



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
49TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE STATE OF KUWAIT
FOR THE 49TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the State of Kuwait (Kuwait) for the 49th session of the Universal Periodic Review (UPR).

Background

2. Kuwait is a country located on the Arabian Peninsula and has a population of approximately 5.1 million people.¹ The population is predominantly Muslim, with approximately 82.8% of the population identifying as Muslim, 11.9% as Christian, and 3.8% as Hindu.² In its 2024 World Watch List, Kuwait was ranked as the 54th worst country for Christians.³

3. Kuwait's last review was held on January 29, 2024.⁴ As a result of the review, Kuwait received 302 recommendations, 230 of which it accepted.⁵ It was recommended by Pakistan, and supported by Kuwait, that the government “[c]ontinue efforts to preserve freedom of religion and belief and ensure respect for all religions, in accordance with the law.”⁶

Legal Framework

Religious Persecution

4. Article 2 of the Constitution of Kuwait establishes Islam as the State religion and “Islamic Law [as] a main source of legislation.”⁷ However, Article 35 states that “[f]reedom of belief is unrestricted. The State shall protect freedom in the observance of religious rites

¹ William L. Ochsenswald & Jill Ann Crystal, *Kuwait*, BRITANNICA (July 9, 2024), <https://www.britannica.com/place/Kuwait#:~:text=Kuwait%20country%20of%20the%20Arabian,corner%20of%20the%20Persian%20Gulf.&text=A%20small%20emirate%20nested%20between,harbour%20on%20the%20Persian%20Gulf>.

² *Kuwait: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=125c> (last visited Sep. 25, 2024).

³ OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 4 (2024), <https://www.opendoors.org/en-US/research-reports/country-dossiers/WWL-2024-Kuwait-Full-Country-Dossier.pdf>.

⁴ *Universal Periodic Review – Kuwait*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/kw-index> (last visited July 10, 2024).

⁵ *Infographic – Kuwait*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/KW/Infographic_Kuwait.pdf (last visited July 10, 2024).

⁶ OHCHR, UPR of Kuwait (3rd Cycle – 35th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/2022-02/UPR35_Kuwait_Thematic_List_of_Recommendations_E.docx (last visited July 10, 2024).

⁷ CONSTITUTION OF KUWAIT 1962 art. 2, https://www.constituteproject.org/constitution/Kuwait_1992.

established by custom, provided such observance does not conflict with morals or disturb public order.”⁸

5. While there is no law explicitly banning proselytization, the government effectively bans it by using laws that criminalize contempt of religion.⁹ Under Article 111 of the Penal Code:

Whoever [broadcasts or communicates] views including ridicule, contempt, or belittlement of religion or religious doctrine — whether it is to challenge beliefs, practices, rituals, or teachings — is punished with imprisonment for a period of time not exceeding 1 year, and a fine not exceeding 1000 dinars, or either of these two punishments.¹⁰

6. Further, the government requires that all churches apply for a license in order to establish a place of worship.¹¹ However, this process is unclear¹² and the government only recognizes seven Christian churches.¹³

7. Kuwait is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁴ Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁵

8. Additionally, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.¹⁶

⁸ *Id.* 35.

⁹ *Kuwait*, HUMANISTS INTERNATIONAL (Nov. 30, 2020), <https://fot.humanists.international/countries/asia-western-asia/kuwait/>.

¹⁰ *Kuwait*, END BLASPHEMY LAWS, <https://end-blasphe-my-laws.org/countries/middle-east-and-north-africa/kuwait/> (last visited Sep. 23, 2024).

¹¹ *Getting to Know the Christians in Kuwait*, KUWAIT TIMES (Mar. 23, 2017), <https://kuwaittimes.com/getting-know-christians-kuwait/>.

¹² *Kuwait Grants Official Recognition to Church of Jesus Christ of Latter-Day Saints*, THIS WEEK IN MORMONS (Aug. 3, 2019), <https://www.thisweekinmormons.com/2019/04/kuwait-grants-official-recognition-to-church-of-jesus-christ-of-latter-day-saints/>.

¹³ *Getting to Know the Christians in Kuwait*, *supra* note 11.

¹⁴ *Ratification Status for Kuwait*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=92&Lang=EN (last visited Sep. 23, 2024).

¹⁵ *International Covenant on Civil and Political Rights art. 18*, adopted Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁶ *Id.* art. 27.

9. Further, Kuwait has a responsibility to uphold the rights enshrined in the Universal Declaration of Human Rights (UDHR), which also protects religious freedom.

