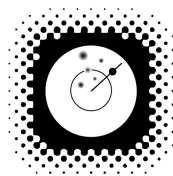


Kuwait



Overview

Though the media in Kuwait is among the most outspoken in the Gulf states, journalists self-censor on issues related to the royal family. The primary target of Internet filtering is pornography and, to a lesser extent, gay and lesbian content. Secular content and Web sites that are critical of Islam are also censored. Some Web sites that are related to religions other than Islam are blocked even though they are not necessarily critical of Islam.

Background

Kuwait is a constitutional monarchy with a National Assembly (Parliament) of 50 members elected by popular vote. Despite a ban on political parties, formal political groups exist which support MPs and other political candidates.¹

The media in Kuwait is the most outspoken in the Arab world and “often aggressive in their coverage of politics and the government,” but journalists exercise self-censorship when covering matters relating to the *emir* (President) and members of the royal family.²

In 2006 a new press law was instituted which granted the media more autonomy. Many previous press offenses have become legalized, the press market is open to new political daily newspapers (previously the number was limited), and “media outlets can also file a complaint with an administrative court if the authorities refuse to grant them an operating license.”³ However, the law has also become more stringent concerning religious or national matters. Journalists can now face prison time for making references to Islam that are deemed insulting⁴ or for articles seen as “against national interests.”⁵ New daily newspapers must have a great deal of capital in order to receive a license.⁶ The Ministry of Information also censors imported media “deemed morally offensive.”⁷

Internet in Kuwait

Kuwait is one of the “fastest-growing ICT markets in the region” and continues to grow.⁸ However, its attempts to strengthen its ICT sector witnessed a setback in September 2007, when leading mobile

RESULTS AT A GLANCE

| Filtering | No evidence of filtering | Suspected filtering | Selective filtering | Substantial filtering | Pervasive filtering |
|-------------------|--------------------------|---------------------|---------------------|-----------------------|---------------------|
| Political | | | ● | | |
| Social | | | | | ● |
| Conflict/security | | | ● | | |
| Internet tools | | | | | ● |

| Other factors | Low | Medium | High | Not applicable |
|---------------|-----|--------|------|----------------|
| Transparency | | ● | | |
| Consistency | | ● | | |

KEY INDICATORS

| | | worst | best |
|---|--------|-------|------|
| GNI per capita, PPP (current international \$)..... | 26,321 | | |
| Life expectancy at birth (years)..... | 77.3 | | |
| Literacy rate (% of people age 15+)..... | 93.3 | | |
| Human development index (out of 177)..... | 33 | | |
| Rule of law (percentile)..... | 71 | | |
| Voice and accountability (percentile)..... | 34 | | |
| Digital opportunity index (out of 181)..... | 60 | | |
| Internet users (% of population)..... | 31.6 | | |

operator and a major regional carrier Zain announced it would be moving its international headquarters to Bahrain due to Kuwait's lack of an independent telecoms regulator.⁹

Currently, partial competition between about thirteen Internet service providers exists despite a monopoly on international gateways.¹⁰ Kuwait has an Internet penetration rate of 31.57 percent (2008), and there are 22.33 computers per 100 people (2005).¹¹

In June 2008, Kuwait launched an annual competition to encourage its youth to create local content on the Internet. The presidential initiative aims to narrow the digital divide between Kuwait and the developed world.¹²

According to one survey, "in Kuwait, 54 percent of internet users spend more than three hours a day online."¹³ As the majority of the Kuwaiti population can afford to have Internet services at home,¹⁴ Kuwait has fewer Internet cafes than other Middle Eastern countries.¹⁵

Legal and regulatory framework

The Constitution says that everyone has the right to "express and propagate" their opinion as long as it is "in accordance with the conditions and procedures specified by law."¹⁶ Article 37 and Article 39 guarantee the freedom of press and communication under these similar

"circumstances and manners specified by law."¹⁷ Article 49 of the constitution affirms that "respect for Public morals are a duty incumbent upon all inhabitants of Kuwait."¹⁸

Journalists in Kuwait have no easy access to official information and are under pressure from the judiciary. Though press offences are no longer punishable by prison sentences, the threat of huge fines still looms over many media workers.¹⁹

The Ministry of Communication regulates ISPs in Kuwait, forcing them to block pornography, anti-religion, anti-tradition, and anti-security websites to "protect the public by maintaining both public order and morality."²⁰

