



## **Economic and Social Council**

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**Committee on Economic, Social and Cultural Rights**  
**Pre-sessional working group**

### **List of issues in relation to the second periodic report of Kuwait, adopted by the pre-sessional working group at its fiftieth session (3–7 December 2012)**

**Addendum**

### **Replies of Kuwait to the list of issues\* \*\***

[20 August 2013]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

\*\* Annexes can be consulted in the files of the Secretariat.

### **Reply to issues raised in paragraph 1 of the list of issues (E/C.12/KWT/Q/2)**

1. Since the State submitted its first national report to the Human Rights Council for consideration at the universal periodic review held in May 2010, it has made every effort to liaise with civil society organizations on the preparation of human rights reports. These organizations include the Kuwait Society for Human Rights, the Kuwait Association for the Basic Evaluators for Human Rights and the Kuwait Bar Association.
2. Reports have been disseminated concerning the Convention on the Elimination of All Forms of Racial Discrimination (29 March 2013), the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the concluding observations and recommendations adopted by the aforementioned treaty bodies (30 January 2012).
3. The State can confirm that it will follow the guidelines when preparing its forthcoming reports.

### **Reply to issues raised in paragraph 2 of the list of issues**

4. As soon as treaties that have been ratified by the State enter into force, they become an integral part of Kuwaiti law, become binding on all government bodies, institutions and persons, and must be applied by the Kuwaiti courts. This is stipulated in article 70 of the Constitution, which provides: "The Amir shall conclude treaties by decree and immediately transmit them, together with an appropriate statement, to the National Assembly. A treaty shall acquire the force of law once it has been signed, ratified and published in the official gazette."
5. This means that treaties can be directly applied in the framework of the country's legal and judicial order. That international treaties ratified by the State are directly applicable is best illustrated perhaps by various rulings that form part of the case law of the Kuwaiti Court of Cassation. There is nothing to prevent the Kuwaiti courts or any other kind of judicial body from applying the provisions of a ratified international treaty in a ruling.

### **Reply to issues raised in paragraph 3 of the list of issues**

6. The Private Sector Labour Act (No. 6 of 2010) deals with the economic sphere and does not allow for any discrimination between Kuwaiti workers and migrant workers. As at 30 June 2012, the workforce in Kuwait consisted of 1,224,009 migrant workers and 45,737 nationals. The Act regulates labour rights without allowing for any discrimination between workers who are citizens and those who are not. This is made clear in article 6 of the Act.
7. In the social domain, non-citizens have the right to join civil society organizations, be they charitable associations or labour organizations, and to use their services. Non-citizens may also be admitted to Ministry of Social Affairs and Labour shelters on humanitarian grounds. The figures below show how many persons had used these facilities as of January 2013 and what their nationalities were. The total number of beneficiaries was 982, and this figure is broken down as follows:

**A. Persons with disabilities**

<i>Name of institution</i>	<i>Nationality</i>				<i>Total</i>
	<i>Kuwaiti</i>	<i>Gulf</i>	<i>Migrant</i>	<i>Illegal alien</i>	
Persons with disabilities (women and children)	118	22	17	19	<b>176</b>
Persons with disabilities (men)	83	9	11	18	<b>121</b>
Social rehabilitation (women and children)	89	13	13	12	<b>127</b>
Social rehabilitation (men)	127	15	16	14	<b>172</b>
Day care	69	3	6	13	<b>91</b>
Autism	3	1	-	-	<b>4</b>
Early intervention	78	7	58	13	<b>156</b>
Medical rehabilitation	38	43	-	-	<b>81</b>
<b>Total</b>	<b>605</b>	<b>113</b>	<b>121</b>	<b>89</b>	<b>928</b>

**B. Young persons, by governorate, 2012**

<i>Governorate</i>	<i>Nationality</i>		<i>Total</i>
Capital	39	1	<b>40</b>
Jahra	173	181	<b>354</b>
Hawalli	52	31	<b>83</b>
Farwaniya	117	61	<b>178</b>
Ahmadi	76	14	<b>90</b>
Mubarak al-Kabir	23	11	<b>34</b>
<b>Total</b>	<b>480</b>	<b>299</b>	<b>779</b>

**C. Older persons**

8. In 2013, home-based care services have been provided to 3,289 persons – 2,908 Kuwaiti nationals, 173 illegal aliens and 114 nationals of States members of the Gulf Cooperation Council.

**Reply to issues raised in paragraph 4 of the list of issues**

9. Part I: Following the adoption of the decree providing for the establishment of the Central Agency [to Regularize the Status of Illegal Aliens], the Cabinet adopted a road map which was used to produce the following results:

**A. Illegal aliens were divided into the following three categories:**

1. Those who had applied for regularization of their status;
2. Those who could be eligible for naturalization pursuant to the Kuwaiti Nationality Act (No. 59/15);
3. Those whose names had been put forward for issuance with a residence permit.

B. Temporary identity cards that were approved by the Cabinet in Decision No. 2012/1010 have been issued to all government agencies in Kuwait. The type of card that is issued depends on the legal status of the recipient and the category to which the person belongs. The cards are used to gain access to services and benefits. Education and health services are offered to all persons without discrimination.

C. Tables with the names of candidates for naturalization were submitted. Three contained 141 names of children of Kuwaiti women who were divorced or widows. One table contained 225 names (relatives of Kuwaiti nationals and family members who had been in Kuwait a long time) of candidates for naturalization who satisfy all the legal criteria and conditions.

D. As at 31 May 2013, 3,331 people had regularized their status.

E. Cabinet Decision No. 409/2011 was issued to open up access to social and civic facilities, services and benefits provided in coordination with State agencies. The following steps have been taken.

(a) Completely free care is available for the indigent through the Health Care Charitable Fund;

(b) Completely free education services are provided through the Child Education Charitable Fund;

(c) Access is provided to civil registration documents (birth, death, marriage and divorce certificates, wills and inheritance documents and driver's licences). There is now a box marked "non-Kuwaiti" on these documents. There has been a sharp rise in the number of applications from non-Kuwaitis for civil registration documents. In the period between April 2011 and March 2013, 17,736 attestations and 1,072 death certificates were issued. In 2012, 921 marriage contracts, 93 divorce certificates and 215 powers of attorney for inheritance cases were issued, together with 15,416 official declaration notices. As many as 34,286 driver's licences had been issued as of March 2013, and 3,186 vehicle registration, transfer of ownership or document renewal procedures were completed in 2011;

(d) Persons in this category with disabilities can use the services of the Higher Council for Persons with Disabilities, provided that they meet a number of criteria, which include the following:

- They have visited the Council, have been referred to two medical panels to compile a medical report and have been issued with a special identity card;
- They have an official disability certificate that has been endorsed by the authorities;
- They have been issued with official letters, addressed to the Bayt al-Zakat charity and the Sickness Support Fund, which they can use to utilize the services that these two entities offer;
- They have been issued with special vehicle stickers to ensure their safety while travelling;
- For children with disabilities whose fathers belong to the military or the police, child benefit is paid under the same conditions as apply to Kuwaiti nationals;
- Full educational support is offered to children with disabilities whose mothers are Kuwaiti nationals;
- Based on information provided in medical reports, monthly coupons worth 30 Kuwaiti dinars (KD) will be issued in cases of need for children with disabilities whose mothers are Kuwaiti nationals;

- An allowance of KD 300 has been made available for women with disabilities who are illegal aliens and are married to Kuwaiti nationals or who have a Kuwaiti child with a disability and are divorced from Kuwaiti nationals or are their widows. Payment is made retroactively, with effect from the date on which the General Authority for Persons with Disabilities was established;
- Kuwaiti women who have a child with disabilities are issued with work-reduction certificates;
- A new section (Donations and Assistance Section) was set up and its organizational structure is being developed. The section will provide in-kind and financial assistance to illegal aliens;

(e) All kinds of powers of attorney documents are issued by the Documentation Department;

