

US STATE DEPARTMENT HUMAN RIGHTS REPORT 2014 - KUWAIT

PART 2

Internet Freedom

The government monitored internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications continued to block websites considered to "incite terrorism and instability" and required internet service providers to block websites that "violate [the country's] customs and traditions." The government prosecuted and punished individuals for the expression of political or religious views via the internet, including by e-mail and social media, based on existing laws related to libel, national unity, and national security. There were reports the government attempted to collect personally identifiable information in connection with individuals' peaceful expressions of political, religious, or ideological opinion or beliefs. Authorities required internet cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry of Communications upon request.

Open Net Initiative, an internet-freedom watchdog organization, cited pervasive repression of internet freedoms by the government. The organization criticized the government's filtering of the internet to block pornography primarily, as well as gay and lesbian material, some secular sites, sites critical of Islam, and others carrying content on religious faiths other than Islam. The report also criticized authorities for imposing some restrictions on voice-over-internet-protocol providers, on which many foreign workers relied to communicate with their families. The country had a high internet penetration rate due in large part to pervasive smart phone ownership. Reported rates for internet penetration varied from 62 to 75 percent.

The CMCIT has authority to refuse licenses to service providers without disclosing the reasons for its decision. The commission is also responsible for ensuring all service providers prevent the transmission of content "harmful to public order and morals," encouraging self-censorship by the internet service providers. Members of the CMCIT were not yet chosen, nor did the commission begin its work by the end of the year.

On October 14, the media reported that prosecutors questioned parliamentarian Abdul Hamid Dashti for four hours for writing tweets that allegedly defamed Bahrain. Authorities charged him with "putting Kuwait's relations with a sisterly state at risk" and "insulting the government and people of Bahrain." Prosecutors released him on bail of 1,000 dinars (\$3,550).

Academic Freedom and Cultural Events

The law provides for the freedoms of opinion and research, but self-censorship limited academic freedom, and the law prohibits academics from criticizing the emir or Islam.

The Ministry of Interior reserved the right to approve or reject annual public events, and it rejected those it considered politically or morally inappropriate. In July the government closed a play that critics accused of insulting Shias when a Shia actor improvised a portion of the play in a manner that some audience members interpreted as offensive.

Throughout the year publishers reportedly received pressure from the Ministry of Information, resulting in the publishers often self-censoring books made available in the country. The Ministry of Information ceased to provide information publicly on the number of banned books but claimed the books banned were usually those encouraging racism, prejudice, religious offenses, and sectarianism. According to the Ministry of Information, books religious in nature were sent to the Ministry of Awqaf and Islamic Affairs for review, while others were presented for review to a special committee that includes academics and authors.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted this right. The law prohibits noncitizens from demonstrating or protesting.

Political oppositionists organized several protests and rallies throughout the year. Security officials allowed many peaceful protests to proceed without permits, but intervened to disperse some demonstrations that were unauthorized. Citing public safety and traffic concerns, officials sometimes also restricted the location of planned protests to designated public spaces. Courts tried and sentenced participants in unlicensed demonstrations to as many as two years in prison for their involvement; however, authorities also administratively deported dozens of noncitizens for participation in rallies. In May authorities deported 15 Egyptians who participated in a rally for a presidential candidate in the days prior to Egypt's election. In June authorities deported 14 Sri Lankans after they staged a protest in front of their embassy.

Human rights groups often criticized security forces for using excessive force to disperse protesters. In some cases security forces claimed they required force because protesters were violent and threw rocks or set fire to cars or tires while rioting.

In early July protests followed the arrest of an opposition leader. Police used nonlethal means, including tear gas, percussion grenades, rubber bullets, and smoke bombs to disperse the gathering. In July authorities arrested a former security officer, Ahmed al-Diqbasi, during opposition protests and charged him with insulting the judiciary, inciting a protest, leading a demonstration, attacking security forces, inciting the assault of security forces, and participating in an unlicensed march. In September the court sentenced al-Diqbasi to two years in prison with hard labor.

