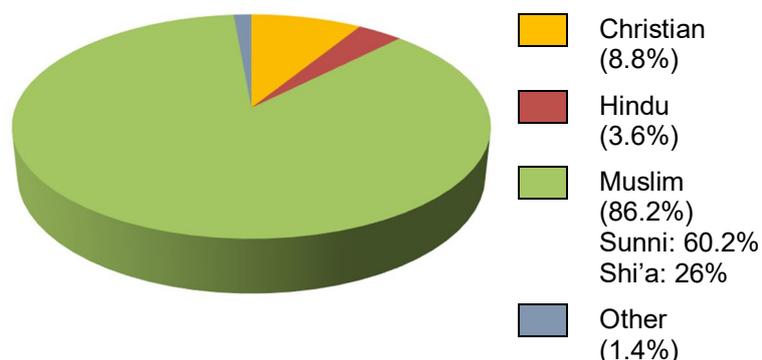


KUWAIT



Area:	Population:	Political system:	Major Language(s):
17,818 km ²	2.9 million	Autocracy ¹	Arabic

Legal framework on freedom of religion and actual application

Kuwait, in the Persian Gulf, is ruled by the Al Sabah Sunni Muslim dynasty. The majority of the country's citizens adhere to Sunni Islam. However, there is a big Shi'a minority among the country's citizens of around 30 percent.² They theoretically enjoy full political rights but have experienced a rise in harassment in the aftermath of the 2003 outbreak of hostilities in Iraq and the 2011 uprising in Bahrain.³ There are around 200 Christians (descendants of families who immigrated long ago). According to local sources, they include both Protestants and Catholics. There are also Baha'is who hold Kuwaiti citizenship. Kuwait is thus among the few Gulf countries that allows non-Muslim citizens. However, naturalisation for non-Muslims is not possible.⁴ Additionally, around 100,000 Buddhists and 10,000 Sikhs live and work in the country.

The number of non-citizen residents in the country is much larger than the number of citizens. Among foreigners, Muslims, both Sunnis (number unknown) and Shi'as (around 150,000), constitute the biggest group. They are followed by an estimated 600,000 Hindu residents and around 450,000 Christians.⁵ There are seven officially recognised Christian churches, namely the Roman and Greek Catholic Church, the Greek Orthodox, Coptic Orthodox and Armenian Apostolic Churches, the National Evangelical Church and the Anglican Church. Other churches enjoy *de facto* recognition.

The Catholic Church is the largest among Christian groups in Kuwait. According to local Catholic sources, there are around 350,000 Catholics belonging to different rites.

Kuwait was the first member of the Gulf Cooperation Council to open up diplomatic ties with the Holy See. Relations between the Holy See and the Government of Kuwait were established in October 1968. However, it was only in the year 2000 that the Apostolic Nunciature was opened in Kuwait.⁶

The Kuwaiti Constitution of 1962, reinstated in 1992 after the Iraqi occupation, declares Islam as the state religion. Article 2 reads: "The religion of the State is Islam and Islamic Law shall be a main source of legislation."⁷ Article 12 declares: "The State shall maintain the Islamic and Arab

heritage and shall share in the path of civilisation and humanitarianism.” Article 29 guarantees equality: “The people are peers in human dignity and have, in the eyes of the Law, equal public rights and obligations. There shall be made no differentiation among them because of race, origin, language or religion.” Article 35 states that freedom of belief is unrestricted: “The State shall protect freedom in the observance of religious rites established by custom, provided such observance does not conflict with morals or disturb public order.”

According to the 1984 Law 51 on Personal Status, which is based on Islamic *Shari'a* law, under article 18, the marriage of a non-Muslim man to a Muslim woman is considered annulled. Under article 294 of this law, an apostate is not able to inherit from his Muslim relatives or marital spouse.