(f) Steps are being taken to offer these persons access to employment in the government and private sectors, depending on the needs of each sector;

1. In the government sector, an agreement was reached with the Civil Service Department on the qualifications that such persons must have (a diploma, a baccalaureate certificate, a Master's degree, a doctorate). They must have been registered in the 1965 census or be able to prove that they have been in the country for a long time in order to be eligible to work for the Department. Appointments are made to posts in government agencies based on work demand;

2. New categories of persons were added to the lists for employment by State ministries. They are:

- Those who regularize their status and to whom passports for their home country are issued as a precautionary measure;
- Children of military personnel that have taken part in combat or that took part in the war for the liberation of Kuwait;
- Children who are illegal aliens and whose mothers are Kuwaiti nationals;
- People with diplomas in nursing or emergency health care;
- Wives of Kuwaiti nationals who have a child or who have been married for five years or more;
- Graduates of sharia secondary schools;

3. The number of such persons who are employed by various State ministries is 965. Of these people, 620 are employed by the Ministry of Health, 254 by the Ministry of Education, 31 by the Ministry of Awqaf (Endowments), 17 by the Ministry of Public Works and 16 by the Ministry of Electricity. The rest work in other ministries. The Civil Service Department has agreed to grant a housing allowance to eligible women teachers under the same conditions apply to their non-Kuwaiti counterparts;

4. In the private sector, employment is given to students who hold a general secondary education certificate or a lesser qualification. The students register on a website that was created by the Kuwait Chamber of Commerce and Industry in conjunction with the Ministry of Social Affairs and Labour and are assigned posts in the private sector based on the availability of job openings.

F. Food vouchers are issued to those who need them.

10. The Kuwaiti charity Bayt al-Zakat assists illegal aliens who are indigent. In 2012, it dispensed assistance worth KD 13,606,474 to a total of 12,892 families. In 2012, it supplied in-kind assistance — food and other items — to 5,421 families, representing a total of 37,947 individuals. The total cost was KD 1,052,410.

11. On the cultural front, the State offers illegal aliens the opportunity to participate in cultural life. For example, these persons can be members of civil society organizations and associations and can participate in their activities. They can also join sports clubs.

12. As for the second part of the question in the concluding observations, some difficulties do arise with regard to access to services. Decisions need to be issued by the ministerial departments concerned in order to allow for the delivery of services, and budgets also need to be allocated. The Central Agency and ministerial departments are working together to make this happen. Indeed, some ministerial decisions have already been issued (a Ministry of Social Affairs and Labour decision on employment of persons in this category, a Ministry of the Interior decision on access to driver's licences, and a Ministry of Commerce and Trade decision on food supplies).

### **Reply to the issues raised in paragraph 5 of the list of issues**

13. The State is committed to applying this principle and constantly monitors businesses so as to make sure that they comply with this requirement. Some businesses receive no applications from persons with disabilities.

14. As for the question of “reasonable accommodation”, article 5, paragraph 1, of the Rights of Persons with Disabilities Act (No. 8 of 2010) defines the concept as consisting in the making of necessary adjustments and arrangements in a given situation to ensure that persons with disabilities can exercise all human rights and fundamental freedoms on an equal footing with others.

15. The concept of “reasonable accommodation” for persons with disabilities is applied in several different ways, including, but not limited to, the following:

1. Different types and degree of disability are taken into account in the design of public and private buildings and facilities;
2. Special parking spaces are provided outside government and private buildings;
3. Different types of medical treatment and assistive devices are provided based on the degree of disability of the recipient;
4. Students with disabilities are enrolled in appropriate educational institutions, due account being taken of the nature and the degree of their disability. They have access to educational services and aids and are taught by specialist teachers. Suitable curricula and syllabuses are designed to build on their skills;
5. All ministries and government agencies have offices that provide special services for persons with disabilities, including the services of an interpreter who knows sign language and of an assistant for blind persons;
6. Financial assistance is provided to persons with disabilities and their carers so as to guarantee them a decent life;
7. Suitable posts are offered in ministries and government agencies, with account being taken of the person's specialization and of the nature and degree of his or her disability. A retirement pension is paid to men after 15 years of service

and to women after 10 years. Except as otherwise provided under Civil Service Department rules, the pension is 100 per cent of the salary.

16. As for how the principle of “reasonable accommodation” is enforced with respect to the obligations of employers, the following measures have been put in place:

- Persons with disabilities are assigned suitable work, depending on their specialization and the nature and degree of their disability;
- Working hours for persons with disabilities have been reduced by two hours per day (paid);
- Working hours for those who care for persons with severe disabilities have been reduced by two hours per day (paid);
- Special parking spots at workplaces are designated for persons with disabilities in order to facilitate access to buildings;
- Special means of transport are laid on so that persons with disabilities of different kinds and degrees can get to work.

### **Reply to issues raised in paragraph 6 of the list of issues**

17. The principle that there must be no discrimination between women and men in any domain is scrupulously upheld in Kuwaiti law. The only exceptions relate to gender differences and to provisions of the sharia. Some of the relevant laws are described here below.

#### **A. Personal Status Code**

18. The Personal Status Code (Act No. 51 of 1984) provides as follows:

- Article 126 of the Personal Status Code states that spouses may seek a divorce on the ground that their partner has said or done something that has caused them harm and that makes it impossible for them to continue to live together. Article 127 of the Code, as amended by Act No. 29 of 2004, provides: “The court shall do its utmost to reconcile the couple. If reconciliation is not possible and if there is evidence that harm has been done, the court shall issue a judgement of irrevocable divorce. If there is no such evidence, the court shall appoint two arbiters to help decide on a reconciliation or divorce.” The Kuwaiti Court of Cassation, in its commentary on this article (ruling No. 298/2005, personal status case, session of 7 May 2006), states that, as indicated in the explanatory memorandum, the article was amended pursuant to Act No. 29 of 2004 so as to enable divorce courts to grant a divorce when irrefutable evidence is presented that harm has been suffered. This spares the courts from having to refer cases that meet these conditions to two arbiters, a requirement which draws out the proceedings;
- The burden of proof on women who are subjected to domestic violence and who file for a divorce on grounds of ill-treatment has been reduced. The courts have full authority to examine the facts and weigh up the evidence in order to decide whether there are grounds for granting a divorce because of the harm caused. As stated in the above-mentioned article: “Where one of the spouses harms the other in a manner that breaches the sharia, it shall be sufficient for the aggrieved party to prove that the other party did him or her harm, even if only once, for the court to grant a divorce.” If a wife is harmed in any way, she has the legal right to file for divorce;
- Section V of the Code contains provisions on breastfeeding, the right to care for young children (*hadanah*) and the conditions under which this right is granted.

Section VI sets out regulations on the obligation of parents to maintain their children. Article 202 of the Code states: “A father who can afford to do so shall pay maintenance for a child of his that is poor and unable to earn and shall do so until the child becomes self-sufficient.” Those considered unable to earn a living are minors and girls, the rule being that girls should not be exposed to the hardship of work and must not be pushed into work by their fathers, unless they actually have an income from a job or a trade. In such cases, they can be self-sufficient. Under the Code, students who are taken up with the pursuit of knowledge are deemed incapable of making a living.

## **II. Kuwaiti Criminal Code**

19. Some provisions of the Kuwaiti Criminal Code (Act No. 16 of 1960) are explained here below.

20. Acts of violence against the person are defined as offences under the Kuwaiti Criminal Code (arts. 161–164). The Code applies to all persons: no distinction is made between women and men:

- With regard to non-consensual sex with a female, the penalty for having intercourse with a female against her will, by means of the use of force, threats or deception, has been increased (Criminal Code, art. 186);
- Article 59 of the Code states that if a woman who is sentenced to death is found to be pregnant and gives birth to a live child, the death sentence will be commuted to life imprisonment. Article 14 of Act No. 3 of 1983, concerning young persons, states that a penalty of up to 10 years’ imprisonment will be imposed on a young person who commits an offence that carries a sentence of death or life imprisonment. Article 218 of the Code of Criminal Procedure states that if a woman who is sentenced to death is found to be pregnant, an order must be issued for a stay of execution. The original court must commute the sentence to life in prison.

