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Kuwait

Country:

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Year:

2015

Press Freedom Status:

PF

PFS Score:

59

Legal Environment:

20

Political Environment:

23

Economic Environment:

16

In 2014, the government of Kuwait took action against both journalists and social media users in a continued effort to stifle criticism of the government and to dampen tensions between Shiite and Sunni Kuwaitis.

Legal Environment

Freedoms of speech and of 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.” Although the Press and Publications Law also extends some important protections to the media, 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 statements calling for the overthrow of the regime. Penalties for criticizing Islam were increased in amendments to the law in 2006, and the offense now draws up to one year in prison and fines of up to 20,000 dinars (\$70,500). Both the author of prohibited content and the editor of the publication may be held criminally liable for any violations. Meanwhile, Article 25 of the criminal code penalizes public criticism of the emir, with penalties of up to five years in prison. Violations are reported frequently, as any citizen may initiate charges against an individual who they believe has committed an offense

under these laws. Kuwait does not have any legislation guaranteeing the right to access official information.

In May 2014, the government adopted a law creating the Commission for Mass Communications and Information Technology to regulate digital communications in the country. The communications minister oversees the new agency, which has sweeping regulatory powers over companies that provide phone, internet, cable, and satellite services. The commission may grant or revoke licenses without explanation, and can direct providers to censor undesirable content that “harms public order.” The body’s members were appointed in October, although it remained unclear if they had begun operations at year’s end. The law also penalizes the communication of “immoral messages” on digital platforms with prison terms of up to two years. Critics voiced concerns that the commission’s powers are both broad and vaguely defined, and that the law does not provide for judicial review.

All publishers are required to obtain an operating license from the Ministry of Information (MOI) to launch daily newspapers, and the 2006 press law requires capital of at least 250,000 dinars (\$893,000) for the establishment of a paper. However, the MOI’s regulatory power is subject to some limits—the ministry must issue a license or provide an explanation for its refusal within 90 days of application, and refusals can be appealed in court. Media licenses, once given, may not be revoked without a court order. The authorities monitor online communications for defamation and security threats, and the Ministry of Communications (MOC) blocks websites that are suspected of “inciting terrorism and instability.”

In January 2014, activist Abdullah Fairouz Abdullah Abd al-Kareem was convicted of insulting the emir in a case stemming from a series of critical remarks he made on Twitter. He received a five-year prison sentence and was ordered to leave Kuwait after his release, a sentence upheld on appeal. In April, popular blogger Mohammed al-Ajmi was also arrested on charges of insulting Kuwait’s emir, though he was later acquitted. In August, al-Ajmi was arrested again and charged with blasphemy over posts on Twitter in which he criticized a popular religious leader. He was released after eight days, but the charges remained pending at year’s end. In June, activist and blogger Hijab al-Hajri was sentenced to two years in prison on charges of insulting the emir and attempting to overthrow the government.

The Kuwaiti government rescinded the license of the *Alam al-Youm* newspaper and Al-Youm TV in July. The MOI claimed that the outlets failed to respect conditions for obtaining licenses, but some observers suspected the outlets were facing retribution for critical reporting. *Alam al-Youm* and another daily, *Al-Watan*, were suspended earlier in the year for failing to follow an order to not report on an attempted coup in Kuwait. Following the July suspension of *Alam al-Youm* and Al-Youm TV, the government stripped the outlets’ owner of his Kuwaiti citizenship, rendering him ineligible to own media under the 2006 press law, which restricts ownership to Kuwaiti nationals.

Political Environment

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 MOI can censor all books, films, and periodicals that it deems to be morally offensive. However, in practice, the ministry does not regularly interfere with or restrict access to news, and the Kuwaiti media sector is considered more critical and outspoken than many others in the region. More in-depth reporting and a greater diversity of opinions appear in newspapers than in broadcast media. Nevertheless, given the restrictions in media legislation and governmental intolerance of critical reporting, journalists on all platforms continue to practice self-censorship, as failure to do so often results in reprisals. In addition to legal and regulatory penalties, journalists and media outlets occasionally face physical harassment.

Economic Environment

Thirteen Arabic-language and two English-language newspapers circulate in Kuwait and are all 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. A small number of private radio and television stations are available for audiences in Kuwait, and satellite dishes are common. Although the advertising market remains limited, it continues to grow, partly due to an increase in the number of advertising agencies in the country. Wage levels for journalists at both state and private outlets are not high enough to discourage occasional bribery to influence coverage. Relatively low salaries have also dissuaded Kuwaiti nationals from pursuing journalism as a profession; many local media workers are noncitizens.

Approximately 78 percent of the population used the internet in 2014, and the government continued to debate how best to regulate this increasingly popular medium. Authorities require all internet service providers to install and operate systems to block certain types of political websites, in addition to websites carrying material that is deemed anti-Islamic, extremist, or pornographic. However, the blocking policies are not always clear or consistent. Internet café owners are required to record the identities of their customers and must disclose this information to the MOC upon request.

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