Both private ISPs and the government take actions to filter the Internet. While private ISPs freely block Web sites "considered to be immoral and/or politically sensitive,"²¹ the Ministry of Communications censors sites considered to "incite terrorism and instability," shutting down Web sites critical of the government or seen to support terrorism.²²

Voice over Internet Protocol is illegal in Kuwait.²³ Not only have many VoIP Web sites been blocked by the MOC, but expatriates have been deported for using or running VOIP services.²⁴

In early 1999, the Kuwait Institute for

Scientific Research (KISR) was commissioned by the Ministry of Communications to undertake the responsibility of establishing, managing and operating the Kuwait Top Level Domain Name System.²⁵ The KISR does not register domain names which are “injurious to public order or to public sensibilities or otherwise do not comply with the laws of Kuwait.”²⁶

In August 2007, a Kuwaiti journalist was arrested for comments posted on his blog by an anonymous user who insulted the emir of Kuwait. The press freedom organization Reporters Without Borders implored authorities to drop planned charges because, “[h]is arrest and the decision to charge him are incomprehensible as his only crime is running a website.” The journalist was released on bail three days later, “once the authorities were in a position to identify the person who posted the anonymous comment” and because the comments were posted without the journalist’s consent.²⁷

On September 22, 2008, Kuwaiti authorities called for the blocking of YouTube in response to several videos declared “offensive to Muslims.”²⁸ Several Kuwaiti Members of Parliament called for stricter restrictions on online content following the incident.²⁹

Surveillance

There are reports of current as well as future government Internet surveillance and monitoring efforts in Kuwait. For example, Internet café owners are required to maintain a record of customers’ names and IDs, which they must submit to the Ministry of Communications (MOC) upon request.³⁰ In May 2002, fifty Internet cafés had their licenses temporarily revoked by the MOC for offering access to pornographic web sites³¹, a matter that indicates that the

government is monitoring Internet use in Internet cafés.

In July 2008, the Ministry of Commerce and Industry said that it “put under surveillance one of the commercials issued by a private company which lured youth to start talking with members of the opposite sex” on the Internet. The Ministry of Commerce and Industry also asked the Ministry of Communications to investigate Internet chat rooms which “promote immorality”.³² In the same month, a Member of the Parliament asked to hold the Minister of Communications liable for “unethical activities” on the Internet. He also called on the telecommunications companies to “screen the messages” and to hold the Minister of Communications liable for the transit of offensive messages.³³

Kuwait’s Minister of Communications, who is also the Minister of Religious Endowment and Islamic Affairs, announced in February 2008 that the government plans to present a new law for monitoring and regulating Web sites and blogs,³⁴ “with the aim of protecting public order, ensuring respect for decency and preserving the values of Kuwaiti society.”³⁵ In July 2008, Kuwait’s prosecutor general announced that he had prepared a bill that will criminalize promoting vice and incitement against the country’s leadership, divulging state secrets, or insulting Islam on the Web. Offenders will face up to one year in prison (seven if victims are minors) and/or a fine.³⁶ Kuwaiti bloggers said the proposed Internet law aims to silence critical bloggers and, as one of them said, “This law is a way to control what bloggers publish online; the government wants to know ‘who is this blogger?’”³⁷

ONI testing results

ONI in-country testing was conducted using the ISPs Fasttelco and Zain.

The results show that Kuwait's Internet filtering regime targets mostly Internet porn, including Arabic forums that facilitate the exchange of explicit Arabic content. Gay and lesbian content was also censored (www.gayonthenet.net, www.freegaypornfinder.com, www.lesbiansubmission.com)

Also blocked were some Web sites that promote secularism (www.secularkuwait.net) or atheism (www.atheistskuwait.com) or are critical of Islam (nawafco.blogspot.com, www.answering-islam.org).

The Web site Hindu Universe (www.hindunet.org) and that of the Jewish Defense League (www.jdl.org) were also found to be blocked.

As in many other countries in the region, the Web site of the US based publication Arab Times (www.arabtimes.com), a publication that is often critical of Kuwait and other Arab leaders, was found to be blocked.

The Web site pc2call (<http://www.pc2call.com>), which provides VoIP services, was found to be blocked.

Conclusion

The censors in Kuwait publically acknowledge targeting content deemed immoral and politically sensitive, and that which incites terrorism. The filtering system evidently blocks access to porn, gay and lesbian content, secular sites and those which present critical reviews of Islam. The use of VoIP is illegal, and the authorities have deported expats who are found to use it. There are cases of Internet surveillance efforts as well as calls from officials to monitor online activities. Laws that are more restrictive of online activities are being proposed by the government.

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