Kuwait also has laws that could be used to punish individuals who are accused of blasphemy. The 2012 Law 19 on National Unity was issued to amend article 111 of the Penal Code by imposing harsher penalties and criminalising any publications and broadcasting content that could be considered offensive to religious “sects” or groups, including through social media. The law punishes such crimes with a fine ranging from US\$36,000 to US\$720,000 and a maximum of seven years in prison. Non-citizens who are convicted are subject to deportation. The country’s laws on blasphemy permit anyone to file criminal charges against an author of material seen as defamatory on religious grounds.⁸

Religious groups can apply for registration but the process is said to be lengthy and not transparent. Registered religious groups are allowed to rent space to worship. If they want to purchase land it can only be done by a citizen. Registered groups can bring clergy and religious personnel from abroad. In Christian schools, catechetical instruction is forbidden. They are taught in private houses or in church compounds. If there is one or more Muslim pupils in a class of a private school then Muslim instruction is mandatory. Christian pupils do not have to attend.⁹

The law does not allow non-Muslims to proselytize Muslims.¹⁰

Eating, drinking and smoking are forbidden during Ramadan also for non-Muslims and are punishable by a fine and/or imprisonment for one month.

Incidents

In July 2014 the country’s Court of Cassation upheld a 10-year jail sentence for Hamad Al Naqi, a young Shi’a citizen. He was found guilty of insulting the Prophet Mohammed, his wife and companions on Twitter.¹¹

In August 2014, Kuwaiti human rights activist and satirist Abo Asam was arrested and detained by police because one of his tweets was deemed to be “in contempt of religion”. His tweet had accused the Jamiya, an Islamic Salafi sect, of blindly following their religious leader, Hamad al-Uthman. The authorities considered the tweet offensive enough to warrant his arrest.¹² He was released after eight days, but the charges remained pending at the end of the year.¹³

In the summer of 2014, Abdul Aziz Mohamed El Baz (also known as Ben Baz Aziz), a 28-year-old Egyptian atheist who had been jailed on blasphemy charges in Kuwait, was released. In February 2013, his employer reported him for blasphemy after seeing his comments about religion and secular thinking online. He was found guilty of “contempt of religions and attempting to spread atheism” and sentenced to one year in jail, forced labour, a fine, and deportation to Egypt.¹⁴

In January 2015 a Kuwaiti lawmaker was charged with insulting the nation after suggesting that the predominantly Muslim country overturn its longstanding ban on the sale of alcohol. Nabil al-Fadhli said that his support for legalising the sale of alcohol prompted an Islamist lawyer to file charges against him, accusing the independent lawmaker of insulting the honour of Kuwaiti society.¹⁵

Sunni extremists targeted the country's Shi'a minority in June 2015. A Saudi national affiliated to Daesh (ISIS) attacked Shi'a imam Sadiq Mosque in Kuwait City. 27 people died and more than 200 were wounded.¹⁶ The authorities brought the perpetrators swiftly to justice.¹⁷ There was fear that, despite interdenominational unity,¹⁸ sectarian strife might escalate.¹⁹

In August 2015 11 Indian nationals were arrested for celebrating a 'puja' (Hindu religious ceremony) without having a permit. Noise from the puja reportedly attracted the attention of several citizens who filed a complaint with police.²⁰

The Kuwaiti government has tried to reach out to other religions. Pope Francis met the Kuwaiti Prime Minister in September 2015.²¹ During the discussions, various themes of mutual interest were reviewed, including the positive contribution made by the historical Christian minority to Kuwaiti society. Both parties also focused on the importance of education in promoting a culture of respect and peaceful coexistence between different peoples and religions. A Memorandum of Understanding between the Secretariat of State and the Ministry of Foreign Affairs of the State of Kuwait was then signed by Archbishop Paul R. Gallagher and Sheik Sabah Khalid Al-Hamad Al-Sabah, first Deputy Prime Minister and Minister for Foreign Affairs. With this instrument, both parties undertook to consolidate and strengthen bilateral relations in order to support mutual collaboration, peace and regional and international stability.

According to news reports, the Kuwaiti government offered assistance to displaced Iraqi Christians.²²

In December 2015 a spokesman from the Ministry of Interior told the Kuwait Times that the government department had decided not to shut down religious centres and charitable societies in residential areas. Some churches and charitable organisations hold their activities in residential areas because of a shortage of places of worship.²³

The Catholic Church wants to obtain more land to build places of worship. Because of the shortage of church buildings, some Churches and charitable organisations hold their activities in residential areas. Bishop Camillo Ballin, the Vicar Apostolic of Northern Arabia, said the Catholic Church needs land to build a new church. He stated: "Our numbers are very large, and the present premises are not enough to accommodate us all. If a stampede occurs, hundreds will die." "We only want to pray," he told Kuwait Times.²⁴ Since 2001, the Shi'a community has acquired fewer than 10 mosques.²⁵

In 2013, a Kuwaiti MP called for a crackdown on Christmas celebrations in the country,²⁶ deeming them un-Islamic. However, Christmas-related products continued to be sold in 2015.