## **III. Access to housing**

21. Article 9 [of the Constitution] states: “The cornerstone of society is the family, whose mainstays are religion, morals and patriotism. The law shall preserve family cohesion.” Access to housing is regulated by the Housing Act (No. 47 of 1993), as amended by Act No. 2 of 2011, under which provision is made for [granting housing to] additional categories of persons, as explained below:

- A paragraph was added to the end of article 15 stating that priority will be given to applications from Kuwaiti women married to non-citizens who are naturalized. The applications must have been accepted and registered in or before 1989 and the applicants will be deemed eligible to receive housing as of the date on which the husband is naturalized. These provisions apply without prejudice to those in the preceding paragraph, concerning persons who acquire Kuwaiti nationality by marriage. Moreover, the criteria for acceptance and registration of housing applications still apply;
- Five new articles were added to the Act (arts. 28 bis, 28 (a) bis, 28 (b) bis, 28 (c) bis and 33 bis). Article 28 bis states that, save as provided in article 28 of the Act, and without prejudice to the conditions concerning eligibility for a housing loan, the Credit and Savings Bank shall provide interest-free loans up to the credit limit specified in article 28 to divorced Kuwaiti women whose divorce is irrevocable, and Kuwaiti widows, only if they do not have children, do not qualify for housing pursuant to the Act and have not already exercised their right to housing, unless they then relinquish it;



- The Credit and Savings Bank may provide women applicants who qualify for a loan under the conditions set out in the preceding paragraph with suitable housing at a reduced rent instead of a loan.

22. Amiral Decree No. 324 of 2011 sets forth the conditions, regulations and procedures for granting housing loans and providing suitable housing pursuant to the Act. Families of women with disabilities, are cared for by the State and steps are taken to supply housing that meets the needs of persons with different kinds of disabilities. The relevant provisions are found in Minister of State for Housing Decision No. 564 of 1993.

#### IV. Social welfare

23. On the subject of care for older persons, the Kuwaiti legislature incorporated various social principles and provisions on regulatory frameworks for the delivery of the best possible care and protection for older persons into Act No. 11 of 2007, on elder care. These include the following:

- Residential care: Full services shall be available around the clock;
- Day care: This shall be provided to other groups of older persons who live with their families but use services such as physiotherapy that are provided at a residential care home;
- Home-based care: Free health, psychological and social services are provided, together with equipment and financial assistance. To underscore the importance of family and community cohesion and of older persons continuing to live with their families, the Ministry of Social Affairs and Labour (Department for the Welfare of Older Persons) provides home-based care for older persons. The Department has trained teams of specialists who undertake visits, free of charge, to older persons in their homes. A team offers physiotherapy sessions;
- Supplementary care: A system has been put in place to follow up on persons who have been left in institutions and offer them counselling;
- Legal assistance: This service is provided for older persons under the law on statutory welfare provision, which deals with cases of incapacity and which contains provisions designed to prevent wrongdoing against older persons. Under Act No. 11 of 2007, a family member or relative may be designated to care for an older person. The carer will be paid an allowance. Penalties are prescribed in the Act for failing to fulfil the duty of care.

24. The number of recipients of such services was as follows:

- Older persons: 1,914 men and 2,585 women, a total of 4,499 persons;
- Persons with disabilities: 489 males and 443 females, a total of 932 persons;
- Young persons: 309 males and 21 females, a total of 321 persons;
- Foster care: 500 males and 511 females, a total of 1,011 persons.

25. With regard to the exercise of social rights through civil society organizations, the law grants women the right to form and join public welfare associations and trade unions. There are six women's associations: the Women's Sociocultural Association; the Bayadir al-Salam Association; the Islamic Welfare Association; the Kuwaiti Voluntary Association for Women; the Federation of Kuwaiti Women's Associations; and the Girls' Sports Club.

**V. Public assistance**

26. Act No. 9 of 1962, concerning public assistance, was adopted to provide all Kuwaitis living under the protection of the State with a cushion against the unpredictable events in life. Act No. 5 of 1968 was subsequently issued to address shortcomings in the previous law. A number of revisions were later made to that Act, most recently through Act No. 12 of 2011, concerning public assistance. The Act sets out the rules and regulations for the delivery of assistance for Kuwaiti families and nationals. It covers the main risks that Kuwaiti families tend to face, namely: loss of the provider, as in the case of widows and orphans; illness or incapacity of the provider; inability of the provider to maintain the family, as in the case of a person in financial difficulty or of a prisoner; and other special cases, such as tragedies that beset families who do not belong to categories that are entitled to assistance. Under the Act, additional assistance may be given to families and individuals in order to help them deal with a given problem or to achieve social goals other than those already mentioned.

27. In addition, the State offers financial assistance to Kuwaiti nationals who need it through the Ministry of Social Affairs and Labour. The Government made amendments to the Public Assistance Act in order to develop the system of public assistance such that people can enjoy a decent standard of living. According to Amiral Decree No. 23 of 2013, concerning eligibility for public assistance and means testing, widows who have not remarried are entitled to public assistance. The same applies to divorced women, meaning women who have completed the waiting period following termination of a valid marriage that has or has not been consummated. The decree states that assistance shall be given to prisoners' wives and children. Each wife is considered as a separate household for the purposes of assessing the assistance to be supplied, as are women of over 18 years who have no provider and women of between 35 and 60 years who do have a provider. Women married to non-Kuwaitis and married Kuwaiti women aged over 55 who have no known source of income can also receive public assistance. These are all public assistance benefits that are offered to Kuwaiti women.

**VI. Prisons Act**

28. The laws on Kuwaiti prisons draw on a policy of prisoner reform and rehabilitation whose goal is to ensure that prisoners return to society and conduct themselves as upstanding citizens after they have served their sentence. This is stated in the Prisons Regulation Act (No. 26/1962), a national law which is formulated in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners. The same rules apply to both male and female prisoners. Some examples are provided below:

- The role of prisons in prisoner rehabilitation and reform has been strengthened. An experiment is run by the Al-Rashad Centre for Men and by the Al-Rashad Centre for Women, which are both working to create the kind of environment that will encourage male and female inmates to change their behaviour for the better;
- Rehabilitation programmes are organized, including, integrated cultural programmes, talks on moral behaviour, weekly occupational workshops, computing courses and a programme to treat drug addiction;
- Additional activities include boat trips, spring camps and exchanges of visits. Prisons and equivalent institutions in Kuwait are subject to various forms of monitoring and supervision. A decision was taken that penal institutions would self-monitor (the executive) and precise and detailed rules have been established on technical oversight of the criminal justice system. The Office of the Public Prosecutor carries out oversight functions in accordance with the Judicial Regulation Act (Act No. 23 of 1990);

- There is a level of technical oversight of the system. Article 56 of Decree-Law No. 23 of 1990 provides: “The Office of the Public Prosecutor shall oversee prisons and other facilities in which criminal sentences are served.”

29. As for medical services, there is no shortage of health-care provision in Kuwaiti prisons. Access to health care is one of the key issues addressed in the laws and regulations on prisons. These laws provided for the establishment of the Central Prison Hospital, which has all the latest medical equipment and serves all inmates at the prison. The hospital is overseen by the Ministry of Health Department of Medical Services.

30. Law enforcement officers who work in prisons are given human rights training, in line with the goals that the State pursues as a party to international human rights treaties.

## **VII. State development plan and the advancement of women (women’s economic empowerment)**

31. The five-year, medium-term development plan (2010–2014) that is annexed to Act No. 2010/9 contains a section on human development policies that includes the following statement:

- Increase the number of private sector jobs in order to absorb approximately 65 per cent of all new labour market entrants who belong to the national workforce; this entails 14,000 jobs on average each year. The intention is to give Kuwaiti women and youth access to private sector employment. Laws on small and medium-sized enterprises will be enacted to raise the proportion of private sector jobs occupied by nationals from 17 per cent (2008) to 30 per cent by the time that the development plan is completed.

