

KUWAIT

1. BACKGROUND¹

Basic Facts: ²	
Name of Country	State of Kuwait
Capital	Kuwait
Population	2,418,393 note: includes 1,291,354 non-nationals (July 2006 est.)
Area	17,820 sq km
Average Life Expectancy	77.2 years
Ethnic Groups	Kuwaiti 45%, other Arab 35%, South Asian 9%, Iranian 4%, other 7%
GDP per Capita (PPP)	\$19,200 (2005 est.)

Community of Democracies	
Previous Participation	Warsaw: Participant Seoul: Observer Santiago: Observer

Timeline of Recent Major Events in Kuwait

- **1990** August 2– Iraq invades and annexes Kuwait until a U.S.-led coalition expels Iraqi forces in February 1991.
- **1999** July 3 – Opposition performs well in National Assembly elections held after previous session is dissolved by the emir.
- **2005** January 29- *Hizb al-Umma* declares itself the first Kuwaiti political party; the government subsequently refused to license it and interrogated its leaders.
- **2005** May 16- Women receive full voting rights.
- **2006** January 29- Sheikh Sabah al-Ahmed al-Sabah becomes Emir, replacing the ailing Sheikh Saad al-Abdullah al-Sabah, who had become ruler after the 14 January 2006 death of longtime ruler Sheikh Jaber al-Ahmed al-Sabah.
- **2006** May 21- Parliament dissolved by order of Emir after a dispute regarding a reduction in the number of electoral constituencies.
- **2006** June 29 - Opposition wins slight majority of seats in parliamentary election.
- **2006** July 17 - Parliament passes electoral reform bill reducing the number of electoral constituencies from 25 to 5.

2. BACKGROUND

Kuwait is a constitutional hereditary monarchy with an appointed Cabinet (Council of Ministers) and a National Assembly (Parliament) that is elected every four years. The Al-

¹ Principal author: Freedom House

² Source: CIA World Factbook, <https://www.cia.gov/cia/publications/factbook/geos/ku.html>, accessed 8/3/2006.

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Sabah family tribe has presided as the ruling authority in Kuwait for over 250 years. The country gained its independence from Britain in 1961 and adopted a new constitution in 1962 which established formal succession procedures and specified the role of parliament in governance. The emir maintained the power to dissolve parliament, which has occurred on a number of occasions. The chaos sown by the Iraqi occupation in 1990 strengthened Kuwait's pro-democracy movement³, though the country's reform movement continued to alternate between periods of ferment and quiescence throughout the 1990s.

Kuwait has experienced a greater degree of political evolution over the last several years than most of its regional peers. The legislative elections held in 2003 did not meet minimum international standards, and were tainted by the exclusion of women from voting and allegations of widespread, government-subsidized vote buying. However, a substantial opposition bloc emerged whose reform demands centered on decreasing the number of parliamentary electoral districts as a means of fostering greater competition and reducing opportunities for vote-buying.

Changes have been even more significant in Kuwait since the April 2005 Santiago ministerial. In January 2006 the ailing Emir Sheikh Jaber al-Ahmed al-Sabah died, with the crown passing to Sheikh Sabah al-Ahmed al-Sabah after parliament asserted itself by voting for the removal of ailing Crown Prince Sheikh Saad.⁴ In May 2006 the government collapsed amid maneuvering related to the single most pressing item on the opposition agenda, a proposed reduction of the number of electoral constituencies from 25 to 5. After the government made an offer to reduce the number to 10 districts, opposition MPs walked out of the parliamentary session and demanded a questioning of the prime minister. To comply with the requirements of the constitution, the emir faced a choice between dissolving parliament or dismissing the prime minister. On 21 May 2006 the emir dissolved parliament and called for new elections.⁵

The June 29, 2006 parliamentary elections heralded a significant change in Kuwaiti democratic participation as women were eligible to vote for the first time. While none of the 27 female candidates running for parliament were able to capture a seat, the participation of 35% of the eligible female voters meant an addition of over 100,000 votes that previously would have been excluded, a substantial number given the small size of the Kuwaiti electorate. In the election, the opposition took 33 of the 50 seats, with Islamists garnering 21 seats to become the single largest bloc.⁶ Soon after the elections, the emir submitted the electoral reform bill that had been the primary cause of tension between parliament and the emir as well as the issue that unified the otherwise divergent factions of the opposition bloc. The bill was passed on July 17, 2006 and reduced the number of electoral constituencies from 25 to 5, as demanded by the opposition.

