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Freedom Of The Press - Kuwait (2011)

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

Kuwait's media environment, long considered one of the most open in the Middle East, regressed in 2010 amid increasing self-censorship, intimidation, and government pressure. 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. Over 600 alleged violations of the law were reported in 2010, a dramatic increase from 2009. Further amendments were proposed by the Ministry of Information (MOI) in January 2010 after a local television station aired a story that was offensive to tribal families. The amendments, which had not been adopted at year's end, would increase penalties for slander and libel and criminalize speech that "threatened national unity."

Any citizen may press criminal charges against an author who they believe has violated the press law. 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). The government enforced the press law during 2010, including for internet-related offenses, and often in conjunction with other criminal charges. Mohamed Abdelqader al-Jassem, the founding editor of the Arabic editions of *Foreign Policy* and *Newsweek*, has been under attack by the authorities since November 2009, when he was arrested for accusing the progovernment media of fueling religious tension in the country. Al-Jassem faced more than 18 charges stemming from his newspaper articles, including "slight to the personage of the emir" and "instigating to dismantle the foundations of Kuwaiti society." He spent 49 days in jail before his trial, and in November 2010 he was convicted of criminal defamation and sentenced to one year in prison, though the sentence was later reduced to three months on appeal. All of the other charges were pending at year's end.

All publishers are required to obtain an operating license from the MOI to launch a daily. 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 outlet 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.

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 Kuwait 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 2010, as failure to do so often results in reprisals. On March 7 alone, three newspapers were fined 3,000 dinars (\$800): *Alam al-Yaum*, for publishing an article by al-Jassem, who was personally fined the same amount; *Al-Ruia*, for publishing comments made by a legislator in the National Assembly in which he criticized divisions within the ruling family; and *Al-Nahar*, for publishing an article that was deemed offensive to the ruling family.

Journalists and media outlets occasionally face physical harassment. In October 2010, 10 people were injured when the headquarters of the privately owned satellite television station Scope TV was attacked by an armed mob searching for the station's owner, Fajr al-Saeed, and her brother, Mohammed Talal al-Saeed. Fajr al-Saeed was under criminal investigation at the time for airing a comedy show that mocked members of the parliament. The show was pulled from the air in August after three episodes, and al-Saeed was accused of "inciting the overthrow of the government" and "pressuring for a change of regime through use of force." She could face the death penalty or life in prison; the date of the trial had not been set by year's end. The October attack appeared to be in response to comments made by a Scope TV talk-show host the previous day, implying that a member of the ruling family (also a ministry official) was responsible for the legal action against al-Saeed.

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. During the demonstration, journalist Mohamed al-Sindan of the daily *Al-Seyassah* was severely beaten. The Al-Jazeera office remained closed at year's end.

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. Private newspapers have their own presses and 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 were not high enough to discourage occasional bribery to influence coverage. Low salaries have also dissuaded many Kuwait 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 38 percent of the population used the internet in 2010, more than six times the percentage in 2000. The government continued to debate how best to regulate this growing medium. The government monitored internet communications for defamation and security threats, and the Ministry of Communications (MOC) continued to block websites suspected of "inciting terrorism and instability." The state already requires all internet-service providers to install and operate systems to block websites carrying material that is deemed anti-Islamic, 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 obtain the names and identification of internet users and must turn over the information if requested by the MOC. A draft law that would further regulate internet usage was proposed in 2009 but did not pass during 2010.