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. The law prohibits officially licensed groups from engaging in political activities.

The government uses its power to license associations as a means of political control. There were approximately 120 officially licensed NGOs in the country, including a bar association, other professional groups, and scientific bodies. Dozens of unlicensed civic groups, clubs, and unofficial NGOs had no legal status. The Ministry of Social Affairs and Labor rejected some license requests, contending established NGOs already provided services similar to those the petitioners proposed. The Ministry of Social Affairs and Labor can also reject an NGO's application if it deems the NGO does not provide a public service. Members of licensed NGOs must obtain permission from the ministry to attend international conferences as official representatives of their organization.

c. Freedom of Religion

See the Department of State's International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution generally provides for freedom of internal movement, but numerous laws constrain foreign travel.

The government was generally uncooperative with most efforts by the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other individuals of concern.

Foreign Travel: Bidoon and foreign workers faced problems with or restrictions on foreign travel. The government restricted the ability of some bidoon to travel abroad by not issuing travel documents, although it permitted some bidoon to travel to Saudi Arabia for the annual Hajj (Islamic pilgrimage). In March the Ministry of Interior stopped issuing "Article 17" passports (temporary travel documents that do not confer nationality) except on humanitarian grounds to bidoon not documented in the 1965 census.

The law also permits travel bans on citizens and nonnationals accused or suspected of violating the law, including nonpayment of debts, and it allows other citizens to petition authorities to impose one. This provision resulted in delays and difficulties for citizens and foreigners leaving the country. Numerous domestic workers, who escaped from their employers, reported waiting several months to regain passports, which employers illegally took from them when they began their employment.

Exile: While the constitution prohibits exile of citizens, foreigners can be deported for a number of legal infractions. In June, however, the court upheld Twitter user Abdullah Fayrouz's five-year sentence followed by exile for insulting the emir. This action was the first time a court issued a verdict that included permanent exile of a citizen for insulting the emir. While the constitution states the Amir is the Head of State and shall be immune and inviolable, it also states, No Kuwaiti may be deported from Kuwait. In March, Fayrouz received a separate sentence of two years with hard labor for questioning a judge's honesty. In September the media reported the Ministry of Interior would also deport Fayrouz's Egyptian mother to maintain order and public interest. The woman had lived in Kuwait for 40 years, married a Kuwaiti, and had Kuwaiti children. Authorities arrested her after she visited her son in prison. Authorities alleged she attempted to smuggle a cell phone to her son. As of November she had not been deported.

Citizenship: The government cannot revoke the citizenship of an individual who is born a citizen unless that individual has obtained a second nationality, which is against the law. Nevertheless, the government can revoke the citizenship of naturalized citizens for cause, including a felony conviction, and subsequently deport them. During the year the government revoked the citizenship of more than 30 individuals—some dual nationals, some not—including opposition activists, a media owner, a Salafist cleric, and several tribal members (badu). The government justified the revocations by citing a 1959 nationality law that permits withdrawal of citizenship from naturalized Kuwaitis if they acquired citizenship dishonestly or threatened to "undermine the economic or social structure of the country." Persons who had their citizenship revoked became stateless individuals. As of the end of the year, persons who lost their citizenship had documents such as passports and civil identification cards taken from them and had a "block" on their name in government databases. This 'block' prevented former citizens from traveling or accessing health care and other bureaucratic business reserved for citizens.

A 1982 amendment to the nationality law prohibits the granting of citizenship to non-Muslims, but it allows Christian male citizens to transmit citizenship to their descendants. According to the law, children derive citizenship solely from the father; children born to citizen mothers and nonnational fathers do not inherit citizenship. Female citizens may sponsor their nonnational children (regardless of age) and husbands for residency permits, and they may petition for naturalization for their children if the mother becomes divorced or widowed from a noncitizen husband.