32. The Ministry of Social Affairs and Labour runs the following project in the framework of the development plan.

### **Women’s economic empowerment project**

33. Paragraphs 1, 2 and 3 of the development plan provide for:

(a) The social empowerment of Kuwaiti women through measures to strengthen their political rights, enhance their participation in decision-making, expand opportunities for their social participation and overcome the obstacles to the realization of legitimate gains for women;

(b) Development of an institutional mechanism to monitor issues that affect women, young persons and families, to track progress and setbacks that these groups face, and to recommend solutions;

(c) Delivery of housing assistance to certain groups of women through a housing fund set up to serve over 60,000 women (divorcees, widows, women married to non-Kuwaitis, and single women).

## **VIII. Role of Kuwaiti women in political and public life (women’s political empowerment)**

34. Kuwaiti women now exercise their political rights as voters and candidates in parliamentary elections. This is best illustrated by the recent wins secured by women candidates in the National Assembly elections. The international community has commended Kuwait on the progress that it has made in regard to women’s political rights. Kuwaiti women hold top positions in the economic, social and cultural sectors and now positions as government ministers, deputy ministers, managing directors, entrepreneurs, university professors, researchers at specialized science centres in Kuwait, jurists and lawmakers. A number of women have seats in the Municipal Council. The fact that women

now take part in the political decision-making process clearly shows that there is no discrimination against women.

**IX. Measures taken by the State to provide for the advancement of women**

35. Measures have been taken to encourage women who are subjected to physical or sexual violence in the home to report the matter to the police. Medical, psychological and legal assistance and suitable temporary accommodation is offered to women in this situation. In this connection, attention is drawn to the following:

- A bill has been prepared on the establishment of family courts in each governorate to hear private cases. The courts would have jurisdiction to hear cases involving any Kuwaiti or non-Kuwaiti national, regardless of his or her religion;
- The Community Policing Department was set up to assist victims of crime and provide them with psychosocial support and to help resolve, through mediation, individuals' problems, as well as disputes and conflicts within families and between neighbours.

36. The Higher Committee on Human Rights was established under the chairmanship of the Minister of Justice pursuant to Ministerial Decision No. 104 of 2008. Its subcommittee — the International Liaison Committee — drafts the periodic reports that Kuwait is required to submit under human rights treaties. The committee members represent various entities: the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Social Affairs and Labour, Kuwait University, and the Ministry of Awqaf and Islamic Affairs.

37. A human rights office is being set up to receive, examine and investigate complaints regarding human rights abuses, to follow up on the implementation of international human rights treaties, to issue periodic reports on the human rights situation in Kuwait and to offer advice on the legal procedures for addressing human rights abuses. The functions assigned to the office in support of human rights in Kuwait are consistent with international human rights principles.

38. The State revises the laws that are in force in order to bring them into line with international norms and to highlight the importance of equality and justice in Kuwait. To this end, a legislative review committee was set up at the Ministry of Justice and, pursuant to Minister for Social Affairs and Labour Decision No. 90/A of 2011, a joint working group was established to implement a project on the creation of a legislative environment conducive to the social empowerment of Kuwaiti women. Some members of the committee also sit on the Cabinet's Committee on Women's Affairs. The main tasks include:

- Identifying and documenting Kuwaiti laws that provide for the protection of women from all forms of discrimination;
- Reviewing similar laws in Arab States; drawing on such laws to make amendments or additions to national laws, consistent with the goal of creating an enabling social environment for the elimination of all forms of discrimination against women; reviewing studies that have been conducted in some Gulf and Arab States and drawing lessons from these studies with regard to women's empowerment;
- Reviewing proposed legislation put forward by members of the National Assembly on women's civil and political rights; preparing comments on the proposals; and submitting them to the relevant parties;
- Liaising with other entities to design courses to raise public awareness of the importance of eliminating all forms of discrimination against women;

- Monitoring statistics and studies by State entities on the subject of women in order to identify different forms of discrimination against women and to devise appropriate solutions, in coordination with the authorities, to curb such discrimination.

39. A Cabinet decision was issued providing for the establishment of the Women's Affairs Committee. The committee's budget comes out of the Cabinet budget, as the committee is part of the Cabinet secretariat. The committee was set up to achieve various objectives and to implement a strategy, the main features of which are described below:

- Organize training courses to raise awareness of the role of women and explain women's rights and obligations;
- Empower women to play their part in overall development;
- Represent Kuwait at conferences and in international organizations and forums that deal with women's issues;
- Organize conferences, seminars and discussions on subjects that relate to women;
- Prepare research papers, studies and reports on social, cultural, political, economic, media and humanitarian topics that have to do with women;
- Comment, at the request of governmental bodies, on draft legislations, decrees and decisions that relate to legal aspects of women's issues;
- Produce publications and magazines that discuss the committee's goals.

40. The Cabinet Committee on Women's Affairs is working for the adoption of a comprehensive strategy that encompasses a wide and diverse range of groups of women, families, children and mothers and that deals with contemporary issues and with the specific issues facing women in Kuwait.

41. The committee liaises with all the governmental entities that deal with women's issues. It does this through its members, who work on legal, educational, health and social issues and in all areas that have to do with women. It organizes seminars, talks and briefings on treaties that deal with women's rights. It held a workshop on mechanisms for developing national plans of action to implement a Security Council resolution. Organized by the Committee on Women's Affairs, in cooperation with the United Nations Economic and Social Commission for West Asia, the workshop was held on 11 and 12 December 2012 in Kuwait. Another workshop was held on the occasion of International Women's Day (2013).

### **Reply to issues raised in paragraph 7 of the list of issues**

42. The Constitution guarantees women the right to work, the right to choose the type of work that they do and the freedom to engage in commercial and professional activities of all kinds. The State affords women every opportunity to pursue education at all stages and the right of access to public employment on the basis of equality with men. Special benefits, such as paid maternity leave, are offered to women to enable them to fulfil their role as mothers.

43. Kuwaiti women have gained access to a number of top posts. There have been women in the National Assembly since the 2009 elections in which four women won seats. Two women won seats in the 2013 elections. This was made possible by the adoption of Act No. 67 of 2005, under which women were afforded the right to stand for election to the National Assembly.

44. We should like to explain that the fact that women are underrepresented in the private sector, in spite of the wide scope that the sector offers, is due to the nature of the employment itself. The arrangement does not lend itself a quota system, because that would be incompatible with contractual conditions. Contracts are concluded by mutual consent, based on the wishes of the contracting parties (the employer and the employee) and labour market requirements.

45. Women account for 47 per cent of private sector employees. The total workforce is 45,737 – 23,945 men and 20,783 women. This means that the proportion of the workforce represented by Kuwaiti women is rising steadily. In previous years, women accounted for 43 per cent of the workforce. That figure has now increased to over 47 per cent. This can be ascribed to the positive effects of the introduction of the new Private Sector Labour Act (No. 6 of 2010), which encourages Kuwaitis to take up work in the private sector.

### **Laws that grant women public employment rights**

#### *Civil Service Act and Regulation*

46. The Civil Service Act and Regulation was issued in Decree-Law No. 15 of 1979 and in a decree issued on 4 April 1979, as amended. The two texts deal with the rights and obligations of civil servants, to whom equality of treatment is to be afforded. Laws on State employment contracts were issued, together with supplementary and implementing decrees. There are no provisions in the regulations on public sector employment that make any distinction between employees on the grounds of sex or origin. Hence, the same conditions of employment apply to all. Salaries, pay, remuneration and material and other benefits are provided on the basis of full equality and without any distinction being made between women and men.

47. In recognition of the importance of women's rights, the Act provides for special leave such as family leave and maternity leave to be granted to women. Women must be given leave to give birth and pregnant women employees who have a disability are entitled to special leave under the Persons with Disabilities Act.