³ Jill Crystal, *A Country Study: Kuwait*. (Washington, DC: Library of Congress [LOC], 1993), [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+kw0048\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+kw0048)), accessed 8/9/2006.

⁴ "Sheikh-Up; Kuwait," *The Economist*, 1/21/2006, accessed through Nexis 8/9/2006.

⁵ "Elections: Kuwait", (Beirut: *UNDP Programme on Governance in the Arab Region [POGAR]*), <http://www.pogar.org/countries/elections.asp?cid=8>, accessed 8/9/2006.

⁶ Sana Abdallah "Analysis: Kuwait's elections and reforms," *United Press International*, 7/1/2006, accessed through Nexis 8/9/2006.

3. ANALYSIS

Elections and Democratic Participation

Kuwaitis cannot change their government democratically. Freely elected representatives do not determine the government's policies. The royal family of Kuwait, which is a hereditary emirate, largely sets the policy agenda, dominates political life, and controls meaningful power. The emir has overriding power in the political system and appoints the prime minister and cabinet. Members of the ruling Al-Sabah family generally hold the key cabinet posts of defense, the interior, foreign affairs, and oil, among others.⁷

Under the constitution, the emir shares legislative power with the 50-member National Assembly (parliament), which is elected by popular vote, though only a minority of Kuwait's population possesses voting rights. The emir has the power to dissolve the National Assembly at will, but must call elections within 60 days. Elections have historically been relatively free for males but subject to a number of unfair practices, including state-based patronage (and occasional outright vote-buying) designed to favor pro-government candidates as well as vote-transferring, whereby district voter rolls are manipulated to benefit pro-government aspirants.⁸ The recent reduction in the number of constituencies from 25 to 5 was favored by opposition MPs as a way to blunt the electoral impact of these practices and diminish the tendency toward voting for MPs based on tribal considerations.⁹ Turnout at parliamentary elections is often quite high, over 80% in 2003 and 66% in 2006.¹⁰

Formal political parties are banned, but political groupings, such as parliamentary blocs, have been allowed to emerge and often act in an overt manner that is similar to traditional political parties elsewhere. In January 2005, a group of Kuwaiti Islamists announced the formation of the Umma Party, but like other political groupings, it was not granted a permit by the government. After the Umma Party announced its formation, the government imposed a travel ban on 15 leading members of the party and interrogated several of the party's leaders.¹¹ In October 2005, Kuwait's prime minister said that there were no plans to legalize political parties, but the issue will in all likelihood be a recurring one. In March 2006, the Umma party leaders were put on trial but their charge was reduced to a minor violation of the meeting and assembly laws.¹²

⁷ Freedom House, *Freedom in the World 2006* (New York: Rowman and Littlefield, 2006).

⁸ "Country Report: Kuwait", (London: *Economist Intelligence Unit* [EIU], May 2006), www.eiu.com, accessed 8/10/2006.

⁹ Simon Henderson, "Kuwait's Elections Exacerbate Differences between Ruler and Parliament," (Washington: The Washington Institute for Near East Policy [WINEP], 7/5/2006), <https://www.washingtoninstitute.org/templateC05.php?CID=2483>, accessed 8/10/2006.

¹⁰ "Elections: Kuwait" (POGAR)

¹¹ *Freedom in the World 2006*

¹² "Country Report" (EIU)

Rule of Law and Separation of Powers

Kuwait's legislative branch, while clearly subordinate to the emir, is not completely toothless. The parliament is granted powers to overturn decrees the emir issued when it is not in session, and it has exercised this power in a number of cases. It can veto the appointment of the country's prime minister, but then it must choose from three alternates put forward by the emir. It also has the power to remove government ministers with a majority vote of elected members. It also has the power to initiate legislation, though it cannot override a rejection by the emir. However, parliament's status as the body representing the populace is diluted by the fact that the 15 cabinet members appointed by the emir have authority to vote in parliamentary sessions.