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. There is no system for providing protection to refugees, and the government did not grant refugee status or asylum during the year. According to the UNHCR, there were more than 2,800 registered asylum seekers and recognized refugees in the country. Most of these were from Syria, Iraq, and Somalia.

Stateless Persons

The law does not provide nonnationals, including bidoon, a clear or defined opportunity to gain nationality. The judicial system's lack of authority to rule on matters of citizenship further complicated the process for obtaining citizenship, leaving bidoon with no access to the judiciary to present evidence and plead their case for citizenship. According to government figures, there were more than 111,000 bidoon in the country.

According to the minister of interior, in 2013 more than 2,700 Kuwaiti women were married to bidoon men. A 2013 report by the Women's Refugee Commission estimated that 30,000 bidoon were spouses or children of female Kuwaiti citizens.

The government continued to discriminate against bidoon in some areas. Some bidoon and international NGOs reported that the government did not uniformly implement a 2011 decree approving provision of some government services and subsidies, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates, to bidoon. Bidoon activists claimed many bidoon families were unable to obtain birth certificates for their children, which restricted the children's ability to obtain government-issued identification cards, access adequate medical care, and attend school.

According to a government official, the government issued 2,297 birth and death certificates to bidoon in the first 10 months of the year. The Ministry of Justice issued 2,084 marriage and divorce certificates to bidoon in 2013. The Ministry of Education provides the Education Charitable Fund to pay for some bidoon children to attend private schools, but the children must fall into one of seven categories to qualify for an education grant. The seven qualifications are: hold an identification card by the Central Apparatus for Illegal Residents, hold a civil identification card with a national number, have a birth certificate, receive a salary from the Social Insurance Public Authority, be serving in the armed forces, be a child of a bidoon who fought for Kuwait in previous wars, or be the child of a Kuwaiti woman and a noncitizen father. During the 2013-14 school year, the charity paid the school fees for approximately 15,000 bidoon children at a cost of 4.45 million dinars (\$15.8 million). Also

during the 2014-15 school year, 150 seats were held for bidoon seeking bachelor of arts degrees.

In September authorities denied approximately 650 bidoon children access to public schools because they lacked birth certificates or other identifying documents. Between September and November, volunteer teachers in temporary school facilities taught them, but in November the government shut down those facilities and began integrating some of the children into schools, although some schools were located far from their homes.

Zakat House, a charity funded by private donations, provided food, subsidies, financial aid, and training to bidoon. It also paid for the genetic fingerprinting required for every bidoon. Government officials declared most bidoon did not want to undergo DNA testing because it would reveal their 'real' nationality.

Many adult bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in the bidoon children from the household working as street vendors to help support their families and not receiving an education. Lack of financial resources and proper documentation for some of their children forced some bidoon parents to choose which of their children to enroll in school. Many bidoon children who attended school enrolled in substandard private institutions because only citizens may attend public school. Many bidoon families depended on charity to assist with medical and educational expenses.

The government allowed bidoon to work in some government positions, as dictated in the 2011 decree. According to an official at the Central Agency for Remedying the Status of Illegal Residents (Central Agency), between March 2012 and the end of 2013, a total of 1,265 bidoon began working in government ministries. Some bidoon worked in the armed forces or police. Although no legal strictures prevent their service in the enlisted ranks, authorities had effectively barred bidoon from enlisting in either force since 1985. In August the Ministry of Defense announced it had accepted into the army 700 bidoon children of Kuwaiti women and of bidoon killed fighting for Kuwait.

The naturalization process for bidoon is not transparent, and decisions appeared arbitrary. Despite calls during the year by MPs and various authorities to naturalize 4,000 bidoon, as of year's end, the government had naturalized only those who were children of soldiers killed fighting for Kuwait. The Central Agency had more than 100,000 bidoon citizenship requests under review at year's end. Central Agency officials said the agency had submitted three lists to the cabinet in 2012 of an undisclosed number of bidoon and another in 2013 of an additional 504 bidoon, all eligible for citizenship, but there were no reports that the cabinet made any decisions on granting citizenship to these bidoon.