#### *The Private Sector Labour Act (No. 6 of 2010)*

48. This Act contains several articles that deal with the specific situation of women, including the following:

Article 26: Working women are entitled to the same pay as men for the same work.

Article 22: Women may not be employed at night, i.e. between the hours of 10 p.m. and 7 a.m., except in hospitals, clinics, private treatment homes and such institutions as are specified in a decision of the Minister for Social Affairs and Labour. The workplaces referred to in this article must in all cases ensure the security of women employees and provide transport to and from the place of work.

Article 23: Women may not be employed in work that is hazardous, arduous or harmful to their health or moral welfare or that exploits their female nature in a manner that offends against public decency. They may not be employed in establishments that provide services to men.

Article 24: Working women who are pregnant are entitled to 70 days' paid maternity leave, which will not be deducted from other leave entitlements, provided that the birth takes place during this period. The employer may not dismiss a woman during maternity leave or because she is absent from work owing to an illness, that is documented in a medical certificate and is the result of her pregnancy or of childbirth.

Article 25: Working women shall be given two hours during the working day to breastfeed a child, subject to the conditions specified in a ministerial decision. Employers shall establish nurseries for children below 4 years of age in workplaces with more than 50 women employees or more than 200 male employees.

### **Insurance rights for women**

49. The Social Insurance Act (No. 61 of 1976), as amended, was issued to provide coverage for all Kuwaitis working in the government, private and oil sectors. The Act offers extensive coverage against risks.

50. The following are some features of the Act that apply to women:

- Women enjoy insurance rights, together with the right to a pension, pension increases, a minimum pension and a temporary pension;
- Women are also entitled to receive a retirement or end-of-service indemnity, a death grant, and a survivor's pension. They can make insurance contributions under section 5 (private work) and can receive related benefits as well as pensions due under the Act on the Welfare of Persons with Disabilities. They can combine rights (a retirement pension and any share owed to the beneficial owner). They can combine more than one share, without any limits, if the insured person is unable to earn an income. They can also combine shares from the mother and from the father.

51. The following are some of the rights granted to women under the Act:

- Married, divorced or widowed insurees have the right to receive a retirement pension if they have children, have worked for 15 years and have reached the right age (40 years as of the end of 2009);
- Women who care for a husband or a child with a disability are entitled to a pension, if they have worked for 15 years. They do not need to satisfy any age conditions;
- The pension granted to a woman in the cases mentioned above is not subject to the deductions that generally apply to insured persons who retire before the age of 52.

52. In 2011, some 10,528 women held senior administrative positions as lawmakers, senior officials and directors (there were 285 women in senior administrative posts in 1993 and 311 in 1997). The number of women in leadership positions in specialist posts has reached 51,929. This compares to a figure of 38,409 for men (according to data for 2011). In diplomatic posts, there are eight women, as compared with two in 2005. Two women head diplomatic missions abroad. In parallel, opportunities for advancement to positions as deputy public prosecutors were opened up in February 2013. This led to a woman taking up a post as a public attorney and judge. A large number of women apply for these posts. Twenty women were taken on as legal researchers, in preparation for their appointment as assistant public prosecutors and for promotion to the ranks of the judiciary.

### **Reply to issues raised in paragraph 8 of the list of issues**

53. Article 63 of the Private Sector Labour Act (No. 6 of 2010) states that the Minister for Social Affairs and Labour must issue a decision every five years in which the minimum wage is defined. On 14 May 2010, the Minister issued a decision setting the minimum wage at KD 60 (approximately US\$ 200). The minimum wage is payable to workers in the oil sector and guards and security staff. In 2008, the Cabinet issued Decision No. 623 stating that employers must pay employees' living costs, meaning accommodation, food, transport, health insurance, recruitment costs and residence card renewal fees. This means that, in

addition to the minimum wage, employers must supply employees what they need for their daily subsistence.

### **Reply to issues raised in paragraph 9 of the list of issues**

54. Minister for Social Affairs and Labour Decision No. 200 of 2011, concerning private sector employment, sets forth the procedures and regulations concerning employment of non-Kuwaitis and work permits. It lists the documents that must be produced in order to obtain a work permit. Decree-Law No. 40 of 1992 sets out regulations on agencies that recruit domestic workers and employees in similar occupations. The implementing regulation was issued in Minister of the Interior Decision No. 617 of 1992, as amended by Decision No. 1182 of 2010.

55. The Ministry of the Interior established the Domestic Labour Department to conduct regular inspections of labour recruitment agencies in order to ensure that they do not breach Decree-Law No. 40 of 1992 or its implementing regulation. As a result of these measures being adopted, abuses by recruitment agencies were documented and referred to the General Department of Investigations, and 866 licences were revoked. Domestic workers file complaints against sponsors for such abuses as failing to pay them their wages, or ill-treating them. All necessary steps are taken to deal with these complaints. The Department has set up a special section to receive complaints from embassies concerning domestic workers and to resolve the problems that these workers face amicably. If a problem cannot be resolved, the embassy and domestic worker are advised to file a civil case with the Kuwaiti courts. An employee will only be returned home at the request of his or her embassy and only after receiving all monies owed. As of 5 May 2013, 1,513 domestic workers had returned home voluntarily, and at the request of their embassy, after applying to the Department of Domestic Workers.

56. By Decision No. 2007/652, the Cabinet approved a proposal to set aside accommodation for migrant workers, especially domestic migrant workers, who bring a complaint against an employer. The Ministry of the Interior (Department of Domestic Workers) oversees the facility in conjunction with another Ministry. Work has begun on a centre that will provide a range of services (health care, investigations, social workers, and offices for some embassies) and that will be equipped with everything that a shelter needs, meaning living space, restaurants, recreation rooms, a medical clinic and a counselling clinic.

57. The Migration Directorate requires sponsors and agencies that recruit domestic workers to send it an advance copy of every employment contract. The Ministry of Foreign Affairs has been asked to send instructions to Kuwaiti missions in sending countries to the effect that domestic workers must be allowed to see contracts, before signing them, when they go to a Kuwaiti mission to apply for an entry visa. In this way, these workers will be informed of their rights and obligations and of the work conditions. The Ministry of the Interior now verifies reports about workers who go missing, having received a number of vexatious complaints. It also checks that workers have been afforded all their financial rights before they leave the country.

### **Reply to the issues raised in paragraph 10 of the list of issues**

58. According to article 48 of the Private Sector Labour Code (Act No. 6 of 2010), workers have the right to terminate an employment contract and to receive an end-of-service indemnity in the following cases:



- If they have been assaulted by their employer or a person acting on the employer's behalf;
- If the employer or a person acting on the employer's behalf orders the worker to perform an indecent act.

59. Under Ministerial Decision No. 200/2011 (art. 22), concerning regulation of private sector employment, the Ministry of Social Affairs and Labour has the power to transfer a work permit from one employer to another without needing permission from the first employer, if that is deemed to be in the public interest. The grounds for effecting such a transfer include assault and sexual harassment of the employee.

60. The establishment of mechanisms to monitor sexual harassment in the workplace is not a matter that comes within the purview of the Ministry of Social Affairs and Labour but rather is a matter for the departments of the Ministry of the Interior (the General Department of Investigations and the Office of the Public Prosecutor) that are responsible for investigating crimes and prosecuting offenders.

### **Reply to questions raised in paragraph 11 of the list of issues**

61. Article 68 of the Private Sector Labour Code (Act No. 6 of 2010) states that employers must comply with occupational health and safety regulations, take precautions to protect employees and provide them with medical care. Employers must compensate employees who contract an occupational disease or suffer a work-related injury.

62. Ministerial decisions have been issued on this subject. Decision No. 212 of 2011 concerns working hours in places that were inspected between June and August. Decision No. 208/4 of 2011 concerns safety standards and norms in workplaces and work areas. Decision No. 198 of 2010 concerns precautions and conditions that must be met in work areas and sites to protect users and visitors from hazards. Decision No. 199/4 of 2010 sets out the conditions and specifications for suitable workers' housing. Decision No. 188 of 2010 concerns overtime in the private sector, and Decision No. 216 of 2012 concerns occupational and industrial diseases and their causes.