In 2005 and 2006 the National Assembly continued to challenge the government, asserting its power to question ministers. In early January, Minister of Information Muhammad Abu Al-Hassan resigned under pressure from the National Assembly, which had called him for questioning over issuing licenses to hold musical evenings in Kuwait. In March, several National Assembly members demanded the resignation of Muhammad Deif Allah Shara, deputy prime minister and minister of state for cabinet affairs, for corruption and mismanagement. In April, Minister of Health Muhammad al-Jarallah resigned after being questioned by the National Assembly for alleged corruption.¹³

Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch of government approves judicial promotions and renewals of judicial appointments. The Superior Constitutional Court is the highest constitutional authority and issues binding rulings on matters of constitutional law, while the Court of Cassation is the highest court for civil, commercial, and criminal matters.

Basic Freedoms

Since 1979, the government has, by decree of the emir, restricted freedom of assembly, with public gatherings requiring government approval. However, 2005 saw an increase in public demonstrations, many related to women's political rights. In the spring of 2005, hundreds of women's rights activists demonstrated in front of the National Assembly demanding the right to vote and run for office.¹⁴ On May 1, 2006, a significant change was codified when the law requiring government approval was abrogated and replaced by a rule requiring only that citizens notify the government before gatherings occur.¹⁵

Kuwaiti journalists are among the freest and most outspoken in the region, with a constitution that provides for freedom of the press and a government that respects these principles in practice, with some important exceptions. The Printing and Publications Law and the penal code restrict criticism of the emir and articles that might harm relations with other states, jeopardize the value of the Kuwaiti dinar, or offend moral

¹³ *Freedom in the World 2006*.

¹⁴ *Ibid.*

¹⁵ "Constitution: Kuwait" (POGAR), <http://www.pogar.org/countries/civil.asp?cid=8>, accessed 8/9/2006.

sensibilities. In addition, the law restricts material deemed offensive to religion or an incitement to hatred or violence. The government arbitrarily enforces these laws, and as a result, many journalists practice self-censorship.¹⁶

Most print media are privately owned and are among the more vibrant in the region. There are five Arabic- and two English-language newspapers in Kuwait. Publishers must obtain a license from the Ministry of Information to start a newspaper, and there is no formal process to appeal if a license is not granted. In May, the government allowed *Al-Jazeera*, the regional satellite television channel, to reopen its offices, ending a nearly three-year hiatus after the government closed the channel's operations, ostensibly for security reasons. Domestic non-satellite television stations, as well as radio stations, are all government-owned. Kuwaitis have free access to the internet, although the government requires internet cafés to reveal customer identities on request, and in February the Ministry of Communication, in cooperation with some internet service providers, blocked websites it believed were inciting terrorism and instability.¹⁷

Arbitrary Arrest, Torture, and Criminal Justice

Arbitrary arrest is less of a problem in Kuwait than in many other states in the region. According to Kuwaiti law, authorities may detain suspects for four days without charge, though lengthy pretrial detention remains a problem. The Ministry of the Interior supervises the main internal security forces, including the national police, the Criminal Investigation Division, and Kuwait State Security. There are accusations of occasional use of torture, often in connection with state security efforts against Islamists. Several dozen people were detained throughout 2005, and at trial several of the accused stated that they had confessed only under torture. Six of these defendants were sentenced to death in late December 2005.¹⁸ The government permitted visits to prisons by human rights activists, who reported poor prison conditions, including severe overcrowding.¹⁹ Access to counsel is usually available at trial, but the right to appeal is limited; for certain classes of misdemeanors and trials in special security courts, no appeal is permitted.

Gender and Minority Rights

The 1962 constitution provides men and women with equal rights. Though women face discrimination in several areas of society, in May 2005 women finally won the right to vote in elections and run for office. In June 2005, the prime minister appointed Masouma al-Mubarak as minister of planning and administrative development; she became the first woman in Kuwaiti history to serve as a cabinet minister.²⁰ Women constitute more than 60 percent of the student body at several leading universities in

¹⁶ Freedom House, *Freedom of the Press 2006* (New York: Rowman and Littlefield, 2006).

¹⁷ Ibid.

¹⁸ "Amnesty International Annual Report 2006", (London: *Amnesty International* [AI]), <http://web.amnesty.org/report2006/kwt-summary-eng>, accessed 8/9/2006.

¹⁹ "Kuwait—Country Report on Human Rights and Practices 2005." U.S. Department of State, 3/8/2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61692.htm>, accessed 8/9/2006.

²⁰ *Freedom in the World 2006*.