Religious Persecution

Persecution of Christians

10. In Kuwait, expatriates and migrants are generally free to practice their faith as long as they refrain from proselytizing.¹⁷ Kuwaiti converts, on the other hand, face societal persecution from their friends and family, who discriminate, threaten, and ostracize those who leave Islam.¹⁸

11. One way the government restricts religious liberty is by limiting the number of registered churches in the country. Given that Christians constitute approximately 11.9% of the population, there are not enough churches to accommodate those seeking to worship.¹⁹ For example, one church in Kuwait City only has enough space to accommodate 600 seats.²⁰ However, more than 2,000 people gather at the church every Friday to worship.²¹ Even though this church is registered, it cannot expand without permission from the government.²² In fact, in recent years, the government has regularly refused requests by registered churches to build additional buildings or acquire more land.²³ Additionally, the government restricts the number of visas given to clergy and staff, making it difficult for churches to offer the number of services required to serve their congregations.²⁴

12. Another way the government exercises control over freedom of religion is by effectively prohibiting proselytizing through Article 111 of Penal Code. Article 111 of Kuwait's Penal Code uses broad and vague language to criminalize anyone who challenges "beliefs, practices, rituals, or teachings" and also prohibits acts that includes ridiculing or belittling religious doctrine.²⁵ This broad language can be used as catch all to prohibit proselytization. This is because you are not able to proselytize without challenging the beliefs, practices, and rituals, of another religion. Under this law, professing that Christianity is the one true religion could be interpreted as belittling and challenging religious doctrine.

13. Proselytizing is a core component of Christianity, which calls on its adherents to peacefully share about their religion with others. In Kuwait, it does not matter if a church is registered or not; no one can proselytize.²⁶ This includes distributing religious literature and

¹⁷ *Persecution Watch: Praying for Believers in Kuwait and Qatar*, VOICE OF THE PERSECUTED, <https://voiceofthepersuted.wordpress.com/2021/07/29/persecution-watch-praying-for-believers-in-kuwaitand-qatar/> (last visited Sep. 25, 2024).

¹⁸ *Id.*

¹⁹ #48 in *Christian Persecution, Kuwait*, CHRISTIAN FORUMS (Apr. 30, 2021), <https://www.christianforums.com/threads/48-in-christian-persecution-kuwait.8207129/>.

²⁰ Hilal Khastan, *Religious Intolerance in the Gulf States*, MIDDLE EAST FORUM, [HTTPS://WWW.MEFORUM.ORG/MIDDLE-EAST-QUARTERLY/RELIGIOUS-INTOLERANCE-IN-THE-GULF-STATES](https://www.meforum.org/middle-east-quarterly/religious-intolerance-in-the-gulf-states).

²¹ *Id.*

²² OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 12 (2024), *supra* note 3

²³ *Id.* 12.

²⁴ *Id.*

²⁵ *Kuwait*, *supra* note 10.

²⁶ *Kuwait*, *supra* note 9.

items in public.²⁷ For example, in 2022, a jewelry shop was shut down simply for selling crosses, an important religious symbol in Christianity.²⁸ Out of fear of being accused of breaking the law, Christians refrain from interacting with Muslims.²⁹

14. Even though recent reports of Christians being arrested are rare, it is not because Kuwait is becoming more religiously tolerant. Expatriate and migrant workers in Kuwait make up the majority of Christians.³⁰ These Christians are more careful to practice their faith in private and avoid acts that may be interpreted as breaking the law to avoid losing their job and being deported.³¹

15. Kuwait's laws and policies clearly violate the ICCPR. Sharing your religion with others so that they may believe is a core component of many religions. Again, the ICCPR provides the right for everyone to "manifest his religion or belief in worship, observance, practice and teaching."³² As stated above, sharing your belief with others so that they may believe is an important aspect of Christianity and many other religions. It is impossible to engage in a meaningful religious dialogue with a person belonging to another religion without challenges each other's beliefs.

16. Even as restrictive as Kuwait's laws on religion are, the brunt of the persecution comes from Kuwait's conservative population, including from friends and family.³³ This is because leaving Islam is seen as betraying their family and it brings them great shame.³⁴ Additionally, Christian converts are also pressured into either renouncing their new faith or being ostracized by their community and family.³⁵ Because of this, Christian converts have to practice self-censorship and cannot publicly live out their faith because it opens them up to abuse and harassment.³⁶ For example, religious rites for converts, such as baptisms, must be done in secret because it is a sign that proselytizing and conversions have occurred.³⁷

17. Female Kuwaiti converts are particularly at risk for persecution.³⁸ Christian women have been harassed, detained in their homes by their families, and pressured into marrying Muslim men.³⁹ Additionally, female Christian converts are legally restricted from marrying a non-Muslim.⁴⁰ Any child born from this illegal marriage would be denied Kuwaiti citizenship, which places immense pressure on female Christian converts to marry Muslim men and is a complete denial of basic human rights.⁴¹

18. Further, even though reports of attacks on Christian converts are rare, it does not mean that there is no threat of persecution, as shown above. Rather, Kuwaiti Christian converts are

²⁷ *Id.* 32.

²⁸ OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 7 (2023), <https://opendoorsanalytical.org/wp-content/uploads/2023/03/Kuwait-Full-Country-Dossier-March-2023.pdf>.

²⁹ OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 32 (2024), *supra* note 3.

³⁰ *Kuwait*, MIDDLE EAST CONCERN, <https://www.meconcern.org/countries/kuwait/> (last visited Sep. 25, 2024).

