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FREEDOM OF THE PRESS

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Kuwait

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Throughout 2012, political crises and demonstrations led to government shutdowns of opposition media outlets and Twitter microblog accounts, constraining Kuwait's relatively open media environment. 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." Although the Press and Publications Law, revised in 2006, 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 under the 2006 amendments, and the offense now draws up to one year in prison and fines of up to 20,000 dinars (\$71,000). 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 actively enforced the press law during 2012, including for

internet-related offenses, and often in conjunction with other criminal charges. In February and March, during campaigning for parliamentary elections, the Shiite-oriented newspaper *Al-Dar* was repeatedly suspended for allegedly inciting sectarianism. The paper's editor, Abdul Hussein al-Sultan, was fined and given a suspended six-month prison sentence. In April, Scope TV was fined 500,000 dinars (\$1.8 million) for airing content that was offensive to the ruling family. Defamation charges also continue to be used against journalists. Among other cases during the year, writer Mohamed al-Melify was sentenced to seven years in prison for spreading false news about sectarian strife in Kuwait and for libeling member of parliament Ahmed Lari via Twitter, though an appellate court reduced the prison term to six months in May.

Amendments to the press law proposed in 2011 would prescribe harsher penalties and implement a tighter monitoring system for violations. The draft changes included a ban on attributing any act or statement to the emir or the crown prince without prior written permission. Under another provision, those engaged in broadcasting activities without permission would be subject to two-year prison sentences and possible fines of 100,000 to 300,000 dinars (\$360,000 to \$1.1 million). In addition, the equipment used for broadcasting would be confiscated, and the broadcasting facility would be shut down. Jail time and fines would also be imposed for incitement, undermining national unity, and causing internal strife. The draft amendments had yet to be enacted at the end of 2012. Kuwait does not have any provisions guaranteeing the right to access official information.

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 (\$893,000) to establish a paper, the government licensed six new daily Arabic-language newspapers in 2007. In September 2012, the new opposition-affiliated television station El-Nahg was shut down 24 hours after its launch. In December, another opposition-affiliated television station, Al-Youm, was shut down and had its broadcasting permits revoked for "failing to meet administrative conditions." Some activists asserted that the shutdown was a result of the station's coverage of corruption.

The authorities monitor internet communications for defamation and security threats, and the Ministry of Communications (MOC) blocks websites that are suspected of “inciting terrorism and instability.” In March 2012, the website for the nonpartisan weekly *Al-Watan* was blocked. An ongoing crackdown on Twitter users escalated further in 2012, with some reports indicating that over 600 users had been detained and over 150 charged with insulting the emir on their Twitter accounts.

The MOI can censor all books, films, and periodicals it deems morally offensive. However, in practice, it does not regularly interfere with or restrict access to news, and the Kuwaiti media sector is considered more critical and outspoken than many 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 restrictions in the press law and an atmosphere of increased governmental intolerance toward critical reporting, journalists 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.

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 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. However, the bureau reopened in January 2012.

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. Relatively low salaries have also dissuaded Kuwaiti nationals from pursuing journalism as a profession, meaning many local media workers are noncitizens.

About 79 percent of the population used the internet in 2012, and the government continued to debate how best to regulate this growing medium. 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.

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