According to bidoon activists and government officials, many bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. The government maintained, however, that the vast majority of bidoon concealed their true nationalities and were not actually stateless. According to the government, 6,051 bidoon "revealed their real nationalities" and rectified their legal status by May.

In November the Ministry of Interior announced a proposal to give 'economic citizenship' to the bidoon from the small island nation of Comoros. It was unclear whether the government intended to simply give them the documentation of citizenship or physically relocate bidoon. Bidoon activists were concerned that some would accept the proposal due to fatigue over trying to obtain citizenship in Kuwait. Other activists were concerned that the government might force them to take another, illegitimate nationality.

The government instituted other policies that discriminate against the bidoon. Since the government treated them as illegal immigrants, bidoon do not have property rights. Bidoon identification cards included color codes that indicated when the carrier had a security restriction, such as a travel ban or other unresolved issues with the government. The Women's Refugee Commission reported that statelessness and discrimination against women in the nationality law threatened family unity.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens had only a limited, indirect effect on control of the executive branch because the constitution stipulates the country is a hereditary emirate. The 50 elected National Assembly members (along with government-appointed ministers) must, by majority vote, approve the emir's choice of crown prince (the future emir). The crown prince must be a male descendant of Sheikh Mubarak Al-Sabah and meet three additional requirements: be the age of majority, possess a sound mind, and be a legitimate son of Muslim parents. The National Assembly may remove the emir from power with a two-thirds majority vote if it finds that any of these three conditions is or was not met.

Elections and Political Participation

Recent Elections: The 2013 parliamentary election was generally considered free and fair, and international observers found no serious procedural problems. The election followed the Constitutional Court's June 2013 order to dissolve the parliament, which the court determined was elected unconstitutionally (the second such order in one year). Some opposition politicians and their supporters boycotted the election to protest the emir's 2012 decree reducing the number of votes per person from four to one. Official turnout for the 2013 elections was approximately 52 percent.

Political Parties and Political Participation: The government did not recognize any political parties or allow their formation, although no formal law bans political parties. Well-organized, unofficial blocs operated as political groupings, and MPs formed loose alliances. Some tribes held illegal primaries to maximize their members' chances for election to the National Assembly. Assembly candidates must nominate themselves as individuals.

Participation of Women and Minorities: Although they gained the right to vote in 2005, women faced cultural and social barriers to political participation. For example, tribal leaders excluded women from tribal primaries. Nevertheless, two women were elected to the National Assembly during the July 2013 elections, and there were two women in the cabinet. One female MP, however, lost her seat when the constitutional court declared a misconduct in her district. The remaining woman in the National Assembly resigned in May to protest not being allowed to question the prime minister in the National Assembly. Women typically voted at a higher rate than men did.

No laws or cultural practices prevented minorities from participating in political life. In the July 2013 parliamentary elections, candidates from the Shia community, which comprised approximately one-third of the citizen population, won eight seats in parliament. In the previous two parliaments, elected in December 2012 and February 2012, Shia

held 17 and five seats, respectively. The unusually high Shia representation in the December 2012 parliament largely resulted from a Sunni Islamist and tribal-led boycott of that election.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Government observers believed officials engaged in corrupt practices with impunity.

All judicial officers received training on corruption and transparency obligations as part of the Judicial Institute's official curriculum.

Corruption: The Audit Bureau is an independent agency responsible for supervising public expenses and revenues and for preventing any misuse or manipulation of public funds. The government publishes reports by the Audit Bureau annually and sends them to the emir, prime minister, head of the parliament, and minister of finance. The general public did not have access to these reports. The parliamentary Committee on the Protection of Public Funds frequently announced inquiries into suspected misuse of public funds, but none resulted in prosecution during the year.

