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Freedom of the Press 2012 - Kuwait

2012 Scores

Press Status: Partly Free
Press Freedom Score: 57
Legal Environment: 19
Political Environment: 22
Economic Environment: 16

Kuwait's media environment, although one of the most open in the Middle East, remained somewhat constricted by self-censorship, intimidation, and government pressure in 2011. Freedoms of speech and the press are protected under Articles 36 and 37 of the constitution, but only "in accordance with the conditions and in the circumstances defined by law." The Press and Publications Law, revised in 2006, extends some important protections to the media, but it prohibits the publication of material that insults God, the prophets, or Islam. It also forbids criticism of the emir, the disclosure of secret or private information, and calling for the overthrow of the regime. Penalties for criticizing Islam were increased under the 2006 amendments, and can include prison sentences of up to one year and fines of up to 20,000 dinars ($72,000). Violations are reported frequently, as any citizen may initiate criminal charges against an individual who they believe has committed an offense under the press law. The government enforced the press law during 2011, including for internet-related offenses, and often in conjunction with other criminal charges. In March, a court sentenced Muhammad al-Juwaihel, a political activist and owner of the satellite channel Al-Sour, to a year in prison for slandering lawmakers Musallam al-Barrak and Sa'doun al-Otaibi during a 2009 live television broadcast. However, al-Juwaihel was released in April after the court suspended his sentence, contingent on good behavior, and fined him 200 dinars ($720). In a separate case, Mohamed Abdel Qader al-Jassem, the founding editor of the Arabic editions of *Foreign Policy* and *Newsweek*, was freed in January 2011 after serving 62 days in prison. He had been convicted of criminal defamation and sentenced to one year in prison in November 2010. Additional charges of defamation, stemming from complaints brought against him by the prime minister, were dropped.

In September 2011, the parliament was asked to approve amendments to the press law that would prescribe harsher penalties and implement a better monitoring system for violations. The proposed changes included a ban on attributing any act or statement to the emir or the crown prince without prior written permission. Violations would be punishable by jail terms and fines, in addition to criminal law penalties. Under another provision, those engaged in broadcasting activities without permission would be subject to two-year prison sentences as well as an optional fine of 100,000 to 300,000 dinars. In addition, equipment used for broadcasting would be confiscated, and the broadcasting facility would be shut down. Other proposed penalties included jail time and fines for incitement, undermining national unity, and causing internal strife. The draft amendments had not been passed by year's end.

All publishers are required to obtain an operating license from the Ministry of Information (MOI) to launch a daily newspaper. However, the MOI must issue the license or provide an explanation for its refusal within 90 days of application, and refusals can be appealed in court. Media licenses may not be revoked without a court order. Despite the fact that the 2006 press law requires capital of at least 250,000 dinars ($950,000) to establish a paper, the government licensed six new daily Arabic-language newspapers in 2007. In January 2011, the Mubasher satellite channel and *Al-Mustaqbal* newspaper were closed for violating their licensing terms. Both outlets had carried criticism of the prime minister.

The MOI can censor all books, films, and periodicals it deems morally offensive. However, in practice, it does not actively interfere with or restrict access to news, and the Kuwaiti media are considered more critical and outspoken than those in the rest of the region. More in-depth reporting and a greater diversity of opinions appear in newspapers than in broadcast media. Nevertheless, given the ongoing restrictions in the press law and an atmosphere of increased governmental intolerance toward critical reporting, journalists continued to practice self-censorship in 2011, as failure to do so often results in reprisals. Journalists and media outlets occasionally face physical harassment.

International news is widely available, and a number of foreign media outlets maintain bureaus in Kuwait. News sources originating outside Kuwait must be reviewed by the MOI before circulation. The MOI screens all imported media for morally offensive content, and controls the publication and distribution of all materials classified as informational. The government closed the Kuwait City bureau of Al-Jazeera, the Qatar-based satellite television channel, in December 2010. The closure was in reprisal for the station's coverage of police brutality at an unauthorized demonstration against proposed amendments to the constitution, and for its airing of an interview with an opposition lawmaker. The bureau remained closed at the end of 2011.

Fourteen Arabic and three English-language newspapers circulate in Kuwait, all of which are privately owned, largely independent, and diverse in their reporting. Private media have relatively transparent ownership and their own presses, and they are free to set their own prices. The state owns nine local radio stations and five television stations. However, there are now 16 privately owned television stations, and satellite dishes are common. Although the advertising market remains limited, it continues to grow, thanks in part to an increase in advertising agencies. Wage levels for journalists at both state and private media are not high enough to discourage occasional bribery to influence coverage. Low salaries have also dissuaded many Kuwaiti nationals from pursuing journalism as a profession; at the end of 2006, only 2 percent of workers in the local media sector were Kuwaitis.

About 74 percent of the population used the internet in 2011. However, the government continued to debate how best to regulate this growing medium. The authorities monitor internet communications for defamation and security threats, and the Ministry of Communications (MOC) blocks websites suspected of "inciting terrorism and instability." The state requires all internet service providers to install and operate systems to block websites carrying material that is deemed anti-Islamic, extremist, or pornographic, as well as certain types of political websites. However, the blocking policies are not always clear or consistent. Internet café owners are required to record the identities of customers and turn over the information if requested by the MOC. When the parliament was dissolved in December 2011, many Kuwaitis created Twitter microblog accounts to discuss the upcoming elections, and several users were temporarily detained in connection with their posts on political topics. Separately, online activist Nasser Abul was detained from July to September 2011 for a series of posts criticizing the Bahraini regime's crackdown on protesters. He was released after an outcry from international human rights organizations.