63. As for occupational safety in the Kuwaiti construction sector, relevant provisions are set forth in legal instruments such as Act. No. 18/1987, concerning safety regulations, Act. No. 56/1980, amending regulations on safety, and related internal regulations and decisions. The Kuwait Municipality Safety Committee reviews safety regulations and oversees their enforcement. Safety standards have been defined for construction sites. They include the following: workers who have a fever must stay at home. Site workers may only work the authorized working hours. Workers may neither live nor sleep in a construction site. Precautions must be taken to prevent accidents, and those who commit abuses must be prosecuted. Safe drinking water, washing and hygiene facilities, and rest areas must be provided. Proper toilets and shower rooms must be provided. Sites must be fenced in and a first aid kit must be provided. Lighting, ventilation and proper work clothes must be provided.

64. In cases where safety regulations are breached, the Municipality will issue a legal warning. Then it will compile a report on the violation or lower the contracting company's rating, suspend its operations for a given period or revoke its licence. The Municipality has the right to stop work at a given site, if the safety of workers or of public facilities is at risk.

65. In the oil sector, general security and safety regulations have been established in conformity with international standards concerning, for example, appropriate work clothing; delineation of workspaces and working hours; access to comprehensive health and treatment services; regular check-ups; and health care.

**Reply to the issues raised in paragraph 12 of the list of issues**

66. Article 26 of the Private Sector Labour Act (No. 6 of 2010) states: “Women employees are entitled to the same pay as men for the same work.” This provision is consistent with the principle embodied in article 29 of the Constitution, which states: “All persons are equal before the law and have the same rights and duties without any distinction.” If this principle is breached, a female employee can demand her right to equal pay for equal work before the courts.

**Reply to the issues raised in paragraph 13 of the list of issues**

67. Kuwaiti law does not prohibit strikes. Article 46 of the Private Sector Labour Act provides: “An employee may not be dismissed for no good reason or on account of his or her union activities or demands or the exercise of his or her lawful rights. An employee may not be dismissed on account of his or her sex, origin or religion.”

68. The Ministry of Social Affairs and Labour set up a working group to work with strikers, and receive and review their demands and take whatever legal measures may be needed. Between 2008 and 2011, strike action was taken in 48 private companies. The strikers, who numbered over 150,000 people, were mainly employed in the oil and security sectors or were working on government projects. Their demands, which were for pay increases or concerned late payments of salaries, were settled amicably. A decision was issued in which the minimum wage was set at KD 60. As explained above, the decision states that employers must supply employees with their daily subsistence requirements.

69. There were 21 strikes in different segments of the government sector between 2010 and 10 April 2013. The strikers’ demands were mainly about better pay and better working conditions. In response, the authorities recognized various professional grades and granted allowances, incremental pay increases and financial benefits (attached is a table listing the government bodies at which strikes were held between 2010 and 10 April 2013).

**Reply to issues raised in paragraph 14 of the list of issues**

70. The Social Insurance Act (No. 61 of 1976) applies only to nationals who are employed in the oil, private or government sectors. However, article 90 of the Private Sector Labour Code (Act No. 6 of 2010) provides that employers must insure workers against work accidents and occupational diseases. Ministerial Decision No. 204 of 2011 provides definitions of different degrees of incapacity arising from work accidents and occupational diseases and the corresponding compensation due. Ministerial Decision No. 216 of 2012 contains definitions of occupational diseases and their causes. Employers must bear the full cost of medical examinations conducted on employees who contract an occupational disease. Such employees must receive full pay during the treatment period decided by the doctor.

**Reply to the issues raised in paragraph 15 of the list of issues**

71. The Kuwaiti Criminal Code (Act No. 126 of 1960), as amended, prohibits all forms of violence against all persons, men, women and children, under the following provisions:

- Article 160: Any person who batters, injures, grievously harms or physically assaults another person shall be subject to a term of up to 2 years’ imprisonment and/or a fine of up to 500 dinars;

- Article 162: If as a result of the harm done the person suffers a permanent disability, the penalty shall be a term of 10 years' imprisonment and a possible fine of up to 750 dinars;
  - Article 163: Any person who commits an act of a lesser gravity than that of those referred to in the preceding articles shall face a term of up to 3 months' imprisonment and/or a fine of up to 22 dinars.
72. The Kuwaiti legislature takes up the subject of sex offences in part III of the Act.
- Article 186: "Any person who has intercourse with a female without her consent, using coercion, threats or deception, shall face a penalty of death or life imprisonment";
  - Article 187: "Any person who has intercourse with a female without using coercion, threats or deception, but knowing her to have a mental disability to be incapable of expressing her will or of understanding the act to which she is being subjected, or to believe the act to be lawful, shall face a penalty of life imprisonment";
  - Article 188: "Any person who has intercourse with a female between the ages of 15 and 21, without using coercion, threats or deception, shall face a term of up to 15 years' imprisonment";
  - Article 191: "Any person who sexually assaults another, using coercion, threats or deception, shall face a penalty of up to 15 years' imprisonment";
  - Article 192: "Any person who sexually assaults a boy or girl below the age of 21, without using coercion, threats or deception, shall be subject to a penalty of up to 10 years' imprisonment."
73. The Ministry of the Interior has taken a number of steps to safeguard citizens in general and to reduce the incidence of violence against women. These are outlined below.

#### **1. Establishment of the Community Policing Department**

74. The Department was established in 2008 and trained women were recruited to make sure that the Department understands problems of violence against women of all ages. The Department's functions include:

- Providing psychosocial support to victims of violence and crime, especially women and children, and offering them follow-up services;
- Intervening early to resolve and contain family disputes and disagreements, to address the causes and to prevent problems from escalating and ending up in the courts. The goal here is to preserve family cohesion;
- Raising awareness in local communities of the importance of protecting family members from violence and of the kinds of situations that children can face at home and elsewhere.

75. As for working methods, investigations of cases that are referred to the Department are kept confidential and are conducted in special interview rooms, where subjects are put at their ease and are encouraged to present their complaints.

#### **2. Establishment of a women's police force**

76. The Ministry of the Interior approves appointments of Kuwaiti police women to work in areas where they have contact with the public or will be dealing with women involved in cases of domestic violence. These officers also deal with sensitive cases involving members of the same family, particularly cases of family harassment, where the

presence of a female officer is more appropriate. They also investigate cases of assault, harassment and blackmail of women.

### **3. Public awareness-raising and information on security and safety**

77. Ministry of the Interior press officers and advisers give talks in many different places, particularly at schools, specifically girls' secondary schools, on the importance of security in the community. Their aim is to build trust between citizens and Ministry of the Interior police officers and to encourage women, who tend not to speak up, to report incidents in confidence and without having their affairs discussed in public or having to deal with family or community pressures. The fact that women police officers take part in security awareness campaigns will have several advantages. For example, it will facilitate contact between these officers and women victims and, when women officers are dealing with crimes against women, it will make it easier to gather information and to assist the investigation.

78. As for marital rape and injury to a wife when the husband uses violence during sexual relations with her, women can seek a divorce on grounds of injury pursuant to article 126 of the Personal Status Code (Act No. 51 of 1984), as amended by Act No. 61 of 1996, Act No. 29 of 2004 and Act No. 66 of 2007. The article states that either spouse can seek a divorce before or after the marriage has been consummated, if the other spouse says or does something to harm them and thus makes it impossible for the two to continue to live together.

79. In addition to article 126, article 127 of the Code, as amended by Act No. 29 of 2004, states: "The court shall do its utmost to reconcile the couple. If reconciliation is not possible and proof of injury is provided, the court shall issue an order for irrevocable divorce. If the injury is not proven, the court shall appoint two arbiters to decide on reconciliation or a separation." This provision has been invoked by the Kuwaiti Court of Cassation (judgement No. 298/2005, personal status case, 7 May 2006). According to the Court, the explanatory note on the article clearly states that the provision was amended pursuant to Act No. 29 of 2004 in order to provide divorce courts with an opportunity to issue a divorce order when presented with irrefutable evidence of injury.