In 2013 the National Assembly ratified an anticorruption law to establish the Anticorruption Authority (ACA), dictate financial disclosure provisions, and provide protection for whistleblowers. The law charges the ACA with receiving and analyzing complaints and forwarding complaints to the appropriate authorities in either the Public Prosecutor's Office or police for further investigation or action. The authority was funded by the government and had its own budget. By the end of the year, the ACA had established its board of directors but was still hiring staff and awaiting permanent office space. The ACA held several training sessions for government officials from more than 60 departments informing them about the financial disclosure requirements and preparing them for the submission process, slated to begin in 2015. No department in the Ministry of Justice specialized in corruption cases.

Media and government officials reported cases of widespread, visa-related corruption at the Ministry of Social Affairs and Labor and Ministry of Interior, namely selling visas or visa fraud. Several officials at the ministry faced prosecution after their arrests on charges of falsifying labor import documents to profit from the sale of visas. Investigations into these activities continued at the end of the year.

In June an opposition leader alleged there was widespread corruption in the government and judiciary. Investigations into the allegations of corruption continued at the end of the year. Since insulting the judiciary is against the law, investigations into the persons making the allegations were also underway at the end of the year.

There were many reports that individuals had to pay intermediaries to receive routine government services. Police corruption was a problem, especially when one party to a dispute had a personal relationship with a police official involved in a case. Widespread reports indicated police favored citizens over noncitizens.

Financial Disclosure: The 2013 anticorruption law requires that executive-level public employees, including officials at the ministerial level and above, MPs, the speaker of parliament, and the head of the Supreme Judicial Council, disclose their financial assets. Disclosure is required at three junctures: before taking office, every year while in office, and again upon leaving the public sector. Assets that must be disclosed include bank accounts, properties, investments, and any business assets. Children's assets must also be disclosed, but not those of spouses. Repercussions against those who do not provide financial disclosures include a fine of not more than 3,000 dinars (\$10,650) and possible termination of employment after not submitting the first statement before taking office. Person failing to submit their statements while employed can face a fine of not more than 3,000 dinars (\$10,650) and imprisonment for not more than one year and additional fines if the first warning is ignored. For failure to submit the final statement after leaving employment, a person can be fined not more than 5,000 dinars (\$17,750) and imprisoned for up to three years.

Financial disclosure reports are not public documents and are considered confidential; leaking of such information is a crime. The law mandates the ACA to monitor disclosures and has the right to oblige reportees to provide additional information. By late in the year, the ACA was not yet fully functioning.

Public Access to Information: The law provides for public access to unclassified government information by citizens and noncitizens alike, but access appeared theoretical. Legal experts stated that the only way for unclassified information to be released is through a request by a government ministry.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government restricted the operations of domestic and international human rights groups and limited cooperation with them. The law permits the existence of NGOs, but the government continued to deny licenses to some. NGOs may not engage in political activity or encourage sectarianism. The groups must demonstrate their existence is in the public interest. Major local independent NGOs dedicated specifically to human rights included the Kuwait Human Rights Society and the Kuwaiti Society for Fundamental Human Rights. The Kuwait Transparency Society was the local affiliate of Transparency International, and the Kuwait Trade Union Federation was the local affiliate of the Solidarity Center.

Locally licensed NGOs devoted to the rights or welfare of specific groups—such as women, children, foreign workers, prisoners, and persons with disabilities—operated without government interference, as did a few dozen local, unlicensed human rights groups. The government and various National Assembly committees met occasionally with local NGOs and generally responded to their inquiries.

Government Human Rights Bodies: The National Assembly's Human Rights Committee, which operated independently of the government, is an advisory body that primarily hears individual complaints of human rights abuses. The committee visited the Central Prison and the central deportation center throughout the year to review overcrowding, prison and detainee treatment, and the condition of both facilities. The committee had adequate resources and was considered effective. It did not issue reports during the year.