/4
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Kuwaiti law allows citizens and foreign nationals, but not bidoon, to own private property. Although the law permits the establishment of businesses, bureaucratic obstacles sometimes slow the process. Companies are legally prohibited from conducting business with citizens of Israel.

Sharia-based inheritance rules, particularly those pertaining to Sunni families, put women at a disadvantage.

**G3** 0-4 pts

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**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**

Personal status laws favor men over women in matters of marriage, divorce, and child custody. For example, Sunni women must have the approval of a male guardian in order to marry, and they are only permitted to seek a divorce when deserted or subjected to domestic violence. Domestic abuse and spousal rape are not specifically prohibited by law, and rapists can avoid punishment if they marry their victims.

Article 153 of the penal code classifies crimes in which a man kills a close female relative whom he has caught in “an unsavory sexual act” as misdemeanors, punishable by at most three years in prison. Such incidents are rare but not entirely unknown; a local civil society campaign, Abolish 153, seeks to eliminate the penal code provision.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**1/4**

Foreign household workers and other migrant workers are highly vulnerable to abuse and exploitation, often forced to live and work in poor or dangerous conditions for low pay. Many employers reportedly confiscate their household workers’ passports, subject them to excessive working hours, and restricted their movements outside the home. A 2015 law strengthened the rights of such domestic workers, including the right to paid leave and limits on working hours, but implementation remains problematic.

International media reports during 2019 highlighted a number of cases in which recruiting agents held female migrant workers for ransom, demanding money from their families before they could return home. Other workers have been repatriated from Kuwait by the state labor bureau after being refused payment or otherwise

harassed or abused by their employers. At least two domestic workers from the Philippines were reported to have been murdered during the year.



### On Kuwait

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### Country Facts

Global Freedom Score

**36/100** Partly Free

### Other Years

2019

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1850 M St. NW Floor 11  
Washington, DC 20036

#### GENERAL INQUIRIES

[info@freedomhouse.org](mailto:info@freedomhouse.org)

#### PRESS & MEDIA

(202) 296-5101

[press@freedomhouse.org](mailto:press@freedomhouse.org)

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