³¹ OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 36 (2024), *supra* note 3.

³² ICCPR art. 18, *supra* note 15.

³³ OPEN DOORS, KUWAIT: FULL COUNTRY DOSSIER 13 (2024), *supra* note 3.

³⁴ *Id.*

³⁵ *Id.* 30.

³⁶ *Id.* 29.

³⁷ *Id.* 29.

³⁸ *Id.* 37.

³⁹ *Id.*

⁴⁰ *Id.* 38.

⁴¹ *Id.*

aware of the persecution that awaits them if they go public with their faith.⁴² Some Christian converts leave country to avoid persecution.⁴³ One female convert shared how she was forced to flee the country for her own safety because her family threatened her after she told them that she had converted to Christianity.⁴⁴

Antisemitism

19. Christians are not the only persecuted religious group in Kuwait. Kuwait has also shown to be extremely intolerant of Jews and as a result, there is no active Jewish community in Kuwait.⁴⁵ Additionally, Kuwait does not legally recognize Israel and prohibits domestic businesses from trading with Israel.⁴⁶

20. On October 8, 2023, just one day after Hamas horrifically killed innocent Israeli citizens, forty-five members of Kuwaiti National Assembly signed a joint statement pledging support for Palestine and stating that “[w]e, as representatives of the Kuwaiti people, are firmly opposed to normalization of relations with the Zionist entity, for Jews usually renege promises.”⁴⁷

21. Further, an analysis of the government official textbooks for the 2021-22 academic school contained horrific antisemitic language.⁴⁸ For example, one text book used for 8th grade public school education stated that one of its objectives was for students to learn that “the enmity of the Jews toward Islam and the Muslims is old and deeply rooted” and that “stirring up strife, breaking pacts, and malice are among the inherent characteristics of the Jews.”⁴⁹

22. On May 27, 2021, the Kuwaiti National Assembly unanimously approved a bill prohibiting normalization with Israel.⁵⁰ This included bans on visiting and supporting Israel.⁵¹ In 2022, this law was used to arrest an individual who was selling accessories bearing Jewish symbols like the Star of David.⁵²

Recommendations

23. Kuwait must reform its laws and policies to protect the rights of religious minorities. Christians must be permitted to openly and freely practice their faith. Again, the ICCPR

⁴² *Id.* 6.

⁴³ *Id.* 7.

⁴⁴ *Id.* 37.

⁴⁵ *The Jewish Legacy of Kuwait*, WORLD JEWISH CONGRESS, [HTTPS://WWW.WORLDJEWISHCONGRESS.ORG/EN/LEGACY-OF-JEWS-IN-MENA/COUNTRY/KUWAIT#:~:TEXT=THERE%20IS%20NO%20LONGER%20A,ESTABLISHED%20DIPLOMATIC%20RELATIONS%20WITH%20ISRAEL](https://www.worldjewishcongress.org/en/legacy-of-jews-in-mena/country/kuwait#:~:text=there%20is%20no%20longer%20a,established%20diplomatic%20relations%20with%20israel).

⁴⁶ Georgia L.

⁴⁷ *Kuwaiti/MPs State Support to Palestinian Struggle Against Israeli Occupation*, KUWAIT NEWS AGENCY (Oct. 8, 2023), <https://www.kuna.net.kw/ArticleDetails.aspx?id=3114325&language=en>.

⁴⁸ *Kuwaiti Textbooks Teach that Jews are Treacherous*, THE ANTI DEFAMATION LEAGUE (Dec. 13, 2021), <https://www.adl.org/resources/news/kuwaiti-textbooks-teach-jews-are-treacherous>.

⁴⁹ *Id.*

⁵⁰ *Kuwaiti National Assembly Approves Tougher Penalties for Normalization with Israel*, PARLIAMENTARY UNION OF THE OIC MEMBER STATES (MAY 29, 2021), <http://en.puic.org/news/10776>.

⁵¹ Georgia L. Gilholy, *Police in Kuwait Shut Down Shop Selling Magen David Necklaces*, THE JEWISH CHRONICLE (Sep. 5, 2022), <https://www.thejc.com/news/police-in-kuwait-shut-down-shop-selling-magen-david-necklaces-l5jtuo1h>.

⁵² *Id.*

enshrines the rights of religious minorities to practice their religion, and states that they “shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”⁵³ Kuwait must allow Christians to practice their faith and share it with others without fear of being harassed or arrested. We also ask that Kuwait permit more religious groups to legally register and be able to build churches to accommodate the number of church goers. Further, Kuwait must protect Christian converts from harassment and abuse. Christian Kuwaitis must not be treated as second class citizens, must be permitted to marry who they see fit, and participate in religious rites, such as baptism.

24. Additionally, Kuwait must uphold protections for Jews and must change its laws and policies that are inherently antisemitic. Kuwait must ensure that Jews are free to live their lives without being targeted and discriminated against.

⁵³ ICCPR art. 27, *supra* note 15.