80. The legislature has eased the burden of proof on women who are victims of domestic violence and who seek a divorce on the grounds that they have been abused. The courts have full authority to assess the elements in the case and to weigh up evidence of injury that would constitute grounds for granting a divorce. The above-mentioned article provides: "As for unlawful spousal abuse, the injured spouse simply needs to prove that the other party caused the injury, even if it only happened on one occasion, for a divorce to be granted."

81. On the question of shelter for victims of domestic violence, the Ministry of Social Affairs and Labour provides social welfare services to special groups in society at the residential institutions that it establishes. As indicated in the Juveniles Act (No. 3 of 1983), these groups include juveniles who are at risk of delinquency.

82. Young persons are placed in a social welfare institution as a precaution that is taken to protect them (arts. 18 and 19). A young person may remain in an institution until he or she reaches the age of 21 (art. 13). Besides juveniles at risk of delinquency, the Ministry, in its capacity as a social service provider, may offer shelter to people who come from broken homes. Violence is probably one of the main factors in family breakdown. In practice, the Ministry offers shelter to victims of such behaviour, as and when the need arises, without applying any specific age conditions.

### **Reply to the issues raised in paragraph 16 of the list of issues**

83. In keeping with its international commitments, the State issued Act No. 91 of 2013 on human trafficking and migrant smuggling. The Act includes the following articles:

- Article 1 provides definitions, among other things, of transnational organized crime, human trafficking, migrant smuggling and illegal entry;
- Article 2 prescribes penalties that can include capital punishment for human trafficking;
- Article 3 prescribes penalties of up to 15 years' imprisonment and fines of between KD 10,000 and KD 20,000 for migrant smuggling;
- Article 4 contains provisions on concealment of both persons accused of human trafficking and migrant smuggling offences and of the proceeds from such offences;
- Article 5 provides for the confiscation of moveable property, means of transport and seized items that were used or were to be used to commit either of the two above offences;
- Article 6 provides for the punishment of legal representatives and directors of bodies corporate on whose behalf human trafficking or migrant smuggling offences have been committed. The application of the article does not detract from the criminal responsibility of the perpetrators of such offences;
- Article 7 prescribes a term of up to 3 years' imprisonment and a fine of between KD 1,000 and KD 3,000 for failing to report the existence of a plan to commit a human trafficking or migrant smuggling offence;
- Article 8 prescribes penalties for assaulting a law enforcement officer;
- Article 9 contains provisions on the use of force, threats or bribery and on inducing people to give false testimony or to provide factitious information;
- Article 10 states that any offender who provides the authorities with information about an offence before it is committed will be exempted from punishment;
- Article 11 states that the Office of the Public Prosecutor has sole competence to investigate, assess and prosecute offences under the Act;
- Article 12 provides for the Office of the Public Prosecutor or a competent authority to refer victims to the medical authorities or a social welfare home or to issue an order for placement in a State-designated shelter;
- Article 13 provides that a death sentence may not be commuted to life imprisonment, nor may a life sentence be commuted to one of a fixed-term of imprisonment, save as otherwise provided in article 83 of the Criminal Code. According to article 13, the courts may not order a stay of execution of sentence or withhold sentence in respect of offences under the Act.

84. Article 185 of the Act states that it is prohibited to bring any person into or out of Kuwait with a view to disposing of that person as a slave. It is also prohibited to purchase, offer for sale or give a person to another as a slave. Any person who commits any of these acts is liable to a penalty of imprisonment and a fine. Articles 186 to 194 prescribe harsh penalties for killing, assaulting, abducting, detaining or trafficking slaves. Article 49 of Act No. 31 of 1970, amending the Kuwaiti Criminal Code, states that all forms of slavery and human exploitation and the withholding of pay for no good reason constitute criminal offences.

### Reply to the issues raised in paragraph 17 of the list of issues

85. Article 26 of the Personal Status Code (Act No. 51 of 1984) states that it is prohibited to notarize or certify a contract of marriage of a young woman who is under 15 years of age or of a young man who is under 17 years of age on the date when the notarization would be done. Recent statistics point to a sharp fall in the number of marriages of Kuwaitis and non-Kuwaitis below the age of 15 that were notarized between 1 January 2012 and 7 May 2013. The figures are found in the following table.

#### Notarized marriages between 1 January and 31 December 2012

<i>Bride's age/Groom's age</i>	<i>Below 15</i>		<i>15–19</i>		<i>Total</i>	
	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>
15–19 Kuwaiti	21	5	350	42	371	47
Non-Kuwaiti	0	1	5	19	5	11

#### Notarized marriages between 1 January and 7 May 2013

<i>Bride's age/Groom's age</i>	<i>Below 15</i>		<i>15–19</i>		<i>Total</i>	
	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>	<i>Kuwaiti</i>	<i>Non-Kuwaiti</i>
15–19 Kuwaiti	4	1	129	10	133	11
Non-Kuwaiti	0	1	3	7	3	8

### Reply to issues raised in paragraph 18 of the list of issues

86. Although the right to housing is afforded only to Kuwaiti citizens, the State does assign low-cost housing to illegal aliens on humanitarian grounds. A total of 4,800 housing units have been assigned to people in this group. Moreover, housing benefit of around KD 2,000 is paid to people who have no home. Soldiers and members of the police who are illegal aliens receive all the entitlements that are established under the Social Insurance Act.

87. Under the Private Sector Labour Code (Act No. 6 of 2010), employers are required to provide free housing or an adequate housing allowance to their employees. Ministerial Decision No. 199 of 2010 lists the specifications for adequate workers' housing (see annex).

### Reply to issues raised in paragraph 19 of the list of issues

88. The Ministry of Health Department of Nutrition and Food runs a number of programmes to address these matters (the National Programme to Combat Noncommunicable Diseases (NCDs)), the National Anti-Obesity Programme, the Health-Promoting Schools Programme, the Health Promotion Programme and the Health Clinics Programme. With the Ministry of Education, it provides school meals and with the Ministry of Trade it reviews food supplies. It also runs a programme to encourage breastfeeding and to inform mothers of the fundamentals of nutrition, together with nutrition awareness programmes for teachers and learners and a nutrition surveillance programme which was launched in 1995 under the aegis of the Eastern Mediterranean Regional Office of the World Health Organization and the United States Centre for Disease Control.

89. The Ministry of Health Nutrition and Food Department is implementing a programme to create a national database with information on the incidence of nutrition-related diseases such as anaemia, diabetes, heart disease and obesity and to produce recommendations on ways to address them.

90. The Ministry of Health is waiting for a law on the establishment of a nutrition authority to be voted on by the National Assembly. The text was approved during the first reading and the authority would deal with all nutrition and prevention programmes targeted at children and communities.

### **Reply to issues raised in paragraph 20 of the list of issues**

91. The Kuwait Psychological Medicine Hospital offers world-class psychiatric services and drug therapies. Therapy is provided at sessions in which psychosocial issues, family problems and illnesses are discussed. Mostly, the psychotherapy focus on work-related issues. Recovery programmes have been established for those who are dealing with problems at work. The hospital has the largest bed capacity of any hospital in Kuwait. It has 850 beds (150 in the dependency unit and 700 in the hospital itself). There are plans to expand the service with the addition of a children's wing with 20 beds that will provide a day-care service and, if necessary, inpatient care. Educational and recreational services will be provided to the children in the framework of an intensive psychotherapy programme, and psychological care will be provided to their families as well.

92. As for the opening of files, it is necessary to understand in what circumstances this is done. The circumstances include:

- (a) When a court transmits a file for a mental health assessment to be done;
- (b) When a court transmits a file with a request for the patient to be hospitalized and treated for addiction;
- (c) When the files are those of minors who have speech difficulties, problems with concentrating on their studies, etc., and the minors have been treated and have not returned for any other review.