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Kuwait as well as a regional high of nearly one-third of the labor force.²¹ However, as in most countries in the region, women lack equal legal standing with men; their testimony in court is worth half that of a man, while divorce and inheritance are also regulated unequally. Married women cannot apply for a passport without their husbands' permission, and domestic abuse is both common and rarely punished.²²

Kuwait faces a serious and long-term problem in its treatment of non-citizens. Citizens make up less than one million of the state's 2.9 million-strong population, and foreign workers comprise fully 82 percent of the workforce.²³ There are two categories of non-citizen Kuwaitis: foreign migrant workers and stateless Arab *bidoon*. Migrant workers face discrimination and abuse in nearly every element of their lives, including low (and often withheld) pay, poor working and living conditions, and (especially for women) physical and sexual abuse. The Kuwaiti state has done little to ameliorate the situation through labor laws or prosecution of accused rights violators.²⁴ Despite their overwhelming numerical superiority in the labor force, foreign workers are weak and are denied union voting rights or the ability to form their own unions.²⁵ Additionally, the government has yet to crack down on Kuwait's status as a destination for the human trafficking trade. Asian women are especially vulnerable, as many are held in conditions of debt bondage and servitude.²⁶

The *bidoon* are stateless Arabs, many of whom have lived in Kuwait for decades – or even generations – with no legal documents. They have been subject to a wide range of discrimination including restriction of access to healthcare and education and the denial of passports. According to the Kuwaiti government, a large proportion are migrants seeking to partake of the country's oil wealth.²⁷ Starting in 2000, the state took a harder line against the *bidoon*, though tension has begun to ease. Those who hold national documents from foreign countries receive residence permits, while other *bidoon* are being issued official identification cards. However, an estimated 87,300 citizenship requests – most of the *bidoon* population – were still pending at the end of 2005.²⁸

4. SUGGESTIONS FOR IMPROVEMENT

Though it remains a hereditary monarchy, Kuwait has made progress in the effort to add democratic features to its system. However, even without fundamentally altering the system's basic tenets, there are a number of improvements Kuwait can make to improve its fulfillment of the Community of Democracies criteria.

²¹ "Gender: Kuwait" (POGAR), <http://www.pogar.org/countries/gender.asp?cid=8>, accessed 8/9/2006.

²² "Country Report 2005" (State Dept.)

²³ Ibid.

²⁴ "Annual Report 2006" (AI)

²⁵ "Country Report 2005" (State Dept.)

²⁶ Ibid.

²⁷ "Kuwait starts easing restrictions on stateless Arabs," *Agence France Presse*, 4/25/2006, accessed through Nexis 8/9/2006.

²⁸ "Country Report 2005" (State Dept.)

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Regarding the national legal framework, change should focus on leveling of the emir's power relative to other state institutions. The formation of an independent judiciary would be a logical starting point. Even if the emir maintains judicial appointment power, judges should be selected based on the recommendations of a neutral council, perhaps composed of parliamentarians, cabinet members, and legal professionals (both lawyers and other judges). In terms of the parliament, the voting power currently possessed by cabinet ministers amounts to something approaching a rubber-stamp bloc for the emir's desired policies. Cabinet members should not have voting power unless they have been elected as individuals to the legislature. Political parties, an essential intermediary between citizens and the government, should also be legalized.

There are also important reforms to be made in the sphere of human rights. Women's rights require more attention, as do the rights of foreign workers (and female foreign workers most of all). The national culture of impunity regarding domestic violence should be strongly combated. Hotlines and shelters should be established and police should receive training in how to investigate reported domestic violence. Foreign domestic workers in particular should be given assistance in understanding their rights and how and where to direct their complaints of abuse. In general, far greater attention should be paid to the rights of foreign workers. Unionization should be allowed, and enforcement of labor laws should be strengthened. When court judgments are issued against employers, fines and compensation must be collected and distributed to the appropriate aggrieved parties. Finally, a settlement should be reached concerning the rights of the *bidoon*. Those who can establish lifelong residence in Kuwait should be granted citizenship, while a compromise should be reached with those who cannot prove long-term presence so as to regularize their status within Kuwait.

5. STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Kuwait Score	Key
Voice and Accountability	32.9	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	49.1	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	65.6	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	64.4	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	68.6	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	79.3	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

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Freedom House: Freedom in the World 2007	Kuwait Score	Key
Political Rights	4	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Kuwait Score	Key
Total Score	56	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Corruption Perceptions Index 2006	Kuwait Score	Key
Total Score	4.8	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

6. SOURCES

Books and Reports:

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