Initially approved by the municipality, requests to build new churches faced opposition from lawmakers and councillors in January 2016. Islamist lawmaker Ahmad Al-Azemi said he and other MPs would reject the plans saying they "contradict Islamic *Shari'a* law". He based this response on constitutional and religious grounds since Islam is the official religion of the country and the main source of legislation. He added that Islamic scholars are unanimous in banning the building of non-Muslim places of worship in the Arabian Peninsula. The news that the municipality allocated a

number of sites for the construction of churches in the country was reported to the local press by Ahmad al-Manfoohi, general director of the municipality. After the negative reactions, the head of the council's technical committee Fahd Al-Sane, said that the committee had not yet received any such request.²⁷

Prospects for Freedom of Religion

Religious freedom in Kuwait remains limited to the freedom of worship. Attacks on Shi'a Muslims by Sunni radicals are evidence on sectarian tensions in the region. Lawmakers' opposition to building new churches shows the extent of intolerance within Kuwaiti politics.

¹ https://en.wikipedia.org/wiki/Democracy_Index

² U.S. International Religious Freedom Report 2015

³ <https://freedomhouse.org/report/freedom-world/2015/kuwait>

⁴ U.S. International Religious Freedom Report 2015, Kuwait ; <http://www.raymondibrahim.com/2015/05/18/the-islamic-prerequisite-of-kuwaiti-citizenship/>

⁵ http://www.avona.org/kuwait/christians_in_kuwait.htm#.VIG1hZ0weM8

⁶ ibidem

⁷ https://www.constituteproject.org/constitution/Kuwait_1992.pdf

⁸ <http://www.loc.gov/law/help/apostasy/#kuwait>

⁹ U.S. International Religious Freedom Report 2015

¹⁰ Ibid.

¹¹ <http://www.timeslive.co.za/world/2014/07/21/court-confirms-10-year-jail-term-for-mohammed-aisha-porn-tweet>

¹² <http://www.bbc.com/news/blogs-trending-28972617>

¹³ <https://freedomhouse.org/report/freedom-press/2015/kuwait>

¹⁴ <http://end-blasphemy-laws.org/countries/middle-east-and-north-africa/kuwait/>

¹⁵ <http://www.ibtimes.com/kuwait-lawmaker-under-fire-alcohol-legalization-remarks-mp-proposes-overturning-1773252>

¹⁶ <http://www.bbc.com/news/world-middle-east-33297462>

¹⁷ <http://www.theguardian.com/world/2015/sep/15/kuwait-sentences-seven-men-to-death-for-shia-mosque-bombing>

¹⁸ <http://www.alaraby.co.uk/english/news/2015/7/3/kuwaitis-show-unity-after-shia-mosque-blast>

¹⁹ <http://www.alaraby.co.uk/english/news/2015/8/14/arms-cache-find-in-kuwait-raises-shia-militancy-fears>

²⁰ <http://news.kuwaittimes.net/website/indian-hindu-puja-celebrators-still-under-arrest/>

²¹ <http://www.news.va/en/news/pope-receives-kuwaiti-prime-minister-in-audience>

²² <http://gulfnews.com/news/mena/iraq/kuwait-offers-aid-to-displaced-iraqi-christians-1.1624023>

²³ <http://news.kuwaittimes.net/moi-wont-intervene-shut-religious-centers/>

²⁴ <http://news.kuwaittimes.net/moi-wont-intervene-shut-religious-centers/>

²⁵ U.S. etc

²⁶ <http://english.alarabiya.net/en/variety/2013/12/16/Kuwait-s-Christmas-Scrooge-MP-says-celebration-is-an-offence-.html>

²⁷ http://www.fides.org/en/news/59266-ASIA_KUWAIT_MPs_reject_building_new_churches#.Vq-V-50weM8; see also: <http://news.kuwaittimes.net/website/mps-reject-building-of-new-churches-in-kuwait/>