93. Plans have been made to open a day-care unit for mental health patients and others who attend the clinic, not just for patients with dependency problems. The patients' families will be able to come there during the day and take part in therapy groups and rehabilitation activities that will help to rebuild their capacities, skills and self-reliance. Psychiatric clinics have been established in hospitals in Kuwait in all health zones.

94. A primary mental health care programme has been launched and psychiatric clinics have been set up in primary health care centres to provide first line treatment to mental health patients whose conditions have stabilized. The Ministry of Health developed a project to train family doctors to deal with these kinds of cases and illnesses and to distribute psychiatric drugs at these centres. This will help to change society's perceptions of mental health patients and will make it easier for patients to receive treatment at centres close to their homes.

95. There is a plan to open up psychiatric departments for older persons and to establish psychiatric programmes to provide mental stimulation for older patients.

96. The "Half-way House" project is an important initiative that allows patients to reintegrate gradually into society. The patients live and spend most of their time in the house or in a place that they manage themselves with basic support from a medical team. They manage their own affairs and pursue learning or job opportunities.

97. As for the rights of hospital patients, patients may refer themselves for treatment or counselling and have the right to choose their own doctor. Families can object to the use of a particular drug or suggest that another one should be used. Patients are entitled to privacy and can ask for their file to be removed from the records.

98. The psychiatric hospital, in conjunction with the Ministry, provides services to older persons in their homes. The services are delivered with the support of a private enterprise, and a team of nurses and doctors with various specializations conduct the home visits.

99. The Ministry of Health has introduced amendments to the Mental Health Act, which is the regulatory instrument that is applicable in this area. The Act spells out the rights of psychiatric patients and the procedures for admitting and discharging them from hospital. Patients must consent to any procedure that they undergo and, if they do not agree to being kept in the hospital, they can submit a complaint to the Mental Health Council.

### **Reply to issues raised in paragraph 21 of the list of issues**

100. Abortions are prohibited, except where a pregnancy endangers the life of the mother or where the foetus has a genetic defect that threatens the mother's life or its prospects for survival. Mother-and-child and family health-care centres and clinics throughout Kuwait provide advice and guidance to all on sexual and reproductive health.

101. Ministry of Health doctors, the Maternity Hospital, health centres and the Health Promotion Department give talks and take part in school seminars for adolescents on sexual and reproductive health.

102. If hospitals and health centres find evidence that a person is suffering from a sexually transmitted disease, they report the matter to the health prevention unit and the Hospital for Infectious Diseases to provide appropriate treatment. The department that performs premarital medical screening tests plays a critical role in dispensing health advice and information to prospective marriage partners. It tests for sexually transmitted diseases and offers treatment, as necessary.

### **Reply to issues raised in paragraph 22 of the list of issues**

103. Kuwait offers all those living in the country the opportunity to pursue education at private schools for expatriate communities, which are separate from Arab schools that follow the Kuwaiti curriculum, and at foreign schools that follow the curriculum of the country concerned: American, British, French, Indian, Iranian, Armenian, Pakistani and Filipino schools. The table below shows how many schools there are and how many students were enrolled in 2011/12.

	<i>Arab</i>	<i>Foreign</i>	<i>Special needs</i>	<i>Total</i>
Schools	164	323	17	<b>504</b>
Students (Kuwaiti and non-Kuwaiti)	97 176	128 256	1 874	<b>227 306</b>

104. Some 328,921 non-Kuwaitis attend these schools. There are 115,302 non-Kuwaitis of compulsory school age, 70,592 at primary school and 44,710 at middle school.



### **Reply to issues raised in paragraph 23 of the list of issues**

105. Pursuant to Cabinet Decision No. 855 of 2003, the Government set up a charitable fund to provide education to children from deprived families. The fund is overseen by the Secretariat for Religious Endowments, the Ministry of Education and the Central Agency to Regularize the Situation of Illegal Aliens. The Government provides financial support to help the fund to fulfil its mandate.

106. In 2012/13, there were a total of 14,250 students in different stages of education. Of those, 7,319 were in primary school, 4,303 in middle school and 2,628 in secondary school. The estimated cost of providing education for this group during the academic year was KD 4,137,435.

107. The Central Agency [to Regularize the Status of Illegal Aliens] and Kuwait University developed a mechanism for granting admission to university faculties under the regulations and conditions that the faculties apply. Children of war dead are always accepted (open access), as are illegal aliens whose mothers are Kuwaiti nationals. Pass rates have been modified (70 per cent instead of 80 per cent for the sciences department and 78 per cent instead of 85 per cent for the arts department (150 places)). Additional groups of illegal aliens will have the chance to be admitted to Kuwait University. These groups are:

- (a) Those who obtain over 80 per cent in science and more than 85 per cent in arts (15 seats);
- (b) [Foreign] wives of Kuwaiti nationals who obtain at least 70 per cent in sciences and 75 per cent in arts (5 seats).

In addition, these persons can study at private universities if they pay fees and meet the conditions set out in the university regulations. In coordination with the Public Authority for Applied Education and Training, the groups that can enrol in the Authority's colleges have been defined.

### **Reply to issues raised in paragraph 24 of the list of issues**

108. The National Council for Culture, the Arts and Literature involves expatriate communities, minorities and non-Kuwaiti nationals in various annual events, including: Al-Qurain Cultural Festival; the International Music Festival; the Summer Cultural Festival; the Kuwaiti Theatre Festival; cultural weeks in Kuwait and abroad; fine arts exhibitions; poetry evenings; arts discussions and talks; and other cultural and arts events.

### **Reply to issues raised in paragraph 25 of the list of issues**

109. Kuwait makes every effort to protect and conserve archaeological sites. Amendments to the Amiral Decree that was issued in Act No. 11 of 1960, concerning archaeological remains, are found in some articles of Act No. 9 of 1994. Article 1 of the Act states: "Subject to the conditions set out in the present Act, Kuwait shall conserve the archaeological remains that are found in the country in order to maintain the cultural legacy that has been inherited over time. It shall treat the archaeological remains of the Arab peoples and of other nations with respect, in accordance with the conventions and treaties to which it is a party." Some articles prescribe penalties in connection with the cultural heritage. For example, article 43 states that special penalties will be imposed on any person who deliberately destroys a moveable or registered archaeological artefact. Article 43 prescribes penalties for carrying out illegal archaeological digs or illegally trading in

archaeological artefacts. Article 44 prescribes penalties for forging artefacts, damaging a site, or selling or making a gift of registered artefacts.

110. The Council carries out digs and protects sites in coordination with Kuwait Municipality, the Ministry of Public Works and other entities, particularly during the planning of construction projects. This can be seen in the new projects in Filka island where archaeological sites on the island are protected and conserved and are accessible to the public.

### **Reply to issues raised in paragraph 26 of the list of issues**

111. Article 36 of the Constitution states: “Freedom of expression and of scientific research is guaranteed. All persons have the right to express their views and to disseminate them orally, in writing or by any other means.” Article 37 of the Constitution provides: “Freedom of the press, printing and publishing is guaranteed under the conditions specified by law.”

112. The Printing and Publishing Act No. 3 of 2006 regulates printing activities and all related matters. Article 8 states that the press must not be subject to any prior censorship. This is not incompatible with article 6 of the Act, which states that printers must notify the relevant ministry in writing before printing any material. The name, address and international serial number of the Kuwait National Library must be included on the notification document in order to protect copyright. Article 7 of the Act states that printed material from abroad, may be brought into the country, distributed or sold once authorization has been given by the relevant ministry and checks have been done to ensure that the material does not contain anything that is indecent or offensive to people’s values or beliefs or that promotes hatred or contempt for any group whatsoever in society.

113. In addition to the aforementioned Act, the Audiovisual Act No. 61/2007 contains some simple general provisions that apply to all persons without discrimination. It provides for the elimination of all forms of discrimination.

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